

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 24, 1973

Senate called to order by the President.

Prayer by Rev. Father Samuel Henderson 3rd of Norway.

Reading of the Journal of yesterday.

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

Bill, "An Act Requiring the Registration of Off-highway Vehicles." (H. P. 1510) (L. D. 1940)

In the House May 18, 1973, Bill Passed to be Engrossed as Amended by House Amendment "A" (H-408).

In the Senate May 22, 1973, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

Mr. Aldrich of Oxford moved that the Senate Adhere.

Mr. Joly of Kennebec then moved that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Joly, that the Senate insist and join in a committee of conference will please say "Yes"; those opposed "No".

The Chair is in doubt and will order a division. As many Senators as are in favor of the Senate insisting and joining in a committee of conference 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 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

**Non-concurrent Matter**

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

In the House May 18, 1973, Passed to be Engrossed.

In the Senate May 21, 1973, the Majority Ought Not to Pass report

Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

**Non-concurrent Matter**

Bill, "An Act Relating to Qualifications for Jury Service of 18-year-old Voters." (S. P. 496) (L. D. 1583)

In the Senate May 22, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-104).

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

On motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending Consideration.

**Non-concurrent Matter**

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

In the House May 17, 1973, Indefinitely Postponed.

In the Senate May 21, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-146), in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: Mr. President there has been, I think, a misunderstanding in the other body on the nature of the amendment, which I think has been cleared up, at least I hope it has, so I move that the Senate adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate adhere. Is this the pleasure of the Senate?

The motion prevailed.

**Non-concurrent Matter**

Bill, "An Act Providing Pensions for Former Governors and Their Widows." (S. P. 363) (L. D. 1077)

In the Senate May 14, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-115)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" There to, - in non-concurrence (H-400)

Thereupon, the Senate voted to Recede and Concur.

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

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

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-438), in non-concurrence.

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

#### **Joint Order**

WHEREAS, occasionally in the course of day to day living our lives are unforgettably touched by the great worth and deeds of a particular person; and

WHEREAS, Carl Ellwood Troutt, O. D., a resident since 1936 of the Town of Mattawamkeag, has so moved the entire community by the merits of his service; and

WHEREAS, in appropriate ceremony the citizens of Mattawamkeag will, on Wednesday, the 23rd day of May, 1973, signify such feelings and appreciation by renaming their only school the "Dr. Carl Troutt School;" now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine pause from their duties to join the grateful citizens in the Mattawamkeag region in acknowledging with pride and appreciation the unrelenting efforts Dr. Troutt has made, both privately and professionally, over a period of many years for the betterment of his community; and be it further

ORDERED, that a suitable copy of this Order be presented to "Doc" Troutt in token of the senti-

ments expressed herein. (H. P. 1531)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **House Papers**

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

ORDERED, the House concurring, that "Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 years Creditable Service," Senate Paper 503, Legislative Document 1587, be recalled from the legislative files to the Senate. (S. P. 633)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SCHULTEN: Mr. President and Members of the Senate: I have requested this consideration to bring a bill back from the legislative files because I feel that somewhere along the line we have perhaps acted hastily, to the point of seeming cynical, arbitrary, and without real concern for the people that we try to represent. Now, I am sure that when we hear from the committee, if the legislature decides to recall this bill, that there will probably be good reason why the action that was taken had justification, but at the moment it is a little bit difficult to understand why such disregard was made possible.

I would like to say at this point that to get the bill back from the legislative files, I am sure everyone recognizes that we need a two-thirds vote. This bill, L.D. 1587, is a Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service. It refers specifically to one Lawrence Eaton, who was a math teacher down in Boothbay Harbor High School, who had nine years and four months of continuous service on which he paid his retirement fees. In January of this year and I don't remember the date — I had only met Mr. Eaton once, I believe, in my life — Mr. Eaton

was killed in a very tragic automobile accident. He left a wife and two children. The children were adopted, but that really is immaterial because the children were a part of the family that Mr and Mrs. Eaton themselves could not have. So I consider that they were part of the family.

Here is a man who had dedicated his life to teaching. If you will read the bill with me, you will find that L.D. 1587 shows that Mr. Eaton actually had 13 years of service in state education, but he had interrupted his service after four years in order that he might pursue further education which would prepare him to be a better teacher to our youth. And being young perhaps, and not knowing about crossing all the T's and protecting our future, he did not realize that this break in his continuity would hurt his retirement benefits. At any rate, after four years he went back to teaching, and since that time has been in the Boothbay Harbor School. He has been a very highly respected member of the school teaching profession down there. He and his wife have been very highly respected people in the community, and they are the type of people that I think, without any concern, we could look forward to having people of that caliber teaching our children and feeling that they would gain immeasurably from the talents that these dedicated teachers could convey.

Now, actually you will find that after nine years and four months, Mr. Eaton, who at that time was paying in \$40.50 a month, had six months to go before his heirs were legally entitled to a pension of \$100 a month. On the back page of L.D. 1587, you will notice that it says something to the effect that there is appropriated from the unappropriated surplus of the general fund to the Maine State Retirement System the sum of \$14,584 to carry out the purposes of this resolve. Now, as far as I am concerned, this is important and it is a lot of money, but actually I don't think it has any bearing on this case at all. This is an interdepartmental transfer of funds, because actually Lawrence Eaton had

paid in nine years and four months of actual deductions from his salary, and had he lived he would have paid in another \$40.50 a month for six months, which is a grand total of \$243 more, and then he would have been entitled to his retirement. So I feel that the \$14,584 figure that is shown on this bill is not relevant to what we are speaking about. We are speaking about a very tragic case that because of an unavoidable accident, left a widow and two children in very tragic, destitute circumstances, and for the lack of six months' deductions, \$243 in toto, we are to deprive this widow and two children of the benefits of the retirement system of the State of Maine.

I don't think actually this is what we really mean when we say that a person has to do this and has to do that to qualify. This person has qualified to the best of his ability. His mistake if any, was to interrupt the service so that he might gain further education himself in order that he could convey it to our own children.

Now, it is surprising at this late date that I stand here and ask you for this two-thirds reconsideration, when the bill actually was heard on April 26th and was reported out in the Senate on May 1st, and here it is May 24th and I am just coming to focus on it. Well, let me say that I unavoidably, and through no control of my own, was unable to be here either on April 26th or on May 1st. I have since, for your information, been looking for this bill because I never conceived that such a bill, and such an item of importance to people in the state, could so callously be put in the legislative dead files without some sort of explanation as to the reasoning behind it. So actually since May 1st I have been expecting the bill momentarily on the calendar. Time has elapsed, and finally three days ago I dug into the fact to actually locate the bill, and I find that this action was taken on May 1st.

I feel that it is a terrible travesty of justice to have this in the condition that it is. However, if the Senate and the other house, after due consideration, feel that the

committee and the legislature have acted in the best interest of the state, I can accept that. But I can't accept our putting it into the files when no one has any inkling of what has happened or what the reasons were for this action. This is what I would like to have brought out in the open, and I would hope that each of you would support this order so that the committee could impart to us the wisdom that led them to make the decision that they did.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage? As many Senators as are in favor of this order receiving passage will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 27 Senators having voted in the affirmative, and two Senators having voted in the negative, the Order received Passage.

Sent down for concurrence.

#### **Committee Reports House**

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

Bill, "An Act to Increase Certain Sea and Shore License Fees and to Provide Additional Money for Purchasing Seed Lobsters." (H. P. 711) (L. D. 917)

Bill, "An Act to Provide for A Maine Scenic and Wild Rivers System." (H. P. 1184) (L. D. 1575)

Bill, "An Act Relating to Preference for Maine Workmen in the Construction of Public Works." (H. P. 1211) (L. D. 1563)

Bill, "An Act Relating to the Land Use Regulation Commission." (H. P. 1350) (L. D. 1881)

#### **Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act Relating to the Sanction and Conduct of Assistants to Physicians." (H. P. 369) (L. D. 498)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Accountability for Charitable Trusts." (H. P. 1305) (L. D. 1739)

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 State Government on, Bill, "An Act Relating to Full-time Prosecuting Attorneys." (H. P. 688) (L. D. 895)

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

The Committee on State Government on, Bill, "An Act to Provide for Full-time Elected District Attorneys." (H. P. 69) (L. D. 82)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Ought to Pass**

The Committee on Judiciary on, Bill, "An Act to Amend the Municipal Official Conflict of Interest Law" (H. P. 620) (L. D. 818)

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 Transportation on, Bill, "An Act Relating to the Registration of Farm Motor Trucks having 2 or 3 Axles." (H. P. 950) (L. D. 1247)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-424).

The Committee on Transportation on, Bill, "An Act Relating to Mirrors on Certain Vehicles." (H. P. 1071) (L. D. 1396)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-423).

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

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

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

The Committee on Transportation on, Bill, "An Act Relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation." (H. P. 382) (L. D. 511)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1520) (L. D. 1950).

The Committee on Legal Affairs on, Bill, "An Act Relating to Abandonment of Town Ways." (H. P. 677) (L. D. 884)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Discontinuance of Town Ways." (H. P. 1522) (L. D. 1952).

The Committee on Business Legislation on, Bill, "An Act to Clarify the Industrialized Housing Act as it Relates to Mobile Homes." (H. P. 866) (L. D. 1154)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1521) (L. D. 1951)

The Committee on Public Utilities on, Bill, "An Act Relating to Location of Certain Facilities in Public Ways." (H. P. 1269) (L. D. 1644)

Reported that the same Ought to Pass in New Draft under same Title (H. P. 1524) (L. D. 1954)

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

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

The Committee on Labor on, Bill, "An Act to Clarify the Definition of Misconduct under the Employment Security Law." (H. P. 1034) (L. D. 1355)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1529) (L. D. 1959)

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

Which report was Read and Accepted and the Bill in New Draft Read Once.

Thereupon, on motion by Mr. Tanous of Penobscot, the Bill and Accompanying Papers were Indefinitely Postponed in Concurrence.

#### **Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act to Remove Certain Restrictions Under Small Loan Agency Law." (H. P. 561) (L. D. 740)

Reported that the same Ought to Pass.

Signed:

Senators:

COX of Penobscot  
KATZ of Kennebec  
MARCOTTE of York

Representatives:

TRASK of Milo  
MADDOX of Vinalhaven  
DONAGHY of Lubec  
O'BRIEN of Portland  
DESHAIES of Westbrook

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

Signed:

Representatives:

TIERNEY of Durham  
CLARK of Freeport  
BOUDREAU of Portland  
JACKSON of Yarmouth  
HAMLEN of Gorham

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

Which reports were Read.

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

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President and Members of the Senate: During the legislative session of 1967, several revisions of the Small Loan Law were passed into law. One was the so-called 36-month restriction. During the 1969 session it became apparent that this may be too

restrictive, and a compromise L. D. was worked out. This bill was vetoed by the Governor, and the following is a quote from the Governor's veto message:

"I find the timing of this legislation most unfortunate. The full impact of the reform legislation passed in 1967, governing loans that are frequently obtained for a three-year period, cannot yet be evaluated. Until the reform legislation has been effective for a sufficient period of time, we would be unable to measure its true impact, and I think it is premature to consider any modification of the 1967 law."

I further quote: "I do not wish to suggest that small loan companies do not play an important role in the financial affairs of our communities. They are often the only source of credit for people because of marginal financial status or cutoff from other sources of credit. Most small loan companies deal with these borrowers in a responsible way. But in return for the risk of providing credit to these marginal borrowers, the state permits the small loan companies to charge a high rate of interest. Indeed, our small loan regulatory laws are, and they remain, favorable to small loan companies."

"I realize and appreciate that the supporters of the bill have sincerely worked to correct features in the law that they believe are hardships to the industry. But I do believe, on balance, that we do need more time to study and evaluate the present law."

Fellow Senators, I believe the time has passed and the results of the 36-month restriction are very apparent now. Of the 117 loan offices in the state in 1967, only 19 remain active today. An industry which once employed 600 people, that made over 53,000 loans, and had outstanding receivables of \$31 million in 1967, now employs 90 people and has outstanding loans of \$6.2 million. The loss to the state in taxes, license fees, salaries, rentals and other monies expended by these companies prior to '67 runs into millions of dollars.

Equally or more important is the loss of a credit source which had been available to the people of Maine which is now for the most part no longer there.

Although the figures I have quoted are from the report of the Bank Commissioner, and are available for review, other studies on the question have been made which further support the contention that the 36-month rule causes undue hardship on the industry and should be repealed.

The National Commission on Consumer Finance reported its findings on the broad picture of Consumer Finance to Congress in January. Part of that report, addressed also to the state legislatures, said greater competition could be expected to bring the same benefits to consumers of credit as it does to consumers of goods and other services. It said greater competition, especially in the cash loan sector, will come about only by repeal of many restrictive laws.

A subcommittee of that National Commission, headed by Dr. George Benston, Professor, Graduate School of Management, Center for Research in Government Policy and Business, University of Rochester, specifically looked into the consumer credit picture in Maine regarding its small loan law and the 36-month rule. He was aided in this research project by Professor Neil Murphy, who supervised the study and conducted a survey of borrowers. The prime recommendation of this comprehensive study is that the 36-month restriction should be repealed. I quote from the introduction of their report:

"During the course of the past 5 years, it has been proven that the effects of this legislation seriously affected the availability of cash credit to a sizeable portion of the state's borrowers. Almost 50 per cent of the borrowers surveyed were unable to obtain new funds from other sources.

"The prime recommendation of this comprehensive study is that the 36-month restriction should be repealed."



The 1967 banking laws were much less restrictive than they are today. The Bank Commissioner indicates that he has sufficient regulations to control this phase of consumer credit.

I believe the bad element of the small loan vendors are gone from the scene and the majority of the Business Legislation Committee believes that the small loan industry deserves another chance under the current regulations. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I would like to say I think passage of this measure would truly be an anti-consumer passage of a bill. I do not think this is in the consumer interest.

The Maine Legislature in 1967 imposed a requirement that small loan lenders collect the entire loan by the end of 36 months measured from the date of the original transaction. Otherwise, the rate of interest on the unpaid balance would automatically be reduced from, say, a maximum of 30 per cent to 8 per cent annually until the loan is fully repaid.

Now, I feel that Maine's 36-month restriction was required to prevent economic slavery. In the past, small loan lenders subjected consumers to long-term obligations, charging interest as high as 30 per cent annually for extended periods sometimes as long as 13 years. Interest payments were absolutely staggering.

All attempts to repeal this 36-month restriction have failed, despite well financed and well organized attacks mustered by the small loan lenders at every general and special session since 1967. I suspect ultimately it will meet the same fate in this building.

The 36-month restriction has been extremely beneficial to Maine consumers and the public generally. First, I think credit is easily obtained today at much lower cost. Maine's volume of installment credit has increased from \$258 million in 1967 to \$412 million in 1972, 95 per cent of which is now ex-

tended by banks, credit unions, and retailers who charge a much lower interest rate.

As far as I know, no loan sharks have invaded Maine, despite the reduction of small loan lenders and despite their contentions that we were going to be flooded with loan sharks. I know from my own experience as County Attorney for two years in Cumberland that not one case was brought to our attention.

A 50 per cent drop in Maine's volume of bankruptcy proceedings, which is three times greater than the national reduction, has occurred since the enactment of this 36-month restriction. Most of you people in this Senate are businessmen, and I should think you would think that would be a very good thing.

Maine's economy has not suffered, because other financial institutions now employ more persons and pay higher taxes to the state and federal government. As I understand it, Maine banks, merchants, and other lenders who extend nearly 95 per cent of consumer credit favor passage of the Maine Consumer Credit Code, which I understand further includes a 36-month restriction. As I understand it, again, only a tiny minority of the small loan companies and industrial banks, which charge the highest rates of interest, object to this widely accepted legislation, this legislation that has worked very well since 1967.

So I would move the indefinite postponement of this bill and both reports, and I would ask for a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that Bill, "An Act to Remove Certain Restrictions under Small Loan Agency Law", 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 is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act to Remove Certain Restrictions under Small Loan Agency Law", be indefinitely postponed in concurrence. 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, Berry, Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Greeley, Kelley, Morrell, Sewall, Shute, Speers, Tanous, Wyman.

NAYS: Senators Anderson, Cox, Cummings, Graffam, Hichens, Huber, Joly, Katz, Marcotte, Minkowsky, Olfene, Peabody, Richardson, Roberts, MacLeod.

ABSENT: Senator Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, the Bill and Accompanying Papers were Indefinitely Postponed in concurrence.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move reconsideration, and hope the Senate will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby Bill, "An Act to Remove Certain Restrictions under Small Loan Agency Law", was indefinitely postponed. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

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

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding." (H. P 1000) (L. D. 1319)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1525) (L. D. 1955)

Signed;

Senators:

CUMMINGS of Penobscot  
ANDERSON of Hancock

Representatives:

MULKERN of Portland  
GENEST of Waterville  
CONLEY of So. Portland  
CHICK of Sanford  
MADDOX of Vinalhaven  
KELLEHER of Bangor  
TRASK of Milo  
LITTLEFIELD of Hermon  
MURRAY of Bangor

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

Signed:

Senator:

CYR of Aroostook

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

Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act Providing Free Licenses for Passamaquoddy Indians to Dig Clams on Reservation Lands." (H. P. 1016) (L. D. 1335)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HUBER of Knox

Representatives:

WEBBER of Belfast  
DAVIS of Addison  
LEWIS of Pemaquid  
GREENLAW

of Stonington

KNIGHT of Scarborough  
SHUTE

of Stockton Springs  
BUNKER of Gouldsboro

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass.

Signed:

Senators:

RICHARDSON

of Cumberland

DANTON of York

Representatives:

MULKERN of Portland

BROWN of Augusta

LaCHARITE of Brunswick

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

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

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Require Returnable Beverage Containers." (H. P. 1289) (L. D. 1674)

Report that the same be referred to any Special Session of the 106th Legislature held in 1974 or to the 107th Legislature.

Signed:

Senators:

JOLY of Kennebec

ALDRICH of Oxford

ROBERTS of York

Representatives:

COTE of Lewiston

PECTEAU of Biddeford

FAUCHER of Solon

SHAW of Chelsea

DUDLEY of Enfield

CAREY of Waterville

BRAWN of Oakland

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

Signed:

Representatives:

EMERY of Rockland

CONNOLLY of Portland

SHUTE

of Stockton Springs

Comes from the House, the Majority report Read and Accepted and the Bill referred to any Special Session of the 106th Legislature held in 1974 or to the 107th Legislature.

Which reports were Read.

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

Mr. JOLY: Mr. President and Members of the Senate: I thought I had some tough bills before this one came up, but this is the roughest one we have had this year, and I would like to say a few words for the record.

No. 1, there has been a lot of publicity that the crowds that were there had some influence on the members of the committee. This bothers me because in the few months I have been a member of this Senate I have got to know a lot of the members of the other body, and I find they are all men and women of integrity. I don't think, and I doubt very much, that they are influenced by numbers of people that show up at hearings. I think we all know that these hearings are held for the benefit of the members of the committee to hear both sides of a bill so they can then in their best judgment make a decision. That is what they are for.

Occasionally we ask for the people in the room to stand up on one side or the other. This again is not to give us an idea how to vote. Many times people come all the way from Kittery or from Aroostook, and when there are five or six hundred people at a hearing they certainly cannot all speak. We let them all speak as much as we possibly can, and I know all the chairmen of committees do this. But at least if we let them stand for one side or the other, they have indicated their position and that is something for their long trip. But this again does not influence the people on the committee.

This particular bill would have had a lot of repercussions if it had passed to a lot of people on both sides. There were great intense feelings on this bill on both sides. It was the judgment of the majority of the committee that in view of the fact that two other states - one especially - had legislation almost identical to this one, and they had not really had a chance, the opportunity, to find out how they worked, but that we will have this opportunity by the next special session about a year from now, or a year from last January, that it would really be wrong, erroneous on our part, or irrespon-

sible you might say, for us to go ahead and jump into something when by waiting for a year we would have some opportunity to have something that we could work on.

Now, if a year from now the highways of Oregon are cleaned up to any degree, and not too many businessmen have really gone out of business because of this particular reason and not because of other reasons, I think with a general look at this we might say, well, this is good legislation so let's go ahead and do it. If, on the other hand, it doesn't clean up the highways, or it doesn't do so appreciably, and at the same time raises prices to consumers, maybe then another alternative will have to be found. For that reason, the majority of the committee voted to refer it to the next special session. We didn't refer it to the next regular session because, in a way, we would be ducking it then. We all will still be members here next January, if we are still living, and I hope we all are, therefore, we will have this right before us again and will have to vote on it; we are not ducking it. For that reason, we did what we did. The other body went along with it, and I now move that we adopt the Majority Report.

The PRESIDENT: The Senator from Kennebec, Senator Joly, now moves that the Senate accept the Majority Report of the Committee whereby this bill be referred to any special session of the 106th Legislature held in 1974, or the 107th Legislature.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I would like to address myself more to the public hearing than the nature of the bill.

The Senator from Kennebec, Senator Joly, is a first-term legislator who I think has distinguished himself with carrying an extremely heavy load this session and handling it well and professionally. Now, the day of the hearing pointed up more than anything else the inadequacy of the State House complex's ability to handle large numbers of people,

and on that day I sympathized with him and I am sure the other members of the Senate sympathized with him. And I think that the criticism of the conduct of the hearing was uninformed and certainly unjustified. I, for one, was proud of the fact that a first-term Senator could handle this extraordinary situation, keep his cool, and give everybody a chance to at least speak or stand and vote on a very difficult subject.

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

Mr. RICHARDSON: Mr. President, I would direct an inquiry to the good Senator from Kennebec, Senator Joly. Should I understand, and the members of the Senate understand, from his statement here before the Senate this morning that we have an unequivocal assurance from his committee that this legislation will be considered again at the first or a subsequent special session of this legislature?

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

Mr. JOLY: Mr. President, in answer to the question of the good Senator from Cumberland, Senator Richardson, we understood that we couldn't put it just "special session" because there might not be one. Under our present law, we might not have a special session next year. That is the reason for this reading. But as far as we are concerned, this is a special session where it could be brought up. Of course, I suppose it is up to the leadership and Reference Committee to make sure but, if I am around, I will insist that this be brought up.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Report of the Committee whereby this bill be referred to any special session of the 106th Legislature in concurrence?

The motion prevailed.

#### **Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Schools Teach-

ing Real Estate Subjects." (H. P. 388) (L. D. 517)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1517) (L. D. 1944)

Signed:

Senators:

COX of Penobscot  
MARCOTTE of York  
KATZ of Kennebec

Representatives:

JACKSON of Yarmouth  
MADDOX of Vinalhaven  
BOUDREAU of Portland  
DESHAIES of Westbrook  
TIERNEY of Durham  
CLARK of Freeport

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

Signed:

Representatives:

TRASK of Milo  
DONAGHY of Lubec  
HAMBLÉN of Gorham  
O'BRIEN of Portland

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

Which reports were Read.

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

Mr. BERRY: Mr. President, I would like to ask any member of the Committee to explain the bill. I know that the teaching of real estate courses is a non-formal procedure, to a certain extent, in the State of Maine. I know that the real estate people are attempting to upgrade themselves. I know that the University of Maine offers courses in real estate, license examination instruction, and I know that there is at least one very, very good course operated by an individual outside the pale of any control by the state.

I hope this is not an attempt to formalize what is really an informal operation or an attempt to restrict unduly the licensing of real estate salesmen. I would like to have an explanation, if it is possible, from a member of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the

Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President, the bill does exactly what Senator Berry related in the first part of his statement; it is an attempt to upgrade the profession. But the Commission finds that many more schools are being opened offering real estate courses, and they have the fear that they will offer subjects that are not germane to the examination that the Commission does provide and, where many new people are coming into the program, they wanted to have some control of the situation.

This bill is watered down from the original bill. Furthermore, it excludes the University of Maine or other higher educational institutions. It is geared at the small individual or fly-by-nighter that would come in, have several hundred in a class, and take off before you know the results or how his customers made out on the examination. It is an attempt to control the educational courses, and it is not restrictive.

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

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

### Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act to Create a Maine Agricultural Bargaining Board." (H. P. 782) (L. D. 1014)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1511) (L. D. 1941)

Signed:

Senator:

CYR of Aroostook

Representatives:

EVANS of Freedom  
ROLLINS of Dixfield  
BERRY of Buxton  
MORIN of Fort Kent  
HUNTER of Benton

ALBERT of Limestone  
COONEY of Sabattus

The Minority of the same Committee on the same subject matter reported that the same be referred to the next Legislature.

Signed:

Senators:

PEABODY of Aroostook  
HICHENS of York

Representatives:

PRATT of Parsonsfield  
MAHANY of Easton

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-435).

Which reports were Read.

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

Mr. HICHENS: Mr. President and Members of the Senate: We have before us this morning one of the most controversial bills that has been before us this session.

L. D. 1941 is a redraft of a bill heard in two lengthy hearings before the Agriculture Committee. In between the two hearings, and by the time the Committee met in executive session to discuss the bill, fourteen amendments had been made to the original bill. Even then there were reports from several groups of farmers all over the state that the amendment did not take care of all the problems involved. Appointed and self-appointed representatives of farmers' organizations pressured the Committee members to give support to the redrafted bill, L.D. 1941. Hundreds of farmers across the state were not contacted and only knew what they read in the newspapers which, to my knowledge, has been very little.

The Farm Bureau, of which I am a member, has urged farmers belonging to their organization to support the bill. Several farmers who have contacted me will not be affected in any way but, in true allegiance to the organization, support the bill. The Maine Poultry Improvement Association, of which I have been a member for many years, has opposed the measure.

With these thoughts in mind, four members of the Agriculture Committee decided that the bill merited

in-depth study before becoming law and binding the farmers to something that they may not really want.

Several of these same farmers two years ago supported the subdivision laws to keep out-of-state developers from controlling Maine lands. After the laws became effective, these same farmers find that the subdivision laws restrict them from selling lots from their properties, restrict them in other ways, and also adds to their taxes. Repeal measures are already before this session.

To be reasonably sure that these same farmers aren't hurt again, the minority of the Committee on Agriculture urge that L.D. 1941 be studied by the Agriculture Committee or a research committee, and that a report be made for consideration in the 107th Legislature. An order to that effect will be presented, if the Minority Report is accepted. I, therefore, urge you to accept the Minority Report of the Committee.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate accept the Minority Report of the Committee whereby this bill be referred to the next legislature.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: This bill is a very controversial bill, as you have just heard Senator Hichens mention to you. It also had two hearings and was very well represented at both of these hearings.

It is true that there were 14 amendments that were presented for consideration of the committee. Those amendments were brought in to try to make the bill palatable to the processors and also to define some of the terms that were used. As a result of that, instead of bringing out the bill with all of these amendments, a redraft of the bill was brought in, which is the bill that we are considering right now.

Now, in essence, the heart of the bill states that both parties shall bargain in good faith. What is wrong with that? Both parties shall bargain in good faith. And both

parties can bring in a complaint against the other party if the other party does not bargain in good faith. It will protect the processors as well as it will protect the farmers.

If the organization, the association, which has been qualified by the board, decides to insist on conditions that are not realistic, conditions that would possibly drive the processors out of business, then that organization is not bargaining in good faith. The processors may, in turn, bring a complaint against the organization. And the reverse is true: if a processor doesn't want to look at the situation realistically, he wants the farmer to subsidize his raw material, then the organization, the association representing the farmers, may bring in a complaint.

Now, there are safeguards on both sides. First of all, an agricultural board has to be organized to supervise the bargaining maneuvers. Now, the structure of this board is this: the processing industry will submit a list of names to the Commissioner of Agriculture, from which list the Commissioner will appoint two board members representing the processing industry. On the other side, all of the agricultural organizations, such as the Farm Bureau, such as the Potato Council, all of the organizations, will submit a list of names to the Commissioner of Agriculture, from which list the Commissioner will pick two members for that board representing the farmers, so you have a board composed of two members representing the farmers and two members representing the processors. The fifth member, who represents the public at large, is picked from a list of names, at least three names, submitted by these four members that have already been appointed by the Commissioner.

A list of three names has to be submitted to the Commissioner for his consideration and the commissioner will pick one name, who will be the chairman and will be the public member. So, as you see, you have protection on both sides. The industry is represented by two members, the farm organizations

are represented by two members, and the public is represented by one member as chairman.

Now, any organization that will bargain for the farmers has to be qualified by this bargaining board, and they have to have, the producers of that commodity — now, this doesn't apply to all the commodities in agriculture; it is only the commodities that they want to be represented — and they have to have a referendum vote of the producers of that commodity. And at least 51 per cent have to vote for that association to represent them at the bargaining board. So all along the line you have safety and you have protection.

Now, can you imagine a bunch of farmers mortgaged up to the neck trying to pressurize these processing industries into something that they don't want? This is purely asinine. But this is what you have been submitted to in the last few days in their saying that if this bargaining board goes through that some of these processors are going to be driven out of business. Well, I know that they have had bargaining for the last six years and none of the processors have gone out of business. And the producers have obtained a 47 per cent increase.

Now we have this same type of pressure in this telegram right here, which was just delivered to your desks right now. This is from a processor in Canada who is injecting his own interference into the political field of the State of Maine. It is unheard of. You can pick up almost any Canadian newspaper and see where they deplore the fact that Canada is being run by American business. Now here you have the reverse. You have Canadian business injecting itself into American politics. I will read some of these excerpts here and I will tell you my thinking on it.

First of all, it says "We are substantial buyers of Maine potatoes and last year purchased some 330,000 barrels or 1,100 car loads of Maine potatoes." This outfit here is an exporter, particularly an exporter to South America. Most of these potatoes here represent exports to South America

that were possibly bought in the State of Maine. The reverse is the truth. Canada exports into the United States a lot more than the United States or Maine exports into Canada. This is only for export, export to other countries. Why have they come and bought in Maine? Because there is a shortage of potatoes, that's why. They are trying to tell you that they are a customer, but they are not a customer. The only time they buy from Maine is when they are stuck and can't find any anywhere else.

"In our opinion, Act 1941 will make the State of Maine by far the most difficult place to buy and process potatoes of all the areas and countries in which we deal. With respect, we suggest that you consider this bill most carefully, because we believe the net results could be a smaller and less secure potato industry in Maine." Could be a smaller and less secure potato industry in Maine? These are the facts: Since the 1950's, we had 3,000 farmers in Aroostook County, and now we are lucky if we have 1,200.

If this bargaining bill doesn't go through, you are going to see within the next two or three years another drop of at least 400 or 500 farmers, potato farmers, in Aroostook County. That is what you are going to see. And who is picking up that land? Mostly the processors. And a less secure potato industry. Less secure? My Lord, 95 per cent of the potato farmers in Aroostook County are mortgaged up to their necks. How much more insecure can you get?

"We would suggest that legislation in Maine first await the successful implementation of such legislation in states like Idaho and Washington where both growers and processors have a better marketing posture. Maine is not in a strong marketing position selling its potato crop." I agree 100 percent with their statement. Maine is not in a strong marketing position selling its potato crop. Why? Exactly because we don't have legislation to protect the farmers, while in Idaho, I just mention to you, that they have had a very good bargaining organiza-

tion although they have the same bill before their legislature for consideration this year. And in Idaho, I just mention to you, there were no processors that went out of business, and their gross increase to growers has been 47 per cent in the last six years. If we had had that here, we would have had less mortality in the State of Maine, in Aroostook County.

I am particularly addressing myself to the potato industry because that is the industry I know, and I also would like to establish my credibility with you. Between 1965 and 1969 I helped to organize and I managed the United Potato Producers of Maine, which was a bargaining organization. And I wish to God we would have had this legislation so we could have done some actual bargaining, actual negotiations. Instead of that, all we created was a dialogue with no business interest at the end of it. The only worth that we had at that time was psychological, with the newspapers, the pen; my writings, in writing and exposing the tactics of these processors, and acquainting the farmers with the crop reports and the favorable conditions of these crop reports. That is the only weapon that we had.

Now, some have mentioned, for instance, that we already have on the books the Volstead Act, which is bargaining legislation. It is true, the Volstead Act was passed in 1928, or approximately 1928, and never used until the late 50's when the N.F.O., the National Farmers Organization, picked it up for its bargaining base. Well, what is the Volstead Act? The Volstead Act enabled the farmers to get together, to group together, to set the price of their commodities without violating the antitrust law. Now, that is as far as it went. The N.F.O. blocks its commodities, and then once it has blocked its commodities it goes to a processor or goes to a buyer and tries to negotiate from strength. In other words, instead of having 5,000 barrels of potatoes to sell, you may have 50,000 barrels of potatoes, and that is the only strength they had.



Now, this bill here, the only thing it does is to require both parties to bargain in good faith. And I say to you, gentlemen, after we have amended the bill, in trying to satisfy both sides, the processors then change their tactics. They saw they were defeated, so they said "Well, now let's send this for research; let's send this to the 107th." Well, you know what that means. That means "Let's kill the bill, boys. Let's kill it and knock the bargaining out by doing it."

Mr. President, in conclusion, I would like to ask for a roll call, and hope that you defeat the motion that is before the Senate to accept the Minority Report. Then I will make a motion to accept the Majority Report.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Peabody.

Mr. PEABODY: Mr. President and Members of the Senate: This bill, L. D. 1014, to create a Maine Agricultural Bargaining Board, was first heard on March 14th by a large crowd that filled Room 114 and the hallway in the state office building. We listened to both the proponents and opponents for two and a half hours. I understood that there were amendments to be added to the bill and I asked for a recess. I told the group there that this bill would be heard again and I hoped to have a larger room.

The bill was readvertised and heard again on March 28th at the Civic Center. 239 were there. The hearing was three and a half hours. Again, more amendments were added. Since that date other amendments have been added. I believe at this time that the farm producers or the processors do not know just what this bill does or will do.

Because I am a farm implement dealer, and grow potatoes, also, I have had close contact with the potato farmers in my area. During the last seven weekends I have talked to many potato growers with regard to this bargaining bill. 90 per cent of the growers didn't know anything about this bill or what it will do.

Should this bill pass, we will be the only state in the union that has such a law. The federal government turned down a bill similar to this, and as about 70 per cent of our farm products go out of the State of Maine, I feel that a federal law should come first.

Here in Maine we have at least five different farm producers coming under this bill. I feel that a separate bargaining board should be set up for each group of farm producers.

A good example of this is an article that appeared in the Bangor Daily News on May 8th, by Terry St. Peter of Presque Isle, and I quote: "An Agricultural Bargaining Council has already been set up for the potato growers and a bargaining agreement has already been made by the potato producers and two processors. Maurice Miller, the Executive Vice-President of the Bargaining Council said 'For all practical purposes, we have won the war.'" This statement I don't think should have been made, "won the war".

I would like to say at this time that the second bloodless Aroostook War is over, because in yesterday's Bangor Daily News Mr. Miller said: "All active processing firms in Aroostook County have made settlement with the Agricultural Bargaining Council as of last Thursday."

I have a letter here from the Maine Poultry Industry Association, which I would like to read at this time.

"Arnold S. Peabody, Chairman of the Agriculture Committee.

"Dear Sir:

"This letter is being written on behalf of the Maine Poultry Industry Association in reference to Bill L. D. 1014. At the recent Directors meeting of the M.P.I.A., the Directors devoted considerable time to the legislative proposal. The following motion was duly moved, seconded and voted at the meeting:

"The Maine Poultry Industry Association does not believe that any one bargaining bill can be effective for all agriculture within any one state such as the State

of Maine.' Sincerely yours, Paul C. Harris, Secretary."

Mr. President and Members of the Senate: This is a poorly drafted bill, a bill that had already 14 amendments before coming out of Committee. Because of so many amendments, L. D. 1014 has come out in new draft, L. D. 1941. Attempts have been made to correct these problems, but they have not all been straightened out at this time.

More study should be given this bill before such a major undertaking becomes law in the State of Maine. There is no emergency which presently exists at this time in Maine which requires the immediate passage of this bill.

I hope the members of this body will go along with the Minority Report to refer L. D. 1941 to the 107th Legislature after it has been to a committee for study. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: To answer my good friend and colleague from Aroostook, Senator Peabody, I think we have to understand exactly what we are creating here.

This bill creates an Agricultural Bargaining Board - that is all it does - an Agricultural Bargaining Board of five people. And I explained to you the structure of that Bargaining Board a while ago. Now, for a commodity to come in for bargaining, they have to have a referendum vote of the farmers of that commodity, and they have to have at least a 51 percent vote of those producers.

Now, this Bargaining Board will have nothing to do with the actual bargaining with the processors. All that this Bargaining Board will do is supervise to make sure that both sides are bargaining in good faith. That is all that this bill does. So why wait? You are not going to create half a dozen boards. You are not going to create a board for potatoes, a board for poultry, and a board for anything else. You are just going to have one bargaining board. And the processor will only deal with the association or

the organization that has been qualified by the board. There is no reason for them to bargain with an organization that hasn't been qualified. And those qualifications are pretty stiff. Then the organization will have to write its rules and regulations for the bargaining for the product that they are going to represent. So in that case, at that time they can adapt their own program to the commodity that they are representing.

Now, this plea to try to send this to the 107th is a new device of the processors to kill this bill. We have been presented before with bargaining legislation, and this is the closest that it has come to reality. So let's not disappoint these hundreds and thousands of farmers in Aroostook County and the rest of the State of Maine. Let's not disappoint these people.

Senator Peabody also mentioned that he has been approached by several farmers in his area and they were opposed to it. Well, that is understandable, because there are very few farmers in the Houlton area that sell to the processors; they are too far away. I have some letters and some cards in my drawer here, if any one of you wants to go through them, and I will show you the farmers that are in favor of it. I can even show you some farmers from Senator Peabody's district that have written to me and are in favor of it. So let's not get fooled on this. They are trying to tell us that this poor little mortgaged farmer is a threat to the processor, the million dollar processor. Well, let's not get fooled on it.

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

Mr. TANOUS: Mr. President and Members of the Senate: This matter has been well debated this morning, and I hesitate to stand up and debate on the bill. I guess I am caught in between, and it would probably be better for me to sit down or just take a walk on this particular bill, but I guess if I took a walk or just sat down I wouldn't feel proper about expressing to you my thoughts on this subject matter.

The only reason, I guess, that I do want to express my thoughts on this subject matter is because at the 104th session of the Legislature, Senator MacLeod was the presiding officer at that particular session, and he named me Chairman of the Labor Committee. I enjoyed that very much and thought it was very educational. When the 105th came along, I felt that I wanted to go into another area perhaps, but Senator MacLeod again wanted me as Chairman of the Labor Committee. I felt, well, I have done my job in being chairman of two very busy committees, and I had fully intended to come back to this session and relax a little bit and enjoy some of the social life that some of us care to enjoy. But Senator MacLeod, for some reason or other, I guess, tried to get even with me and again appointed me Chairman of the Labor Committee. But I will say this to my good friend, Senator MacLeod, that I received an education on this Labor Committee that no college or law office would have ever given me.

For that particular reason, I guess, I reviewed this bill a couple of nights ago, and I have listened to the debate here this morning, and I must say that it is difficult to listen to two sides and agree with both parties, but I do. I agree with Senator Hichens from York, Senator Cyr from Aroostook, and Senator Peabody from Aroostook. It is unusual to be able to sit here and listen to debate and fully agree with both sides, because you are all correct in your conclusions.

When you look at the purposes of such a bill - and I would like to read just a line from it: "Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free" - and that word "free" is important - "to join together voluntarily in cooperative organizations as authorized by law. Furthermore, membership by a farmer in a cooperative organization can only be meaningful, if the handler of

agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of the members of such organization who have had a previous course of dealing with such handler", and so on. This is the concept of this bill, and it is not a new concept. Senator Peabody, I hate to disagree with you, but there is a bill like this in Michigan that has been enacted and approved by the Governor on January 9th of this year. It is somewhat similar to this particular bill.

But the concept is good. Collective bargaining in any area is good. When individuals, either labor or in the agricultural field, or any other field, individually cannot perform adequately to earn a livelihood, when as individuals they are unable to negotiate fairly and equitably with people, then the alternate course to this is organization. And I see nothing wrong in organization when it is done properly, legally and equitably.

Now, this is what this bill attempts to do. Unfortunately, again, as I say, because of my experience in the labor field, I have run into very many problems with the bill, as Senator Peabody and Senator Hichens have mentioned. There is no question in my mind that on Page 5 of this particular bill, under No. 7, when you talk about a hearing, that this section doesn't adequately provide a manner in which an individual is going to have a hearing, such as method of service of a complaint upon an individual. This particular section attempts to give an administrative board authority or a right, as we presently recognize in our superior courts, to act with complaints - as most of you lawyers are aware, in the superior court you serve a complaint upon an individual and have him answer within so many days - this is what this bill attempts to do when there are violations, serve a complaint against an individual. And in my opinion, it doesn't adequately provide for the method in which this is going to be done: the number of days required to answer the complaint, the meth-

od of the hearing to be conducted. It fails to provide for a record of hearing, and yet later on, on an appeal to the superior court, it mentions in subsection 1959 on Page 6 the appeal to the superior court and it talks about a record, when there is no record. At least, there is no request for a record at the hearing level.

At the hearing level also you will find a very unusual procedure, which I haven't seen in the State of Maine. It permits an administrative body to grant damages to a complaining party against another individual. Under the ordinary circumstances, you would grant some relief in the injunctive area; not dollars and cents. This is usually a matter for your judicial tribunals to handle.

So there are problems; no question about it. But the concept is good, and there is no question about that either. As I mentioned to you, I am caught in a quandary on this bill, and I'll tell you what I am going to do. I am going to oppose the motion of my good friend, Senator Hichens, this morning, and I will support the Majority Report of the Committee, to try to keep the bill alive. I am going to take this bill home — I was in hopes of spending this weekend with my family, but I am willing to take this bill home and try to work it out, if we accept the Majority Report today and perhaps table it until next Tuesday — that is, I would like to come back next Tuesday perhaps with a proper amendment to see if we can't really get this bill in shape so it will be a good bill and a workable bill. Other than that, I support entirely the concept of the bill. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would rise to support the good Senator from Aroostook, Senator Cyr. As I look at this bill, I see it as an act designed to give Maine farmers an opportunity to have some real bargaining power. Now farmers, as I understand it, pro-

duce one of the greatest resources of this state, in the neighborhood of a billion dollars worth of agricultural products. But while the farmers produce this wealth, they have very little voice in determining the value which they will receive from it. Farmers must acquiesce in the prices and the contract terms proposed by the processors, and often for the heavy investment outlay necessary to secure the means of crop production since a great many small independent farmers do not have the financial means to make this investment independently. Consequently, the farmers creditors and his tight liquidity position leave him very little room for bargaining.

Moreover, since the producers are small, independent operators, and the processors are large corporations, there is an inherent inequality of bargaining power. The produce buyers always control the market because they have the only outlets for sale, and the farmers never control the market because any single one or any small group of farmers can be excluded from the market without any real economic hardship to the processors.

I don't believe this is any attempt at any abstract economic analysis, but it is a description of a very real, a very real important social and economic situation that exists in Maine today. The result of these economic relationships between the producers and the processors, in effect, is a sort of agricultural serfdom. It has resulted in the consolidation of small independent farms into large corporate farm units. It has resulted in small farmers being squeezed out of business by contracts imposed by the will of the processors alone. It has resulted in tax losses to farm communities and consolidation of operations since there is the same necessity for buildings. It has resulted in the loss of farms and farm population, and a loss of opportunities for the next generation of Maine people to engage in a life of farming.

All of these consequences of the present economic relationship be-

tween farmers and processors imposes a heavy cost on Maine society and the Maine economy.

I think our first concern in this area should be the economic well-being of the independent farmers. We should be concerned with the basic inequity and unfairness of their relationship now with the processors. As far as I see it, this act is designed to reflect that concern. This act is designed to provide a mechanism for redressing the unequal bargaining relationship that now exists between these two groups.

I think, in essence, this act brings to agricultural bargaining the principles of collective bargaining that have proved a substantial success in labor bargaining over the last forty years in giving workers a voice in determining their wages and their standards of living. I think that is what this does; it tries to give to the small independent farmers what labor has enjoyed now for some forty years, and I think the country has been the beneficiary. So I would urge you strongly to vote against the motion, if it is the motion, to accept the Minority Report, so that you could then vote to accept the Majority Ought to Pass Report.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Report of the Committee whereby this bill be referred to the next legislature. 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 York, Senator Hichens, that the Senate accept the Minority Report of the Committee on Bill, "An Act to Create a Maine Agricultural Bargaining Board". A "Yes" vote will be in favor of

accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Berry, Cox, Hichens, Katz, Marcotte, Olfene, Peabody, Schulten, W y m a n , MacLeod.

NAYS: Senators Aldrich, Anderson, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Huber, Joly, Kelley, Minkowsky, Morrell, Richardson, Roberts, Sewall, Shute, Speers, Tanous.

A roll call was had. 10 Senators having voted in the affirmative, and 23 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 Read Once. House 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 Legal Affairs on, Bill, "An Act to Amend the Snowmobile Laws." (H. P. 787) (L. D. 1039)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-410).

Signed:

Senators:

JOLY of Kennebec  
ALDRICH of Oxford  
ROBERTS of York

Representatives:

FECTEAU of Biddeford  
EMERY of Rockland  
SHUTE

of Stockton Springs  
SHAW of Chelsea  
COTE of Lewiston  
CAREY of Waterville  
CONNOLLY of Portland

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

Signed:

Representatives:

FAUCHER of Solon  
BRAUN of Oakland  
DUDLEY of Enfield

Comes from the House, the Majority report Read and Accepted

and the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "B" Thereto (H-439).

Which reports were Read.

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

#### **Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Register and License Dispensing Opticians." (H. P. 1233) (L. D. 1610)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOLY of Kennebuc  
ALDRICH of Oxford  
ROBERTS of York

Representatives:

COTE of Lewiston  
FAUCHER of Solon  
CAREY of Waterville  
BRAWN of Oakland  
SHAW of Chelsea  
SHUTE

of Stockton Springs  
EMERY of Rockland  
FECTEAU of Biddeford  
DUDLEY of Enfield

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

Signed:

Representative:

CONNOLLY of Portland

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

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

#### **Senate**

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act

Appropriating Funds for Medical Care Development, Incorporated." (S. P. 468) (L. D. 1496)

Reported that the same Ought to Pass.

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

#### **Ought to Pass As Amended**

Mr. Clifford for the Committee on County Government on, Bill, "An Act Relating to Books for Recording in Office of Register of Deeds." (S. P. 63) (L. D. 166)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-158)

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

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

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Consumer Goods." (S. P. 312) (L. D. 978)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Goods or Products" (S. P. 631) (L. D. 1963)

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act to Revise the Laws Relating to the Practice of Optometry." (S. P. 361) (L. D. 1107)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 632) (L. D. 1964)

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

#### **Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches." (S. P. 344) (L. D. 1043)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

DUNLEAVY

of Presque Isle  
PERKINS of So. Portland  
CARRIER of Westbrook  
McKERNAN of Bangor  
WHEELER of Portland  
HENLEY of Norway  
GAUTHIER of Sanford

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

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

BAKER of Orrington  
WHITE of Guilford  
KILROY of Portland

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

### Second Readers

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

#### House

Bill, "An Act Relating to Forcible Detainer of Personal Property." (H. P. 141) (L. D. 174)

Bill, "An Act Repealing Certain Laws Relating to Actions by Shareholders." (H. P. 313) (L. D. 174)

Bill, "An Act Relating to Jurisdiction in Subpoena of Judgment Debtor under Enforcement of Money Judgments Law." (H. P. 591) (L. D. 782)

Bill, "An Act Relating to Removal of Private Nuisance by Owner or Occupant of Private Property." (H. P. 593) (L. D. 784)

Bill, "An Act Relating to Dragging of Scallops in Blue Hill Bay." (H. P. 880) (L. D. 1167)

Bill, "An Act to Amend the Charter of Stonington Water Company." (H. P. 1488) (L. D. 1917)

Bill, "An Act Relating to Research, Development and Cultiva-

tion of Marine Species." (H. P. 856) (L. D. 1143)

Bill, "An Act to Insure that Citizens are Granted Due Process of Law by Governmental Agencies." (H. P. 1518) (L. D. 1947)

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

### House - As Amended

Bill, "An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax." (H. P. 1068) (L. D. 1393)

Bill, "An Act Relating to Criminal Contempt for Failure to Pay Alimony and Support of Children." (H. P. 359) (H. P. 474)

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 469) (L. D. 617)

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

Bill, "An Act Relating to a Minimum Warranty Standard for Mobile Homes." (H. P. 924) (L. D. 1222)

Bill, "An Act Relating to Certain Disclosures in the Solicitation of Charitable Contributions." (H. P. 1344) (L. D. 1778)

Bill, "An Act Relating to Motorcycle Operators' Licenses." (H. P. 1097) (L. D. 1434)

Bill, "An Act Adopting Emission Regulations of the Department of Environmental Protection." (H. P. 1146) (L. D. 1595)

Bill, "An Act Regulating Mass Marketing of Casualty and Property Insurance." (H. P. 1489) (L. D. 1913)

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

### Senate

Bill, "An Act Relating to Mobile Home Parks." (S. P. 630) (L. D. 1956)

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

Sent down for concurrence.

Bill, "An Act Regulating the Interception of Wire and Oral

Communications." (S. P. 377) (L. D. 1108)

Which was Read a Second Time.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-161, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This amendment divides the bill in two. The bill in its original form, which was unacceptable to the Committee on Judiciary, contained an absolute prohibition against wiretapping, but with a provision that under certain restricted conditions the Attorney General might make application to the courts for a specific authority in a specific case to use wiretapping. This amendment strikes out that section. And if you accept this amendment, you will be outlawing all bugging and wiretapping in the State of Maine.

If you accept this amendment, I would hope that somebody would subsequently table for further consideration or passage to be engrossed until the next legislative day, because if we don't we will create substantial havoc with the telephone company. Somewhere on the route to amendment an exception for the telephone company's normal day to day operations is not included, and should be. But, under the circumstances, I would move adoption of this amendment, and will take care of the telephone company tomorrow.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Adoption of Senate Amendment "A".

#### Senate - As Amended

Bill, "An Act Establishing the Maine State Student Incentive Grants Program." (S. P. 539) (L. D. 1758)

Resolve, to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan. (S. P. 542) (L. D. 1694)

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

Sent down for concurrence.

Bill, "An Act to Create the Department of Business Regulation". (S. P. 350) (L. D. 1102)

Which was Read a Second Time.

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

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

Senate Amendment "A", Filing No. S-160, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: When this bill was reported out of the Committee on State Government as amended by the Committee Amendment, as I mentioned yesterday in debate, this puts two of the existing departments together into the Department of Business Regulations: the Department of Insurance and the Department of Banks and Banking. It creates a Commissioner of the Department of Business Regulations, and there is what is called a Superintendent of the Bureau of Banks and Banking and a Superintendent of the Bureau of Insurance.

When we reported this out of committee it was the thought of the Committee that the superintendents ought to be appointed by the commissioner of the department and should serve coterminous terms with the commissioner. As the bill was originally written, the superintendents were to serve five-year terms and were to be appointed by the commissioner.

It has been brought to my attention that there could be considerable problems develop by having the superintendents of the various departments serve coterminous terms with the commissioner. The commissioner is appointed by the Governor and does serve a



coterminous term with the Governor.

The problems that are brought to my attention with having the superintendents also serve coterminous terms are simply basically political problems, that there could be political pressure brought to bear on the superintendents having to do with applications for insurance and applications for new branches of banks, and that if the superintendents were to serve terms which were not coterminous with the commissioner of the department, that therefore this would remove him somewhat from the political pressure that he may otherwise be subjected to. Therefore, I am offering this amendment to put the bill back in its original form in respect to the terms to be served by the superintendents of these two bureaus.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Senate Amendment "A", to Committee Amendment "A" was adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

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

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

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

An Act to Amend the Maine Fair Trade Act. (S. P. 621) (L. D. 1935)

An Act Relating to Administration of Funds for Social Services. (H. P. 434) (L. D. 583)

An Act to Amend the Minimum Lot Size Law. (H. P. 630) (L. D. 844)

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

An Act Relating to Location of the Women's Correctional Center

and Operation of the Halfway House Program. (H. P. 1201) (L. D. 1541)

(On motion of Mr. Richardson of Cumberland, Tabled and Specially Assigned for May 28, 1973, pending Enactment.)

An Act Providing Funds for Shoreland Zoning Assistance to Municipalities through Regional Planning Commissions. (H. P. 1262) (L. D. 1635)

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

An Act Relating to Amendments to Charters of Certain Corporations Without Capital Stock. (H. P. 1505) (L. D. 1933)

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

#### Emergency

An Act Providing Funds for Director of Volunteer Services in the Division of Probation and Parole. (S. P. 429) (L. D. 1299)

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

#### Emergency

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

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

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

HOUSE REPORTS — from the Committee on Liquor Control — Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees." (H. P. 799) (L. D. 1069) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 23, 1973 by Senator Fortier of Oxford.

Pending — Acceptance of Either Report.

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

Mr. FORTIER: Mr. President and Members of the Senate: Throughout this entire session we have heard a great deal about our social problems, we have heard of juvenile delinquency, we have heard about the over crowded docket of our courts, and we have appropriated money to add new judges to expand the jurisdictions of our courts.

We have also heard a great deal about drugs and we have been told by it seems to me unimpeachable authority that amongst the drugs there is the question of liquor. I don't believe that we can be proud of the fact that we in the Maine Senate here are publicizing to the entire world, to the youngsters, to the teenagers, here we sell intoxicating liquors, here you are uncontrolled, unrestricted.

I have had occasions to talk with most of the members of the Liquor Control Committee, and I am advised by a considerable number of them who signed the Ought Not to Pass Report that their reason for doing it was to attain uniformity in our laws where we gave the adult rights to those of 18 years of age. But I would like to remind you here that the Supreme Court of the United States, and the Supreme Courts of a considerable number of our states have ruled that the use of liquor is not an inherent right. It is not an automatic right. It is a privilege which is granted by the legislature of a state, and I think we should be very choosy in how we grant that right.

We see the damages of the youngsters being brought into the liquor trade much, much too often. Isn't it about time that we draw the line between those who are interested in legislation simply because they are going to make money at it? This would not cause a hardship to any individual except possibly the fact of selling a few cocktails less. And shouldn't we about this time listen a little bit, at least, to these people who really have the welfare of our people of the State of Maine at heart?

So, I would move at this time that we accept the Ought to Pass Report on L. D. 1069.

The PRESIDENT: The Senator from Oxford, Senator Fortier, now moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: Being a signer of the Majority Ought Not to Pass Report on this bill, I feel it my duty to respond as to my reasons for doing thus. I might say to you, in mentioning these things, that this bill and all accompanying papers was indefinitely postponed in the House.

The PRESIDENT: The Chair would caution the Senator against referring to action of the other body.

Mr. OLFENE: Sorry, sir. What I wanted to continue to say was, that I feel the issue here is that the previous legislature has given the adult rights to 18 year-olds, and the question here in my personal mind becomes "Are we a body that should remove this right?" I feel that we should not. This privilege has been extended to them, and all of the rights that are extended to all of those over 21.

This bill says it would eliminate the 18 and 19 year-olds from being able to purchase alcoholic beverages or hold a liquor license. On that basis I signed the Ought Not to Pass Report. Consequently, I would have to disagree with the good Senator, Senator Fortier, and oppose the motion to accept the Minority Report. Thank you.

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

Mr. TANOUS: Mr. President and Members of the Senate: I was in the last legislative session, and I signed the Ought to Pass Report to grant adult rights to 18 year-olds. I had one reservation in that whole bill, and that was the right to consume alcoholic beverages. I stated so on the floor when this was voted on. My reservations at that time I think have been confirmed - the fear that I had has been confirmed since then.

When you look at a piece of legislation like this, you say "Well, should we raise the age to 20 where it was last year or two years ago?" This bill as it stands alone, really the title should be, "Should we permit or shouldn't we permit high school students to drink alcoholic beverages", because this is what you actually are voting on. There is no question, records will show in the Department of Education that 90 percent of 18 year-olds are high school students, 90 percent of our 18 year-olds in the State of Maine are high school students.

Frankly, maybe the majority here doesn't buy the bill as it is to reduce it to 18, but if the Minority Report is accepted, I would attempt tomorrow to submit an amendment to make it 19 years old. I know you may feel that this is a little ridiculous to fool around with a year or two, but it has a significant effect, I think, when you leave it at 18 years-old. I have seen the effect in my area, and I am sure that some of you, if you look around in your areas, you will find the same results that we have in our place. On a lunch hour, many of our high school students go down to the local pub and have a beer and a sandwich and go back to school. This is what is happening. Maybe some of you feel it is perfectly all right, but I don't think that alcoholic beverages should be consumed during the working part of anybody's day, whether it is a student or an adult.

What has happened, secondly, is that now that 90 per cent of your 18-year-olds are in high school, they have friends that are 17 and 16, so that when they go out socially at night your 18 year-olds are buying the beer legally, and it is disseminating among the 17, 16, and 15 year-old. I feel that if we just take out of the realm of the high school students, at least, I think we will prevent this from occurring.

I would hope that you would join Senator Fortier from Oxford, accept the Minority Ought to Pass Report, and let's amend the bill to 19 to get the booze out of the high school and the teenage area. Thank you.

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

Mr. ANDERSON: When the vote is taken, I move it be taken by the yeas and nays.

Mr. ALDRICH: Mr. President and Members of the Senate: I am somewhat concerned about this legislation. We have in this body raised the age of juveniles from 17 to 18, for purposes of consistency mainly. This is my concern in regard to this particular piece of legislation.

If we at this point raise the age from 18 to 20 to buy alcoholic beverages, we are again creating an inconsistency as far as the age of adulthood. This is the only problem that I can foresee and, in relationship to the entire benefit to this state, I think it is a minor point.

It was quite timely that yesterday morning when I was getting ready to come to the Senate I heard on the national news that there are nine million drinkers in this country. I know from personal experience, as a former county attorney, that over half of the fatal accidents on our highways in this state involve the consumption or presence of alcoholic beverages. And a good portion of these fatal accidents involving these young persons between the ages of 18 and 20, raise a question in my mind as to whether at the age of 18 they should be granted this privilege of purchasing alcoholic beverages.

It is for this reason mainly, it is a concern of safety, it is a concern of life, and this is what we are talking about when you are talking about the consumption of alcoholic beverages by those who are still forming their life style, their drinking habits, that I am prompted to speak in behalf of this legislation. I strongly support the Senator from Oxford, Senator Fortier, in his motion. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Oxford, Senator Fortier, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic

Beverages or Sell as Licensees". 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 Fortier, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Anderson, Cianchette, Cox, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Morrell, Peabody, Shute, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Berry, Brennan, Clifford, Conley, Cummings, Danton, Katz, Kelley, Marcotte, Olfene, Richardson, Roberts, Sewall.

ABSENT: Senator Schulten.

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with one Senator being absent, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

An Act Relating to Probate Fees. (S. P. 172) (L. D. 427)

Tabled — May 23, 1973 by Senator Roberts of York.

Pending — Enactment.

Mr. Roberts of York then moved that the rules be suspended and the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

Mr. FORTIER: Mr. President and Members of the Senate: I would inquire through the Chair as to just what the purpose of the good Senator from York is?

The PRESIDENT: The Senator from Oxford, Senator Fortier, has posed a question through the Chair which the Senator from York, Senator Roberts, may answer if he desires.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: Through an error, an amendment of the committee included an additional subsection which would have provided that in the event any paper whatsoever was filed in probate court, such as an inventory, or even a list of claims, or any paper whatsoever, that was filed in probate court, that that particular paper would require the payment of a fee with each filing. I think the fee was five dollars.

At the public hearing of the bill, several registers of probate from several of the counties objected to that particular provision of the bill, which they said would cause more trouble and difficulty in collecting, and keeping track of various fees that were thus paid, because these papers are filed at any time, not just when the judge is there and court is being held. They are filed at any and all times that the courthouse is open, or at least this office in the courthouse is open. For that reason, when the amendment was made, that particular section was amended. However, through error when the amendment was prepared, that section was not deleted. This was discovered only yesterday, and the matter was tabled so that I could file this amendment to have it agree with what was originally supposed to be the committee amendment.

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

Mr. FORTIER: Mr. President and Members of the Senate: As the sponsor of this bill, my principal reason for filing it was to correct the fees which are collected by the probate court. It is far from me to discuss the legal aspects of probate work with the

distinguished Senator from York, Senator Roberts, and I would be glad to support his motion.

The PRESIDENT: Is it now the pleasure of the Senate that, under suspension of the rules, the Senate reconsider its action whereby this bill was passed to be engrossed?

The motion prevailed.

Mr. Roberts of York then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", filing No. S-157, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 23, 1973 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Committee Amendment "A" (H-318)

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — May 23, 1973 by Senator Tanous of Penobscot.

Pending — Motion of Senator Shute of Franklin to Indefinitely Postpone.

On motion by Mr. Shute of Franklin, retabled and Tomorrow Assigned, pending the motion of that Senator to Indefinitely Postpone.

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

Bill, "An Act Relating to State Parole Board Composition and Compensation." (S. P. 155) (L. D. 389)

Tabled — May 23, 1973 by Senator Minkowsky of Androscoggin.

Pending — Motion of Senator Hichens of York to Recede and Concur.

(In the Senate May 18, 1973, Passed to be Engrossed as amended by Committee Amendment "A" (S-136).

(In the House on May 21, 1973, Indefinitely Postponed, in non-concurrence.)

Thereupon, the Senate voted to Recede and Concur.

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

Bill, "An Act to Create a Department of Conservation." (S. P. 465) (L. D. 1521)

Tabled — May 23, 1973 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

Mr. Sewall of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-163, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Provide Moneys for Planning Residential Accommodations for the Retarded in Maine." (S. P. 625) (L. D. 1948)

Tabled — May 23, 1973 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and Specially Assigned for May 29, 1973, pending Passage to be Engrossed.

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

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

Pending — Consideration.

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

**Reconsidered Matter**

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

Mr. CIANCHETTE: Mr. President, is the Senate in possession of L. D. 989, An Act to Provide a Portion of All Public Places and Transportation Vehicles to be Set Aside for Nonsmokers?

The PRESIDENT: The Chair would answer in the affirmative, the bill having been held at the request of the Senator.

Mr. CIANCHETTE: Mr. President, having voted on the prevailing side, I move we reconsider our action whereby this bill was enacted.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. BERRY: Mr. President, for the purpose of offering an amendment, I move that the Senate, under suspension of the rules, reconsider its action whereby this Bill was passed to be engrossed.

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

The motion prevailed.

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

Senate Amendment "A", Filing No. S-162, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The amendment makes this proposal a permissive one and removes the penalty for not installing a sign. It is hoped that this would be a statement of intent that the public places indicated would perhaps follow, and on a voluntary basis institute this setting aside of no smoking areas.

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

Mr. KATZ: Mr. President and Members of the Senate: I have no objection to passage of the amendment provided that the Senators are aware of what they are voting on, and I am absolutely unclear what we would be voting on. We would be saying to a person who runs a retail store that, if he wants, he can restrict smoking in one part of his establishment, and we would be saying to somebody who has a church that, if he wants to, he can restrict smoking on the left hand side of the church and permit it on the right hand side. I am unaware of the fact that this great legislature has ever taken those rights away from anybody. This is a nice compromise to kill the bill, but on that basis I think you should face it rather than a compromise to bring two parties close together.

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

Mr. ALDRICH: Mr. President and Members of the Senate: I have looked over this Senate Amendment "A" and, in my opinion, it really does away with the necessity of the legislation. The problem that I have, if you look at the L. D. is the fact that the prohibitions mentioned in this L. D. apply to public waiting rooms, restaurants, barbers and beauty shops, taverns, bars, dining and public meeting rooms, and all public transportation vehicles, and so forth. It says that these places are barred but this legislation is not limited to these places. It includes these, but it does not limit it to them. This amendment, as far as I can see, really diffuses the impact of the legislation whereby I now feel this legislation is absolutely useless.

This bill is a very good idea. It has got a good theory behind it, a good philosophy, but I do not think that it is practical. In my opinion, it is unconstitutional; it is discriminatory. And you have heard in the past in this country, not so much up here in New England, but in this country you have heard the saying when you get on the public transportation vehicle,

you here in the south, "To the back of the bus." Now they are going to apply this to either smokers or nonsmokers, whichever they prefer. They can have one or the other either up front or at the back of the bus. This is segregation between smokers and nonsmokers, and I really don't see how you can practically enforce this.

We have had quite a time with this L. D. in this body, and I would hope that we could dig a hole and put it in it, cover it up, and let's go down the road to some more meaningful legislation. I now move that this bill and all accompanying

papers be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Aldrich, now moves that the Bill, "An Act to Provide a Portion of All Public Places and Transportation Vehicles to be Set Aside for Nonsmokers", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.