

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

Monday, May 21, 1973

Senate called to order by the President.

Prayer by The Honorable Peter S. Kelley of Caribou.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

Bill, "An Act Relating to Notice or Severance Pay by Employers." (S. P. 451) (L. D. 1417)

In the Senate May 16, 1973, the Majority Ought Not to Pass report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed, in non-concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate May 11, 1973, Indefinitely Postponed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-336) and House Amendment "A" (H-390), in non-concurrence.

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

State of Maine

One Hundred and Sixth Legislature
Committee on Agriculture

May 17, 1973

Honorable Kenneth P. MacLeod
President of the Senate
One Hundred and
Sixth Legislature
State of Maine

Dear Senator MacLeod:

The Committee on Agriculture is pleased to inform you that it is finished with all thirty-four bills and resolves referred to this committee.

Sincerely,

Arnold S. Peabody, Chairman
ASP-hWhich was Read and Ordered
Placed on File.State of Maine
House of Representatives
Augusta, Maine 04330

May 18, 1973

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

Today the House voted to Adhere to its action whereby on May 16 it indefinitely postponed Bill "An Act Relating to Comparative Negligence in Civil Cases" (S. P. 342) (L. D. 1041).

Respectfully,

E. Louise Lincoln, Clerk
House of Representatives

ELL-cmf

Which was Read and Ordered
Placed on File.**Committee Reports
House**

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

Bill, "An Act Relating to Weekly Benefits for Total Unemployment under Employment Security Law." (H. P. 1177) (L. D. 1514)

Bill, "An Act to Require Publication of Cost - Benefit Ratios on Insurance Policies." (H. P. 1406) (L. D. 1846)

Bill, "An Act Prohibiting the Stopping of School Buses at No-passing Zones on 2-lane Highways." (H. P. 1078) (L. D. 1401)

Bill, "An Act to Regulate Bank Holding Companies." (H. P. 660) (L. D. 1139)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Application of Prior Private Detective Laws to Watch, Guard or Patrol Agencies." (H. P. 621) (L. D. 819)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Relating to Investments and Costs of Electrical Companies." (H. P. 1142) (L. D. 1477)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Provide the Attorney General with Access to Government Files for Official Use." (H. P. 833) (L. D. 1092)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Clarify Municipal Authority to Regulate Public Safety." (H. P. 1374) (L. D. 1830)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw— Covered by Other Legislation

The Committee on Taxation on, Bill, "An Act Exempting Tuberculosis Health Associations from the Sales Tax." (H. P. 1061) (L. D. 1385)

Reported that the same be granted Leave to Withdraw.

Covered by Other Legislation

The Committee on Business Legislation on, Bill, "An Act to Establish Construction Standards for Mobile Homes." (H. P. 1232) (L. D. 1605)

Reported that the same be granted Leave to Withdraw.

Covered by Other Legislation.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Clarify Municipal Appointing Authority." (H. P. 1299) (L. D. 1711)

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.

Ought to Pass - As Amended

The Committee on Natural Resources on, Bill, "An Act to Amend the Laws Administered by the Department of Environmental

Protection." (H. P. 818) (L. D. 1140)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-397).

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

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Delivering Health Care." (H. P. 157) (L. D. 199)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Exempting from the Sales Tax Sales to Nonprofit Health Care Corporations." (H. P. 1512) (L. D. 1942)

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 Legal Affairs on, Bill, "An Act Relating to Classes or Grades of Engineers' and Firemen's Licenses." (H. P. 166) (L. D. 208)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law." (H. P. 1502) (L. D. 1939)

Signed:

Senators:

JOLY of Kennebec
ALDRICH of Oxford
ROBERTS of York

Representatives:

DUDLEY of Enfield
SHUTE
of Stockton Springs
EMERY of Rockland
CAREY of Waterville
SHAW of Chelsea

FECTEAU of Biddeford
CONNOLLY of Portland

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

Signed:

Representatives:

BRAWN of Oakland
COTE of Lewiston
FAUCHER of Solon

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

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters." (H. P. 698) (L. D. 904)

Reported that the same Ought to Pass.

Signed:

Sensors:

CUMMINGS of Penobscot
MARCOTTE of York
SCHULTEN of Sagadahoc

Representatives:

BRIGGS of Caribou
SMITH of Exeter
MacLEOD of Bar Harbor
PETERSON of Windham
ROLDE of York
BERUBE of Lewiston

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

Signed:

Representatives:

CURRAN of Bangor
PALMER of Nobleboro
HERRICK of Harmony
HUBER of Falmouth

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 Changing the Number of Parole Board Members and Modifying the Qualifications for Eligibility for Appointment." (H. P. 1030) (L. D. 1352)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

BRENNAN of Cumberland

Representatives:

KILROY of Portland
DUNLEAVY

of Presque Isle

GAUTHIER of Sanford

HENLEY of Norway

WHEELER of Portland

BAKER of Orrington

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-395).

Signed:

Sensors:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

WHITE of Guilford

McKERNAN of Bangor

CARRIER of Westbrook

PERKINS of So. Portland

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

Which reports were Read and, on motion by Mr. Tanous of Penobscot, the Minority Ought to Pass as Amended Report of the Committee Accepted in concurrence.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Exempting all Livestock and Poultry from the Personal Property Tax." (H. P. 948) (L. D. 1245)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot

FORTIER of Oxford

Representatives:

SUSI of Pittsfield

FINEMORE

of Bridgewater

MERRILL of Bowdoinham

DAM of Skowhegan

DOW of West Gardiner

DRIGOTAS of Auburn

IMMONEN of West Paris

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MORTON of Farmington

MAXWELL of Jay

COTTRELL of Portland

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

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 Taxation on, Bill, "An Act to Exempt Diabetic Medical Supplies from the Sales Tax." (H. P. 1096) (L. D. 1433)

Reported that the same Ought Not to Pass.

Signed:

Senator:

FORTIER of Oxford

Representatives:

SUSI of Pittsfield

FINEMORE

of Bridgewater

MERRILL of Bowdoinham

MORTON of Farmington

DRIGOTAS of Auburn

COTTRELL of Portland

IMMONEN of West Paris

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

Signed:

Senators:

COX of Penobscot

WYMAN of Washington

Representatives:

MAXWELL of Jay

DOW of West Gardiner

DAM of Skowhegan

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

Which reports were Read.

Mr. Cox of Penobscot then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. FORTIER: Mr. President and Members of the Senate: I am just as sympathetic, I think, to anyone who has a disease of that sort as anybody, but it was brought out quite strongly in Committee, even by the sponsors, that the average benefit to the average diabetic would be around nine dollars per year. When we take into consideration the complications that this would involve in the sales tax collection, the lessening of our tax base, it was felt by the majority of the Committee a nine dollar benefit in a case like this was not sufficient to warrant changing our laws. That is the reason why I am going to vote against acceptance of the Minority Report.

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

Mr. COX: Mr. President and Members of the Senate: Many members of the Committee have voted on several bills to do with medical care or health care in the minority on this Committee and have voted consistently. Most other bills have been killed in Committee on sales tax exemptions, except in this very area, and that is why I move acceptance of the Minority Report.

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

Mr. FORTIER: Mr. President and Members of the Senate: I would simply remind the Senators that the exemptions that have been granted in other cases were granted to organizations, and I don't believe there is another single

bill which would grant any tax exemptions to an individual directly. That is what would make it so difficult of administration.

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

Mr. COX: Mr. President and Members of the Senate: I understand at the present time the prescriptions are exempt to the individual, and this would be handled no differently.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Cox, that the Senate accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Requiring the Registration of Off-highway Vehicles." (H. P. 788) (L. D. 1022)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1510) (L. D. 1940)

Signed:

Senators:

JOLY of Kennebec
ROBERTS of York

Representatives:

SHAW of Chelsea
EMERY of Rockland
FECTEAU of Biddeford
CAREY of Waterville
CONNOLLY of Portland

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

Signed: Senator:

ALDRICH of Oxford

Representatives:

SHUTE

of Stockton Springs

BRAWN of Oakland
COTE of Lewiston
FAUCHER of Solon
DUDLEY of Enfield

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-408).

Which reports were Read.

Mr. Aldrich of Oxford then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. ALDRICH: Mr. President and Members of the Senate: This Committee Report came out seven to six Ought to Pass. Now, what this involves primarily is the registration of all off-highway vehicles for the fee of \$11. This includes, by the House Amendment, motorized golf carts, trail bikes, mini-bikes, dune buggies, go-go carts, scramblers, old jeeps, tractors, and so forth.

Now, I don't really believe that this legislation is necessary. It is taxing all off-highway vehicles that cannot be operated on the highway. Last Friday we voted in this body not to have a lottery that might bring in \$12 million in revenue. Now, this legislation here would be very minor as far as revenue. It is a nuisance tax, and it would require persons such as myself and Senator Berry from Cumberland, who like to roam around the mountains of this state, to see that all vehicles are registered when we don't even put them on the highway.

Who primarily is going to pay this tax to register these vehicles and who is going to be hurt? Children who have these little trail bikes, mini-bikes and so forth, and the elderly who use golf carts. I really don't feel that this is enough of a significant piece of legislation, as far as revenue, to require further restrictions and further taxation of the citizens of this state. Therefore, I would urge you to accept the Minority Ought Not to Pass Report of the Committee and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I rise in opposition to the good Senator from Oxford, Senator Aldrich. This bill is for one purpose only: it is for control. I have been led to understand that it does not cover golf carts because they are under other legislation, and we definitely know it does not cover snowmobiles because they are covered by other legislation.

It is a problem that the police are having when someone has a vehicle that is non-registered and this, of course, also excludes all farm equipment machinery. But it pertains to sand buggies or cars that have been stripped down that generally are used on a person's private property and they don't have to be licensed. But in recent years more and more of them are going on the roads, going onto other people's land, are sometimes causing damage, and they are not licensed so nobody knows who they are and there is no way they can follow it up.

The good Senator from Oxford mentioned \$11. Actually \$5 is for the registration fee, and the other \$6 is in lieu of ad valorem taxation, so that in most cases it won't be a new tax. So really, we are talking about the \$5 registration, which is just to cover the registration and the recording of it. For that reason, I think this is a good bill and it would help in the enforcement. I hope you would vote against acceptance of the Minority Ought Not to Pass Report.

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

Mr. CIANCHETTE: Mr. President, I would like to pose a question through the Chair to some member of the Committee. I am confused about how this taxation part of the bill affects the towns and municipalities. I understand now these types of vehicles are taxed in the municipality under the personal property tax, and I expect that if they were required to be registered the towns would lose the revenue on personal property tax on these vehicles. I wonder, if that is true, has any consideration been

given to balancing out the dollars to find out if we are going to be cheating the towns by passing this law? I wonder if someone could answer that for me.

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

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: This is not really a taxation bill, as Senator Joly has said. This is primarily licensing for the purpose of identification so that when people go across other people's property, their lawns and so forth, with mini-bikes, with snowmobiles, or anything of that sort, there will be a license number which can be obtained and reported.

I would be very glad to prepare and present later an amendment which would take out equipment such as Senator Cianchette is speaking about, golf carts, and things of that sort. This is primarily for mini-bikes or various types of all-terrain vehicles that are used as recreation vehicles and, unfortunately, are used on other people's property in the form of trespass as much or more than they are used where they are supposed to be used.

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

Mr. JOLY: Mr. President and Members of the Senate: I note that House Amendment "A" does now include motorized golf carts, which was not the intent originally, and I don't think it should be in here. So should we vote not to accept the Ought Not to Pass Report, I will then at the second reading move that we not adopt this amendment.

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

Mr. CLIFFORD: Mr. President, I would like to pose a question through the Chair as well to one of the members of the Committee, as to whether or not the \$5 registration fee which these

vehicles would have to pay would be part of the dedicated revenues, which this Senate refused to undedicate, and would go strictly for highway use? Since these vehicles, as I understand it, do not use the highways.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair to any member of the Legal Affairs Committee who may answer if he desires.

The Chair recognizes the Senator from Oxford, Senator Aldrich.

Mr. ALDRICH: Mr. President and Members of the Senate: I don't believe that any consideration was given to this in the proposed legislation. I didn't hear any discussion along these lines. I didn't really hear any sound financial discussion at all before the Committee in regard to this legislation.

As I have indicated, it is nuisance legislation. Down in the cities you don't have to worry about this too much, but up in the country some of us people have these old jeeps, tractors, and vehicles that are too old and too dilapidated to inspect and register. We keep them up in the mountains at our hunting camps, and when we want to get away from civilization for a weekend, as this spring I will be, with the Senator from Cumberland, Senator Berry — we are going to bounce around the mountains of Oxford County looking for gems — and I hope we will have a little transportation when we get up there in the mountains.

Now, the problem is, you know, that up in the country we can't own four or five mountain ranges in a row because we can't afford it, but that is where we live, up in the mountains. So you have your property, then you have your neighbors' property, then you have your friends' property, and this legislation would prohibit your using these vehicles on any property other than your own, so it is impossible to use these vehicles with any extended use at all if you are confined to your own property. Like I say, it is the children that are going to suffer and the elderly.

I just don't see any useful purpose in this legislation, which is

not going to affect the public at large as far as the use of the highways; these are strictly off-highway vehicles. As I have indicated, it is just a further attempt by the representatives of the people coming down here to Augusta to further restrict and further tax to the point where they wonder if we give consideration to anything else.

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

Mr. PEABODY: Mr. President, I would like to ask a question through the Chair. Is this bill taking in farm tractors, combines, and so forth?

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

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: In response to the question, agricultural equipment is not included in this. Mowers and everything else are not included.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Aldrich, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Requiring the Registration of Off-highway Vehicles." A division has been requested. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read.

Mr. Joly of Kennebec then moved that House Amendment "A" be Indefinitely Postponed.

On motion by Mr. Aldrich of Oxford, a division was had. 11 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

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

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

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

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:

Resolve, Authorizing Alton Worth of Fairfield to Bring Action Against the State of Maine. (S. P. 66) (L. D. 168)

Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Lobbyists and Legislators." (S. P. 565) (L. D. 1798)

Bill, "An Act to Create the Maine Veterans' Training Facility." (S. P. 556) (L. D. 1742)

Bill, "An Act Relating to Creation of a Youth Service Agency within the Division of Probation and Parole." (S. P. 511) (L. D. 1598)

Bill, "An Act Relating to County Estimates and Powers of the Legislative Delegation." (S. P. 416) (L. D. 1288)

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (S. P. 218) (L. D. 634)

Ought to Pass

Mr. Brennan for the Committee on Judiciary on, Resolve, Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against the State of Maine.

(S. P. 77) (L. D. 194)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Protective Services for Incapacitated Adults." (S. P. 152) (L. D. 386)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods." (S. P. 310) (L. D. 976)

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to the Statute of Limitations in Contracts for Sale." (S. P. 311) (L. D. 977)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Requirement of Notice of Breach in Contracts of Sale Where Personal Injuries are Suffered." (S. P. 313) (L. D. 979)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Warranties on Consumer Goods and Service." (S. P. 343) (L. D. 1042)

Reported that the same Ought to Pass.

Mr. Clifford for the Committee on State Government on, Bill, "An Act to Create a Department of Conservation." (S. P. 465) (L. D. 1521)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Cox for the Committee on Business Legislation on, Bill, "An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State." (S. P. 412) (L. D. 1251)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-144).

Mr. Brennan for the Committee on Judiciary on, Bill, "An Act Relating to Qualifying Foreign Corporations to do Business in Maine." (S. P. 229) (L. D. 664)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-145).

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.

Ought to Pass in New Draft

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to the Southern Regional Center for the Severely and Profoundly Mentally Retarded at Kittery." (S. P. 109) (L. D. 254)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Provide Moneys for Planning Residential Accommodations for the Retarded in Maine." (S. P. 625) (L. D. 1948)

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

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 141) (L. D. 342)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Making Current Service Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974." (S. P. 627) (L. D. 1949)

Which report was Read.

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

Mr. BRENNAN: Mr. President, I would like to pose a question, if I may. As I understand it, this is the annual budget, and the question I really have is with reference to whether or not we are going to do something on property tax reform. If I understand it correctly, if we pass this year's

budget, we will come back, say, next January and pass next year's budget, but I understand the towns and cities will have to plan next fall for the following year for property tax reform. My question is whether or not we are going to try to do something during this session on property tax reform, and whether or not passage of this at this time will in any way jeopardize it?

The PRESIDENT pro tem: The Senator from Cumberland, Senator Brennan, poses a question through the Chair to any member of the Senate who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: To answer the good Senator from Cumberland, Senator Brennan, I do not believe that the budget which the Appropriations Committee suggests will have any effect other than a good one on the matter of property tax reform.

If you will recall earlier in the session, a bill was reported out of the Appropriations Committee which calls for the dispersal of the \$38 million that the state has received in the form of a block grant from the federal government in the form of subsidy to local education. This is now on the regular table, pending further debate and discussion of this allocation. The reason that the Appropriations Committee recommended that we use this money in this fashion is simply that for the purpose of accountability this money would be very easily identified and, therefore, much more readily handled and accounted for than if it were dispersed into several accounts, all of which might stand the scrutiny of the General Accounting Office in Washington and be subject to some question. So we have recommended that this money be kept intact and be allocated as one part of the state's share which will go back to the local communities in the form of school subsidy.

The state is now subsidizing local education on a biennial basis of something in the order of \$140 million every two years. What this does would be to free the \$38 mil-

lion, which we have now used the federal revenue sharing monies for, it frees this amount of general fund revenue to be used for whatever other matters that the legislature in its wisdom so prescribes.

So that as far as property tax reform is concerned, I do not believe that this budget or the preceding item which calls for the allocation of the federal block grant monies really has any bearing on property tax reform other than to free \$38 million of state revenue, which can be used in whatever manner the legislature deems best.

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

Mr. BRENNAN: Mr. President, I would like to pose another question, if I may. I am still concerned. Let's assume we pass this and we don't do another thing in regard to funding for local education until next January or February; it would be my understanding that there would be no possibility of property tax reform during this biennium. Do I understand that in order to do anything during this biennium we will have to do something between today and next January, or is there some plan to amend this some way so that we will do something for property tax relief in the second year of the biennium?

The PRESIDENT pro tem: The Senator from Cumberland, Senator Brennan, poses a question through the Chair to any member of the Senate who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The question of property tax reform is one of the major ones that was in front of us in January, and still is in front of us. Strangely, the Education Committee is the one that has been assigned the task of coming up with an equalization formula that will result in a reform of the property tax.

I have tried to get the sense of the Senate in the last few weeks as to what kind of motivation or what kind of strong desire the Senate has to attempt property tax

reform at the regular session of the legislature. I am aware of the fact that there are some members of the legislature who would like to defer it until about the 125th Legislature, and others who would like to talk about it in a reasonable way but not until the special session. But I will report that the Senate will have a chance to vote on a program of property tax reform which transfers statewide a substantial amount of revenues presently raised by the local property tax to an alternative form of taxation at the state level. I hope that when the time comes we will have the support of the good Senator from Cumberland, Senator Brennan, to support such a move. But the move will be in front of us now perhaps within a matter of a week or ten days.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

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

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, to Reimburse Certain Persons for Property Taken by State Department of Transportation in the Town of Bingham. (S. P. 134) (L. D. 346)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-143).

Signed:

Senator:

ROBERTS of York

Representatives:

FAUCHER of Solon
EMERY of Rockland
CAREY of Waterville
BRAWN of Oakland
CONNOLLY of Portland
COTE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "Resolve, Authorizing Certain Persons to Sue the State of Maine." (S. P. 628) (L. D. 1946)

Signed:
Senators:

JOLY of Kennebec
ALDRICH of Oxford

Representatives:

DUDLEY of Enfield
FECTEAU of Biddeford
SHUTE
of Stockton Springs
SHAW of Chelsea

Which reports were Read.

Mr. Roberts of York then moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. JOLY: Mr. President and Members of the Senate: I rise in opposition to the good Senator from York, Senator Roberts. You will note we had a pretty divided report on this bill, and the feeling of the minority was that we didn't think the proper place for this bill was in the legislature; we felt it was a judicial matter.

We did go as far as to put out a new draft and, instead of having the state pay these people who have a complaint, to allow them to sue the state. We even added into it that their legal fees be paid should they win their case.

I won't go into the merits of the bill because I felt, along with the other members of the minority, that it was not properly before us. For that reason, I hope you would vote against the motion to accept the Ought to Pass Report.

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

Mr. SHUTE: Mr. President and Members of the Senate: This is my bill and I rise to its defense. I appreciate the fact that the Legal Affairs Committee spent so much time on this document, with which I became involved last summer in August.

It is perfectly apparent to all of us that at least 13 people on the Legal Affairs Committee agree that the people in Bingham do have a case against the former State Highway Commission, now the Department of Transportation, in the matter of land taken for the construction of a new highway

which went through the Town of Bingham beginning in 1968.

What you should know, and what the Legal Affairs Committee is fully aware of, is that the Highway people made a monumental goof when they got to a certain section of Main Street in Bingham. The old county records prove that for about four-tenths of a mile on Main Street it was only a 3-rod road, and all of the members of the Legal Affairs Committee agree that the proof was incontrovertible and that these people do have a case.

The question now is whether or not the Bingham people who felt aggrieved by this move by the Highway people feel whether or not this should go to a court of law or whether or not the legislature is the court of last resort for them.

Begging your indulgence for a moment, I would like to read to you a statement by these Bingham people, and I will see that you get a copy, but L. D. 346 primarily is a problem of right-of-way in a part of Main Street, as I have indicated, and the chief question since 1968 was: Did the Department of Transportation, the former State Highway Commission, own a road 4 rods wide in a section of Main Street four-tenths of a mile long, extending from Rollins Street at Main to the north end of town where old Route 16 turns off? A majority, seven, of the members of Legal Affairs believes these Bingham petitioners — there are seven of them—are entitled to a reduced claim of \$500 less per individual, with the removal of the claim for punitive damages, and this is what S-143 accomplishes. The amendment to L. D. 346 reduces the claim now and removes the punitive damage claim.

Incidentally, the statement of fact on this is quite revealing. It says "The new figures appear to be more equitable. Arbitrary and capricious action was not shown. Punitive damages do not appear justified." So this is what the Majority Report is all about.

All of us are aware that present day court costs are prohibitive. The State Highway Commission

has permitted this controversy to drag along for over five years now, while the Bingham people whose names appear in this bill have spent over \$6,000 on this case to date; \$5,167.43 in legal fees and over \$1,000 for maps and surveyors fees. No money spent has been for the Bingham people who have volunteered their time on this case. Now, I submit that to refer this case to a court of law would serve only to increase their costs to a prohibitive level which they could not afford. These Bingham people have spent all the money they feel is justified, and this legislative action is their last resort. Their efforts, their surveyor and their lawyers have produced the fruit that the road 4 rods in width never existed in this portion of Main Street were the claimants live.

This is a section of Main Street in Bingham with ten side streets entering. The Highway people during their second meeting in December of 1971 admitted that they had no road monuments which denoted a 4-rod width. It is well to point out that in this section some of the houses are over 100 years old and that current owners have copies of their original deeds. The State Highway people claim to own the 4-rod width by their maps, and the Bingham people could not get into Land Damage Courts because the state did not admit to any land taking. Any land they paid for prior to the 1968 construction was for land outside the 4-rod width.

These Bingham people claim that the State Highway Commission has acquired their land by simply drawing a line across it, and that in their effort to settle the dispute the State Highway Commission has not acted in good faith and has used these people, and the information they have collected, in order to prepare the Department of Transportation for a trial. So justice in this instance does not lie within the jurisdiction of the courts; it lies with this legislature which, to these people of Bingham, represents the court of last resort.

Additionally, I would point out that time after time this legislature grants money to farmers whose beehives have been destroyed by bear, whose wells have been pollut-

ed by salt on the highway, and here again it is a case where the Highway Commission has made a grievous error in the Town of Bingham, and all they are asking is for their just due. I would urge you to vote for the Majority Report, and I would request a division.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from York, Senator Roberts, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee, and a division has been requested.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: It is the sincere intent of the Transportation Committee to not only visit this project but some projects up in Bingham, between Jackman and Rockwood, and Rockwood and Greenville. Therefore, I am going to support the motion of the Senator from York, Senator Roberts, because I think this bill is entitled to at least a position on the Highway Appropriation Table.

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

Mr. TANOUS: Mr. President and Members of the Senate: The Judiciary Committee has heard a couple of bills similar to the one that Senator Shute has sponsored, but they were different in nature and our Committee saw fit to report them out unanimous Ought Not to Pass.

After listening to the debate this morning, it certainly appears to me, from the words of the Senator from Franklin, Senator Shute, that these people were deprived of their rights under our statute. And if this is the only avenue available to them to do equity and justice, I certainly would support my good friend, Senator Shute, in acceptance of the Majority Report of the Committee. I think it is only fair that we do. Apparently these people were denied their rights under the Land Damage procedure which we have in our statutes, and if we deny them these rights then they have no other rights other

than this particular piece of legislation.

In reference to the Minority Report, when you suggest that they go to court to recover these monies, I don't feel that would be equitable because ultimately the cost is going to be much greater for these people, as well as for the State of Maine. So I would support Senator Shute's position.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from York, Senator Roberts, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. A division has been requested. Will all those Senator in favor of accepting the Ought to Pass as Amended Report of the Committee please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had 23 Senators having voted in the affirmative, and three Senators having voted in the negative, the Ought to Pass as Amended Report of the Committee was Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

At this point, the Sergeant-at-Arms escorted the President to the rostrum where he assumed his duties as President of the Senate, and the Sergeant-at-Arms then escorted Senator Berry to his assigned seat on the floor of the Chamber, amid the applause of Senate Members.

The PRESIDENT: The Chair wishes to thank the Senator from Cumberland, Senator Berry, for his usual competent job at the rostrum.

Second Readers

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

House

Bill, "An Act to Exempt Hairdressers who Hold Booth Licenses from Eligibility for Unemployment Compensation." (H. P. 1014) (L. D. 1333)

Bill, "An Act Relating to Deposit of State Funds." (H. P. 1503) (L. D. 1932)

Bill, "An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes." (H. P. 1506) (L. D. 1937)

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

Bill, "An Act Relating to License for Manufacturers Selling Motor Vehicles in Maine." (H. P. 1418) (L. D. 1856)

Which was Read a Second Time and, on motion by Mr. Joly of Kennebec, Indefinitely Postponed in concurrence.

House - As Amended

Bill, "An Act to Authorize the Investment by Savings Banks in Real Estate for Purposes of Historic Preservation" (H. P. 1408) (L. D. 1848)

Bill, "An Act Relating to Minimum Wages." (H. P. 706) (L. D. 911)

Bill, "An Act Relating to Fees Received by State Officials and Employees." (H. P. 95) (L. D. 116)

Bill, "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner." (H. P. 1277) (L. D. 1664)

Bill, "An Act Relating to the Appointment of Active Retired Judges of the District Court." (H. P. 566) (L. D. 745)

Bill, "An Act Relating to Reports of Bureau of Labor and Industry." (H. P. 1156) (L. D. 1489)

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

Enactors

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

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

An Act Relating to State Police Retirement System. (H. P. 48) (L. D. 55)

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

An Act to Establish a Water Quality Related Great Ponds Pro-

gram in Department of Environmental Protection.

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

An Act Relating to Licenses to Carry Weapons. (H. P. 936) (L. D. 1235)

An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Associations. (H. P. 1213) (L. D. 1564)

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

An Act to Expand Human Resources by Rehabilitating Recipients of State Aid. (H. P. 1363) (L. D. 1819)

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

An Act Exempting Motor Vehicles Purchased by Non-residents from Sales Tax. (H. P. 1493) (L. D. 1921)

(On motion by Mr. Richardson of Cumberland, Tabled and Tomorrow Assigned pending Enactment.)

An Act Relating to Expenses for Examination of Insurer. (H. P. 1494) (L. D. 1922)

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

The President laid before the Senate the matter temporarily set aside by Mr. Speers of Kennebec: An Act Relating to State Police Retirement System. (H. P. 48) (L. D. 55)

The same Senator then moved that the bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: I was not present when this bill was debated as a committee report, and I am not sure whether or not the point was made, but my feeling on this matter is that the individuals who would be protected by this particular bill joined the state police at a time when they would not be required to retire at a certain age and, therefore, that by now requiring them to retire at a particular age as others who have joined the

state police subsequently, would be to take away from them rights which they now enjoy, or which they did enjoy when they joined the state police.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I regret that my friend from Kennebec, Senator Speers, missed the earlier discussion of this legislation. I would attempt to point out now, as I did then, that this legislation involves itself with five members of the Maine State Police who were employed on or before July 9, 1943, who are currently exempted from both the overall mandatory retirement age of 70 and the mandatory retirement age of 55 applicable to the vast majority of Maine State Police officers.

The bill was discussed at great length in committee. We think there are substantial advantages to the system in not permitting these men to stay on and on and on into the indefinite future. The committee, in what it hoped was an act of graciousness, extended the time within which they could serve to the end of the next fiscal year, which would be the end of June of 1974.

I would oppose the motion to Indefinitely Postpone, and when the vote is taken I would request a division, Mr. President.

The PRESIDENT: Is the Senate read for the question? As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Speers, that Bill, An Act Relating to State Police Retirement System, be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

The President laid before the Senate the matter temporarily set aside by Mr. Hichens of York: An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Associations. (H. P. 1213) (L. D. 1564)

The same Senator then moved that the Bill be Indefinitely Postponed.

On motion by Mr. Marcotte of York, a division was had. Eight Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

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

An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers. (S. P. 322) (L. D. 989)

Comes from the House, Indefinitely Postponed.

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

MR. JOLY: Mr. President and Members of the Senate: I rise to speak in favor of this bill. It is the first time I have got up since I became a member of the Senate where I really feel I am talking about a bill that is a good bill. I say "good bill" — we have got a lot of good bills, but this is one I can really put my heart into.

You cannot tell from the advance journal that this bill has been amended, and I bring this to your attention. We have amended it in committee so that it is limited to areas in excess of 1,500 square feet. We didn't want to make someone who had a two-chair barber shop, or a woman who had one or two chairs for a beauty parlor next to her home or on the porch be covered by this legislation, so it is in excess of 1,500 square feet. We also said it would be vehicles in excess of ten passengers, so it wouldn't apply to taxicabs.

The bill simply says that in areas of over 1,500 square feet and in automobiles with over ten passengers there would be a portion set off for non-smokers. This

doesn't mean that they have to build partitions or anything else. You may say "Then in a room where there is no smoking in one corner wouldn't they be bothered by people smoking in the other ones?" Well, we are told by the doctors that the smoke dissipates and it is not so bad.

We had very fine testimony at these hearings. We had three non-smoking bills. Two of them we put out Ought Not to Pass, and this is the one, Senator Berry's, that we worked on.

We were told by the doctors that actually the smoke that is emitted from smokers is really more dangerous to everyone than the smoke that we who smoke inhale ourselves. Being a smoker myself, I can talk on this bill a little better than someone who is a non-smoker.

We really don't think this will be inconvenient, but it is going to help an awful lot of people. I was surprised at the testimony and some of the letters I have received since from so many people that are bothered by cigarette smoke, the many people who do not go to meetings, assemblies and gatherings that they would like to go to because they are so disturbed by smoking. In fact, at the hearing, which we held in one of the large rooms in the other building, toward the end of the hearing when there weren't too many people left there was still one lady who had tears in her eyes because she was being affected by the small amount of smoke that was in the room at that time.

I really think this is a good bill. Unfortunately, many times we have a bill where we try to help a lot of people, and it hurts other people when we do it, but because the majority is helped and the minority is not hurt too much we go along with such bills and such legislation. In this case here, I honestly don't believe it is going to hurt anyone, it is not going to put an imposition on people, and it is going to help a lot of people who really need a lot of help. So I sincerely hope that we will disagree with the other body and move this bill along for enactment.

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

Mr. ALDRICH: Mr. President and Members of the Senate: I rise in opposition to this legislation for several reasons. It came before our committee, the Legal Affairs Committee, and No. 1, this legislation would apply to the Maine State Senate. This room here is in excess of 1,500 square feet. And this legislation pertains to non-smokers, so I don't know where the non-smokers are going to sit in the Senate. I am going to sit in Seat 27 where I am now because I am a smoker. I don't know where the non-smokers are going to sit; and I don't know how you can get the rest of the members of this body in one corner set aside for non-smokers.

To me, it is sort of embarrassing to go into some of these restaurants of very high quality and the lady is going to ask you how many there are, and you will say "Four", and she will say "Well, do you smoke or don't you smoke?" It depends on whether you do or not as to where you are going to sit. Of course, the legislation applies to non-smokers. They are going to have their own little corner and they can sit in that little corner and have their dinner without being disturbed by smokers.

I really don't think this is practical legislation, and at this time I would move that it be indefinitely postponed and ask for a division.

The PRESIDENT: The Senator from Oxford, Senator Aldrich, now moves that Item 8-9, Bill, An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I don't smoke, so I don't know whether I have any conflict here or not. But what bothers me is creating a new crime, to make it a crime because you are smoking in the wrong place. I think the state is sort of going a little too far. I suppose a police officer, if he sees

someone smoking in an illegal area, it is a misdemeanor committed in his presence so he can physically arrest him and take him off to the hoosegow.

I think it is absolute nonsense for the state, with the very serious things we have got to do, to make things like this — to give them the dignity of being crimes. I really think it is ridiculous, so I would strongly urge that you vote to indefinitely postpone this bill.

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

Mr. OLFENE: Mr. President and Members of the Senate: I too rise in support of indefinite postponement of this bill, and would like to just mention some of my thinking here.

To begin with, I would heartily agree with one of the previous speakers that it would be nice in all things, in public meetings and so forth, in public areas, not to have smoking for the convenience of some of the people who may be affected. I might say that in the public meetings of my Committee on Liquor Control it was a firm rule that was announced at each hearing that there would be no smoking during the public meeting. I believe in all public or semi-private type political meetings or committee meetings of this sort is is very easy to control this factor. But when you move it into the public segment and put it into facilities — and I speak with some authority — into large restaurants, various areas in the Innkeepers Association and all of its facilities around the state, you are going to create a very, No. 1, uncontrollable piece of legislation, and an extremely unpleasant one to manage and try to oversee. I think this would be nothing but chaos creating a lot of unnecessary problems.

Therefore, again, I urge you to support the motion to indefinitely postpone this piece of legislation. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: This is a bill that I introduced at the re-

quest of many people and with my own enthusiastic support.

I would call to the Senate's attention that no one is going to be arrested for smoking in non-smoking area, and the bill very plainly says that. The only person who can possibly get in trouble would be somebody like Senator Olfene from Androscoggin, who refuses to put a sign up that designates a non-smoking area. That is all we are talking about.

There is no question about how much space is needed. In his restaurant he would have to put up a sign that would say "No Smoking". There is absolutely no penalty involved here to anybody as far as smoking is concerned.

I would invite your attention to the fact that rules of this type are in effect now in aircraft controlled by the Federal Aviation Authority, and it is working out. I am sure all of you have heard good comments on this new setup.

The privilege that we have, and I had over the weekend, of spending \$10 for Maine lobster is one I look forward to, and I certainly don't enjoy having somebody smoking a big fat black cigar right behind me when I am eating my \$10 lobster. So I would hope that you would vote against the motion.

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

Mr. OLFENE: Mr. President and Members of the Senate: I would just like to make a brief remark or two here in answer to my very good friend, Senator Berry.

No. 1, if my experience is correct on the aircraft that I have been using in the last year or so, you are asked this question when you check in at the desk, and this is something where you are designated to an area of seating on the craft.

I can see this as being an extreme problem to someone at the front door of a public building and public gathering and saying to people coming in "Now, which way to you want to sit: do you want to sit where the smokers are or the non-smokers?"

The real hangup I have on this bill is that this is a bill that I

am sure, No. 1, you can't strictly enforce it. This is the real hangup that I have, coupled with the fact that it will cause a great deal of discomfort. For example, I would agree with the Senator from Cumberland when he says all I have to do is put a sign up in the restaurant. But that doesn't mean, because it says "No Smoking", as I understand it, that a smoker can't sit in that area. Now, if a non-smoker comes in and sits at the next table, and complains to the management because at the next table there is someone smoking, boy, I have got a real problem and a discomfort on my hands.

I am not speaking just from a personal standpoint here; I am just asking you think about it and look it over. Here is a bill that isn't clear as to how do you control and enforce this thing. When you run into these situations you are just running onto complete chaos and something that I am sure we do not need. Thank you.

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

Mr. ALDRICH: Mr. President and Members of the Senate: You know, there is an old adage that if there is no penalty attached to legislation then there is no crime. You can't legislate crimes without a penalty. In this legislation there is no penalty, therefore, I submit there is no crime. If there is no crime, then there is no enforcement of this legislation. And if there is no enforcement of this legislation, then I really can't see why we need it. It is very impractical, it is not reasonable, and I would again support my pending motion.

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

Mr. HICHENS: Mr. President and Members of the Senate: Having sponsored the first of these non-smoking bills this year, restricting smoking on public conveyances, I would rise against the motion to indefinitely postpone and I would request a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I too would rise in opposition to the motion of the good Senator from Oxford, Senator Aldrich. There appears to be a great deal of confusion about this particular piece of legislation. I think all that this does is require the public places and public vehicles to set aside a place where there will be no smoking.

Now, it certainly doesn't require anyone who goes into a restaurant to say "Well, I want to sit in the non-smoking area" or "I want to sit in the smoking area", or if a smoker sits in the non-smoking area that he would be in violation. All this does is require the restaurant owner or the bus lines to set aside a particular place in the restaurant or in the vehicle where in there would be no smoking. Now, if a smoker wants to sit in a non-smoking area, that is certainly up to him; he would certainly be able to do so. Or if a non-smoker wishes to sit in the smoking area of the restaurant, there is nothing in this legislation that would prohibit that. All this means is that an individual who does not happen to smoke would have the opportunity to go into a restaurant or a public vehicle and be able to sit in an area where there is no smoking allowed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Aldrich, that Bill, An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers, be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Oxford, Senator Al-

drich, that Bill, An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers, 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 Aldrich, Anderson, Brennan, Cianchette, Clifford, Conley, Cox, Graffam, Huber, Kelley, Marcotte, Morrell, Olfene, MacLeod.

NAYS: Senators Berry, Cummings, Fortier, Greeley, Hichens, Joly, Katz, Minkowsky, Peabody, Richardson, Roberts, Schulten, Shute, Speers, Tanous.

ABSENT: Senators Cyr, Danton, Sewall, Wyman.

A roll call was had. 14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

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

Orders of the Day

The President laid before the Senate the first tabled an 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 16, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr TANOUS: Mr. President and Members of the Senate: I am indeed pleased to report to you this morning that we have received an opinion from the Attorney General's Office relative to L.D. 1583.

Apparently the present statute on the books on the method of selecting a jury is in fact constitu-

tional. They cite many cases and citations of law. But I guess the issue here this morning before us is on the merits of whether or not we should reduce the age of individuals to serve on juries to eighteen years old.

I mentioned in my argument to you last week in tabling this bill that my feeling is that 90 percent of your eighteen year olds are in high school. I would feel that this would be an unwarranted imposition to place on eighteen year olds who might be tied up in a jury trial from anywhere from a week to two months. I think it would interfere with their high school education, and with that in mind, I move that we accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: First, I would oppose that motion, and commenting on the remarks of the good Senator from Penobscot, Senator Tanous, in regard to eighteen year olds, I am sure a lot of them are in high school but it is my judgment they would probably learn more with two weeks in jury service than they are going to learn in high school.

Secondly, if you accept the Minority Ought to Pass Report, I would be delighted to offer an amendment that would exempt those in high school that want to be exempt.

I think the real issue is that right now kids can vote at eighteen years of age. Recently we gave them virtually all other adult rights a session ago. They can buy alcohol at eighteen years of age. Frankly, when we are talking about our system of justice here, and so forth, we talk about a jury of one's peers. I suspect if we really mean that, we would support this bill. I think, at least in the criminal field, a high percentage of those who go to trial before a jury are eighteen, nineteen, or

twenty. I believe that the eighteen or nineteen year old could contribute a lot in a jury room with the other eleven members giving the view of his particular segment of society. Frankly, I think it would contribute probably to more balanced jury judgment and, hopefully, more justice.

I think the right to vote is more significant than the right to sit on a jury, and we have already decided by a Constitutional Amendment that they have got the right to vote. Consequently, I would urge you to vote against the motion of the good Senator from Penobscot, Senator Tanous, to kill this bill, and after vote to accept the Minority Report and give the eighteen year olds full rights.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I support completely the comments of the Senator from Cumberland, who has been referred to as the Junior Senator, Senator Brennan. It seems to me that we have already taken a number of steps in this session to try to bring some sense of consistency into the law. Despite very serious initial reservations on my part, we increased the age of the juvenile offender to cover the seventeen year old.

As a trial attorney, I know that there are ample provisions in our law to excuse jurors, both peremptorily or for cause. I know that as a routine matter the presiding justices excuse persons from service on an extended trial or for an extended period of time that would interfere with either their educational activities or their business or profession.

I see absolutely no reason to deny this measure of maturity and legal age, if you will, to the eighteen year old. You have given them majority status in every other area, virtually every other area, and I see just no logical reason whatever to withhold this responsibility from them. I am one of those who believes that jury service is one of the cornerstones of our judicial process; trial by jury. It is a constitutional right, and I think it is something that

we ought to pay very careful attention to.

I certainly hope that you will vote against acceptance of the Ought Not to Pass Report, and I will request a roll call when the vote is taken, Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I also support the Senator from Cumberland, Senator Brennan. I would ask that Senator Brennan not put an amendment on exempting the youngster who is attending school. I think that the youngster who is presently attending school, who is in the middle of studying for mid-year exams, will be excused by the justice in any event, along with any other citizen who has a pressing problem. I agree wholeheartedly that our jury system can only benefit from the presence of young people on it.

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

Mr. TANOUS: Mr. President and Members of the Senate: I will support Senator Brennan's position, if he is willing to put an amendment on this to excuse the high school students. Under the circumstances, I will withdraw my motion to accept the Majority Ought Not to Pass Report of the Committee, and change my motion to acceptance of the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, withdraws his motion to accept the Majority Ought Not to Pass Report of the Committee. The same Senator also moves that the Senate accept the Minority Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the bill was Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled — May 17, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. KATZ: Mr. President and Members of the Senate: The bank stock tax has been on our books for many, many moons and it has always been a little bit of a problem for the State Treasurer insofar as the implementation of it is concerned. This bill would repeal the bank stock tax. I am opposed to the repeal of the bank stock tax, and I would like to tell you why.

The City of Augusta will lose something around \$80,000 a year with the repeal of the bank stock tax. Those who propose this repeal say "Well, Augusta may very well pick up some additional revenues through personal property tax, if there is a proliferation of computers in the city and if they are taxable at the time that they are being used." This is problematical, but presently of the \$80,000 Augusta is going to lose, they will recapture an extraordinarily small amount of money.

In a good many respects it is a Robin Hood bill, because it is going to take something like a net of \$60,000 from Augusta, and presumably it is going to put it in the general fund, and Augusta can recapture the dollars any way it wants.

Insofar as the City of Waterville is concerned, the Senator from Kennebec, Senator Joly, might be interested to know that presently the City of Waterville is collecting \$35,000 in the bank tax, and I don't think that under this bill Waterville is going to recapture very much of this.

In the City of Bangor, the Senator from Penobscot, Senator Cox, might be interested to know that Bangor presently is collecting \$122,000 from the bank stock tax.

Ellsworth, for example, presently is collecting — and I am sure that the Senator from Hancock, Senator Anderson, will be interested in this — Ellsworth is presently collecting \$11,000.

I have a complete list of the major cities represented by this Senate. I am sure Senator Shute from Franklin — I will get to Brewer in just a minute, Mr. President — the Senator from Franklin, Senator Shute, might be interested to know that the income presently to Farmington is something in the order of \$8,000, and I see the Senator is well aware.

I am sorry that I have neglected to put all the towns down. One of the significant omissions, and this is unforgivable, I do not have Brewer listed here. I have a list of most of your communities. Although here we have a tax that is kind of a pesky tax to implement and collect under its present form, I think it is wrong to repeal it without having an alternative program so as not to put a financial burden on the communities that are presently getting a return on it.

Under the circumstances, I will move that this bill be indefinitely postponed, and I request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz now moves that Bill, "An Act Repealing the Bank Stock Tax", be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I listened very attentively to the good Senator from Kennebec, Senator Katz, as he was reeling off the communities and, at the risk of sounding somewhat partisan, in noting that he didn't mention any of the Democratic cities throughout the state, I was wondering what the bank stock tax might mean to the City of Portland?

The PRESIDENT: The Senator from Cumberland, Senator Conley, 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 want to apologize. Actually Augusta is on occasion a Democratic city, and I have known the City of Bangor on occasion to send an overwhelming delegation of the other party down. And Waterville, really, it is just so exciting to have Republicans in the legislature from the City of Waterville.

I didn't mention Portland because Portland is only hurt to the extent of \$123,000, minus what they can collect on some other scheme that might come up. As far as Lewiston is concerned, if there is any interest in Lewiston, although from time to time it has been called to my attention that there is a large Lewiston delegation in the legislature, Lewiston presently collects something on the order of \$63,000. I don't imagine that anyone is particularly interested in the income to Brunswick because presently Brunswick is only \$3,400, but I am not quite sure how they would fare without this bank stock tax.

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

Mr. OLFENE: Mr. President, might I ask a question through the Chair directed to Senator Katz, on his list, if he could report what the tax might be in the City of Auburn?

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, 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: Auburn presently has a revenue of something like \$4,400. Mr. President, if the Chair could defer for just one moment, I think I have some additional information. Mr. President, in the event anyone is interested, the City of Brewer presently is not a recipient of very much money at all.

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

Mr. FORTIER: Mr. President and Members of the Senate: I do not enjoy this morning having a radical difference of opinion with my good friend, Senator Katz from Kennebec, but I do think that there are some things which should be clarified.

In the first place, he has told you that the tax was a pest to the State Treasurer. I admit, under the present system it is a pest. Of course, I could easily tell you the reasons why.

The State Treasurer is forced to refund such items to different Maine municipalities, for example: \$8.41, \$6.10, \$9.60, \$11.75, \$2.70, \$1.35, \$2.81, and so forth down the line. This is the reason, of course, why the Treasurer's Department thinks it is a pest.

I would also advise you that the amendment which had been proposed here making distribution through revenue surplus has been defeated in this body, and at the present time is not before the Senate.

I would also advise you that it is generally understood that this probably is the biggest loophole in our state tax system that we have in all our state taxes. This bank stock tax was in lieu of personal property tax. The state requirement is 50 mills based on 50 percent valuation, or 30 mills. I doubt if there are as many of these cities and towns that have been enumerated that have a tax rate that low.

Although I have no specific data to substantiate this, it has generally been conceded that the overall income throughout the state would be at least twice what we are getting now.

I would also bring to your attention that practically all of the municipalities which the good Senator from Kennebec quoted are municipalities where we have our larger banks. For example: Portland, Augusta, Lewiston, and Bangor are the places where our large banks have their home offices and, consequently, would have the largest amount of personal property to be taxed. That is why the overall proposition throughout this state would approximately double the amount of tax.

I would also call to your attention that the only reason these larger cities have now for collecting a larger amount of this bank stock tax is the fact that they are in the fortunate situation of having more people that can afford to buy bank stock, and it has absolutely nothing to do with the services rendered by the cities.

Under this bill the cities and municipalities would get the tax in proportion to the service that they render. In other words, if the personal property is in a certain municipality, they furnish police protection, fire protection, traffic control, and all the rest of it, which is not taken into consideration under the present system. The present system simply means that the tax is going to be paid to the resident municipalities of the stockholders. Consequently, there is no equity in it whatever. The income would be approximately twice what it is now. It would alleviate the distribution which the Treasurer very much opposes. It would double the tax base in regard to this personal property.

Just one other incident that I would like to call to your attention is the fact of computers in the banks. You probably appreciate the fact that at the present time if a computer is owned by the bank it is tax exempt. If it is leased by the bank it is taxable. That in itself is an inequity.

In regard to the amount of personal property, you also should keep in mind that where a bank has an unlined system on computers, even though it is leased, they inevitably have a great deal of other items connected with the computer which would be taxable and is now tax exempt.

For all those reasons, I hope you will go along with the Majority Report of the Committee and defeat the motion of indefinite postponement.

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

Mr. KATZ: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Brennan, earlier today asked a report on prospects of tax reform.

I think the tax reform ought to be in a context, and if you will excuse the expression for using Latin in this distinguished body, on a quid pro quo. You are asking the City of Augusta to give up \$80,000, but on what basis? We are asking other communities that are presently getting and historically have gotten the benefit of this tax, and on what basis? I will tell you that the storm, the opposition that I have been getting, has not come from the banking community at all, but has come from City Hall.

I suggest that I would like to see this bill killed. I would also suggest that the Committee on Taxation is presently considering other things, such as repeal of the inventory tax, an increase in corporate income taxes; there are lots of things in the Committee on Taxation. I would suggest that if we are going to have a tax reform this session, that I would like to see, before I stand here and be a statesman and see my community give up \$80,000 a year, I would like to see what the total picture statewide is. I think there are lots of vehicles presently in Taxation to do a good capable job on comprehensive tax reform, rather than put me in the intolerable position of standing here and seeing this substantial sum of money chipped away from my community and nothing given in return.

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

Mr. MORRELL: Mr. President and Members of the Senate: I think that the explanation that you have gotten from Senator Fortier relative to this issue is clear-cut. I think what he says makes sense. I am sorry that I disagree with Senator Katz, but I think that from time to time it is necessary to make corrective action, particularly if the income to the state would be enhanced to any degree, as Senator Fortier describes it. I hope you will vote against killing this bill; I think it is a good one.

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

Mr. FORTIER: Mr. President and Members of the Senate: Just one other item that I would like to add to what I already have said: It seems somehow or other that the discussion centers a great deal around the situation in the City of Augusta. In 1972, the City of Augusta collected \$78,904.81 from this bank stock tax. The good Senator from Kennebec, Senator Katz, says that they would have to give this away without any remuneration whatsoever. Well, the remuneration, or the offset, for this \$79,000 would be taxing the personal property of all the banks in the City of Augusta.

No doubt some of you have been around to these banks. One alone, I believe, has six floors of very well equipped, very well furnished offices, and this is only one of several. In fact, I wouldn't be surprised that in the final analysis Augusta may even gain by this. And if they did not, the loss would certainly be minimal. The same thing applies to Bangor, applies to Portland, and applies to every other city that has major banks.

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

Mr. KATZ: Mr. President and Members of the Senate: Respectfully, may I disagree with the Senator from Oxford, Senator Fortier, and this is an historic occasion, because I think I have followed his lead on all taxation measures all session long.

The City of Augusta, according to our people in City Hall, would gain to an extraordinarily small extent because of the existence of computer programs in transition. They are well trained people, this is a well run city, and they know what they are talking about. I do know that our people contacted city halls all over the state and they got some cries of alarm from your communities too.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Repealing the Bank Stock Tax", be indefinitely postponed. As many Senators as are in favor of the motion of the Senator from Kenne-

bec, Senator Katz, to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

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

Tabled — May 17, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed, Committee Amendment "A" (H-318).

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for May 23, 1973, pending Passage to be Engrossed.

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

Bill, "An Act Relating to the Advertising of Drug Prices." (S. P. 506) (L. D. 1590)

Tabled — May 18, 1973 by Senator Conley of Cumberland.

Pending — Consideration.

(Senate — Ought not to Pass — Majority Report.)

(House — Passed to be Engrossed as amended by Committee Amendment "A" (S-123).)

Mr. Hichens of York then moved that the Senate Adhere.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I will spare you any lengthy debate; we have discussed this several times. I will just say, very briefly, first, I appreciate the arguments of special interest to druggists but, frankly, I value more the arguments of the public interest. I submit that the public interest here is advertising drug prices. I submit that advertising of drug prices

more than likely will result in lower drug prices for the consumer in the State of Maine.

I would like to bring to your attention, just briefly, a survey I didn't make, but that was made by the Attorney General's Office here on Water Street, that four stores were consulted on the same street, on the same day, for the same quantity of drugs. The prices varied — this is on the same street here in Augusta — from \$4.65 to \$12.00. I think it would be good for the consumers of the State of Maine if these things could be advertised, except that the advertising that we are doing in the Senate here isn't going to get the job done.

I really think that there is a serious need to permit advertising. I see no reason why they should be treated as sacred cows and advertising not permitted. Frankly, I haven't been impressed by any of the arguments against this. I will reiterate again, over half of the states in the country permit advertising at this time. So, I would urge you to vote to recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that the Senate recede and concur.

The Chair recognizes the Senator from Oxford, Senator Aldrich.

Mr. ALDRICH: Mr. President and Members of the Senate: I would like to pose a question through the Chair to the Senator from Cumberland, Senator Brennan, as to whether or not we could be assured with some reasonableness that this act enabling advertising of drug prices would not interfere with the quality of the drugs. I think when you get to the question of drugs that quality is much more important than the price that you are going to be paying. I would like to have the Senator answer that question.

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

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: First, I am very delighted that you asked that question because we are talking about prescriptions and that is what we are talking about: just prescriptions. The doctor writes the prescription, the patient takes it to the druggist, and the druggist has to fill what the prescription says, so the druggist is going to give exactly what the doctor has ordered. I see no way that this could interfere with quality.

The bill that you may be thinking of was the one dealing with generic drugs which the Senate killed, but I see no way that this could interfere with quality what so ever. About the only thing this bill could possibly do is probably bring lower prices to the consumers of the State of Maine. I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: If I understood Senator Brennan correctly in his original statement, that certain people such as myself who have been speaking on this particular bill are for the special interests of the druggists, I resent this particular accusation on the floor of the Senate. I think I am just as orientated to the consumer needs of the State of Maine, Senator Brennan, as anybody else, and I don't think this is really a very, very fair appraisal of trying to win a particular point in this particular matter.

I won't reiterate all my previous statements in reference to this when this bill was initially killed in the Senate, but I believe very sincerely that if the consumer is willing to give up the many fringe benefits, such as the profile system I referred to, delivery service, emergency calls, plus other things that are offered by the local drug store, then I think this a thing of paramount importance to take

into consideration. Mr. President, has a roll call been requested.

The PRESIDENT: A roll call has been requested. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate recede and concur with the House on Bill, "An Act Relating to the Advertising of Drug Prices." 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 Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I very frankly don't understand the argument that this bill would bring about a curtailment of services on the part of some stores. It seems to me that if a store wants to charge higher prices for drugs and offer services, then it should be clear to the public that this is why the prices are higher, because that store is offering additional services that perhaps the drug store down the street in offering drugs for a lower price does not offer. It seems to me that the consumer should have a choice as to whether or not he wants to purchase drugs from a particular drug store and have them delivered to his house, or whether or not he wants to drive to the drug store himself and buy the drugs at a particular drugstore which may offer them at a lower price. It just doesn't make very much sense to me to say that because drugstores will be permitted to advertise particular prices that all drugstores are then going to have to curtail various services that they offer.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate recede and concur with the House on Bill, "An Act Relating to the Advertising of Drug Prices."

A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Brennan, Conley, Fortier, Katz, Kelley, Marcotte, Morrell, Richardson, Roberts, Speers.

NAYS: Senators Anderson, Berry, Cianchette, Clifford, Cox, Cummings, Graffam, Greeley, Hichens Huber, Joly, Minkowsky, Olfene, Peabody, Schulten, Shute, Tanous, MacLeod.

ABSENT: Senators Cyr, Danton, Sewall, Wyman.

Mr. Fortier of Oxford was granted permission to change his vote from Yea to Nay.

A roll call was had. 10 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

JOINT ORDER — Relative to Health and Institutional Services Committee to Report a Bill Relative to Liens-Aid to Blind and Disabled Program. (H. P. 1516)

Tabled — May 18, 1973 by Senator Berry of Cumberland.

Pending — Passage.

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

Mr. BERRY: Mr. President and Members of the Senate: This order represents an attempt to introduce a bill after cloture. It appears that the proper route should be followed of going through the Reference of Bills Committee. I move this Joint Order be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this Joint Order be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Joint Order was Indefinitely Postponed in non-concurrence.

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

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act Relating to Benefits Payable under Workmen's Compensation Law When Employer or Supervisory Employee Violates Safety Statutes." (H. P. 1258) (L. D. 1633) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 18, 1973 by Senator Brennan of Cumberland.

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 seventh tabled and specially assigned matter:

SENATE REPORT — from the Committee on Natural Resources — Bill, "An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of Federal Water Pollution Control Act Amendments of 1972." (S. P. 355) (L. D. 1019) Ought to Pass in New Draft. (S. P. 624) (L. D. 1945)

Tabled — May 18, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

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

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

Tabled — May 18, 1973 by Senator Richardson of Cumberland.

Pending — Passage to be Engrossed.

Committee Amendment "A" (S-131).

On motion by Mr. Richardson of Cumberland, the Senate voted to reconsider its previous action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "D" to

Committee Amendment "A" and moved its Adoption.

Senate Amendment "D" Filing No. S-148, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: The purpose of the amendment which I have offered is to do essentially four things: Number one is to strike out some ambiguous language involving reference to "dangers of public health, safety or welfare". I feel that that is too broad and does not give the general public and persons affected the sufficient guidelines as to what the authority of the commission which this bill establishes would be.

Number two: this amendment would make it clear that the clearing of trees for conversion to agricultural use will be approved without limitation or any question whatever. There are some questions about that from apparently some of the landowners involved.

Thirdly: this amendment is designed to correct a problem which was called to my attention by the good Senator from Kennebec, Senator Speers, regarding a rather extraordinary grant of veto authority to the Governor over a proposal. This amendment would provide that the State Planning Office, that is a branch of the Executive, would be consulted and any proposal would be submitted to them for review and comment, as is the case with regional planning activities.

Finally, I would like to offer as a statement of legislative intent the suggestion that there are two sections of this bill, section 24 and section 23, which deal with variances and performance standards. I believe that the purpose of this legislation, and it is my intent as the sponsor, that any person owning a building lot of record within the corridor on the effective date of this act shall be able to obtain a variance for the construction of a single-family residence on his lot, subject only to such reasonable conditions as may be established by the commission, and that in all events every effort be

made to grant to the owner of a lot of record the right to build a single-family dwelling without any unreasonable limitations on his right to do so.

Mr. President, I move adoption of the amendment as presented.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Senate Amendment "D" to Committee Amendment "A" was Adopted. Committee Amendment "A", as Amended by Senate Amendment "D" thereto, was Adopted and the Bill, as Amended, Passed to be engrossed.

Sent down for concurrence.

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

An Act Relating to Compensation and Specific Periods for Injuries under Workmen's Compensation Act. (H. P. 1173) (L. D. 1510)

Tabled — May 18, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

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

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

An Act Establishing an Office of Early Childhood Development in Maine. (S. P. 515) (L. D. 1639)

Tabled — May 18, 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 previous 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-146, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Reducing Tax on Pari- Mutuel Pools." (H. P. 898) (L. D. 1186)

Tabled — May 18, 1973 by Senator Danton of York.

Pending — Enactment.

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

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its previous action whereby Bill, "An Act Prohibiting the Acceptance of Money for Enrollment of Voters", (H. P. 1270) (L. D. 1645), was Passed to be Enacted.

On further motion by the same Senator, tabled and Specially Assigned for May 23, 1973, pending Enactment.

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

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

Tabled — May 17, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed, Committee Amendment "A" (S-127).

Mr. Katz of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-147, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This errors and inconsistencies bill will be languishing around here for several weeks, and there may be additional amendments. I want the Senate to know I have a specific explanation of every facet of every amendment that is going on in case any of you have questions.

The PRESIDENT: Is the Senate Ready for the question?

Senate Amendment "B" was Adopted.

Thereupon, 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, David H. Stevens, Commissioner of the Maine Department of Transportation, is one of the 10 leading men of the nation in the field of public works; and

WHEREAS, he will be so honored nationally the week of May 20th for his work which "reflects the highest standards of professional conduct;" and

WHEREAS, the roads and bridges spanning our State stand in silent tribute to the characteristic courage and industrious determination of their attentive guardian since 1954; and

WHEREAS, the State is justifiably proud of this man and his many worthy accomplishments which are indelibly marked in over 30 years of distinguished service in its behalf; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature of the State of Maine, now assembled, pause for a moment in our deliberations to congratulate David H. Stevens on this national honor and acclaim and express our gratitude for his excellent service given so generously to his State for more than thirty years; and be it further

ORDERED, that our presiding officers shall cause a copy of this Order to be appropriately presented to Commissioner Stevens on our behalf in full honor of the occasion. (H. P. 1519)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Berry of Cumberland,

Adjourned until 9:30 tomorrow morning.