

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

Tuesday, May 29, 1973

Senate called to order by the President.

Prayer by Father Donald Jacques of Gardiner.

Reading of the Journal of yesterday.

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

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

In the Senate May 24, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-154) as Amended by Senate Amendment "A" Thereto (S-160).

Come from the House, Bill and accompanying papers indefinitely Postponed in non-concurrence.

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

Joint Order

WHEREAS, the Legislature believes that it is important that citizens of Maine have a chance to participate fully in basic health care services; and

WHEREAS, the regulation of Health Maintenance Organizations in the State of Maine has been proposed before the Legislature; and

WHEREAS, the Legislature wishes to assure itself that Health Maintenance Organizations are a method of providing better basic health care services for the citizens of the State of Maine; and

WHEREAS, the Legislature further wishes to assure itself that the proposed regulation of the Health Maintenance Organizations is best designed to assure that better basic health care services will be provided for the citizens of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the subject matter of the bill, "An Act Creating the Maine Health Maintenance Organization Act," House Paper No. 786, Legislative Document No. 1230, as introduced at the regular session of the 106th

Legislature, to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the committee present its findings and recommendations as a result of the study to the next regular session of the Legislature; and be it further

ORDERED, that the Insurance Commissioner and the Commissioner of Health and Welfare are respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be sent forthwith to the Commissioners of Insurance and Health and Welfare as notice of the pending study. (H. P. 1541)

Come from the House, Read and Passed.

Which was Read.

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

**Committee Reports
House**

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

Bill, "An Act Relating to Forcible Entry and Detainer Process for other than Nonpayment of Rent." (H. P. 847) (L. D. 1121)

Bill, "An Act Relating to Furloughs for Inmates and Prisoners of State Institutions." (H. P. 937) (L. D. 1262)

Bill, "An Act Relating to Earning of Good Time by Inmates." (H. P. 862) (L. D. 1147)

Bill, "An Act Relating to Shoplifting." (H. P. 978) (L. D. 1292)

Bill, "An Act Relating to Eligibility for a Parole Hearing." (H. P. 867) (L. D. 1155)

Bill, "An Act to Require the Grantee's Address on any Deed

Presented for Recording." (H. P. 1060) (L. D. 1384)

Bill, "An Act Relating to Security under the Financial Responsibility Law." (H. P. 1059) (L. D. 1383)

Resolution, Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement to Collect Maine Individual Income Taxes. (H. P. 1369) (L. D. 1826)

Leave to Withdraw

The Committee on Liquor Control on Bill, "An Act Permitting Sealed Tickets to Promote Attendance on Premises of Liquor Club Licensees." (H. P. 1040) (L. D. 1359)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on Bill, "An Act Relating to Liquor Licenses at Augusta Civic Center." (H. P. 413) (L. D. 562)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (H. P. 1170) (L. D. 1504)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act to Permit Board of Directors of a Corporation to Act by Conference Telephone Equipment." (H. P. 1032) (L. D. 1354)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Reimbursement of Municipalities for Expenses and Costs in General Assistance to Nonsettled Paupers." (H. P. 929) (L. D. 1261)

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 to Provide that Consumers Shall be Included on Certain Boards." (H. P. 1291) (L. D. 1679)

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

The Committee on State Government on Bill, "An Act Providing for a Consumer Member on all Regulatory Boards and Commissions." (H. P. 1115) (L. D. 1451)

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

The Committee on State Government on Bill, "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration." (H. P. 145) (L. D. 178)

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

The Committee on State Government on Bill, "An Act to Establish an Insurance Consumers' Advisory Board." (H. P. 1357) (L. D. 1813)

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

The Committee on Liquor Control on Bill, "An Act Relating to Sale of Malt Liquor on Sundays by Part-time Restaurants." (H. P. 1413) (L. D. 1853)

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

The Committee on Natural Resources on Bill, "An Act Amending the Wetlands Control Law to Include Inland Wetlands." (H. P. 1082) (L. D. 1405)

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

The Committee on Taxation on Bill, "An Act Exempting Sales to the American Cancer Society from the Sales Tax." (H. P. 293) (L. D. 397)

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

The Committee on State Government on Bill, "An Act Creating the Bureau of Data Processing within the State Planning Office." (H. P. 1332) (L. D. 1754)

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.

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

Mr. SPEERS: Mr. President and Members of the Senate: I feel that a word of explanation is in order. Several State Government bills are on the calendar, reported Leave to Withdraw as Covered by Other Legislation. The other legislation is contained in various research orders that are now upon the Legislative Research Table requesting the Committee on State Government to study the entire issue of consumer members on certain boards, and also to study the issue of control over the computer services within the State of Maine.

The PRESIDENT: Is it now the pleasure of the Senate to accept the reports of the committees, whereby these bills be granted Leave to Withdraw as Covered by Other Legislation, in concurrence?

Thereupon, the Committee Reports were Accepted in concurrence?

Ought to Pass

The Committee on Marine Resources on Bill, "An Act to Lease Management and Cultivation Areas in Maine's Coastal Waters." (H. P. 731) (L. D. 937)

Reported that the same Ought to Pass.

The Committee on County Government on Bill, "An Act Authorizing Cumberland County to Participate in Social Services Program." (H. P. 1347) (L. D. 1780)

Reported that the same Ought to Pass.

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

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

Ought to Pass in New Draft

The Committee on Judiciary on Bill, "An Act Prohibiting Circulation of Obscene Literature and Moving Pictures among Minors." (H. P. 53) (L. D. 60)

Reported that the same Ought to Pass in New Draft under New

Title: "An Act to Prohibit Outdoor Motion Picture Theatres from Exhibiting Motion Pictures Portraying Certain Sexual Conduct in such a Manner that the Exhibition is Visible from Public Ways or Places of Public Accommodation" (H. P. 1532) (L. D. 1962)

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

Which report was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: Just in brief explanation of this new draft that has come out of the Judiciary Committee, I might explain to you that this is my third term in the legislature, and I have had many numerous complaints in areas of drive-in theaters where the screen and "X" rated movies are visible from private residences, highways and streets, or parking lots. This new draft that is before you, L. D. 1962, in my opinion, is perhaps one of the best pieces of legislation to come out of this section in the area of obscene movies. I hope, if any of you have had complaints in your area, that you might be able to relate to your people that we are acting positively in this area. With that, I move that we accept the unanimous report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that the Senate accept the Ought to Pass in New Draft Report of the Committee in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Establish Privileged Communication for School Counselors." (H. P. 533) (L. D. 715)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-455).

Signed:

Senators:

TANOUS of Penobscot
BRENNAN of Cumberland

Representatives:

WHITE of Guilford
PERKINS
of South Portland
DUNLEAVY

of Presque Isle
McKERNAN of Bangor
BAKER of Orrington
WHEELER of Portland
HENLEY of Norway
GAUTHIER of Sanford
KILROY of Portland

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

Signed:

Representative:

CARRIER of Westbrook

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

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

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements," (H. P. 19) (L. D. 19)

Reported that the same Ought to Pass.

Signed:

Representatives:

BINETTE of Old Town
CHONKO of Topsham
McNALLY of Ellsworth
FLYNN of South Portland
HOBBINS of Saco
McHENRY of Madawaska
ROLLINS of Dixfield

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

Signed:

Senators:

HUBER of Knox
TANOUS of Penobscot
KELLEY of Aroostook

Representatives:

BROWN of Augusta
FARLEY of Biddeford
GARSOE of Cumberland

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

Which reports were Read.

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

On motion by Mr. Hichens of Knox, a division was had. 23 Senators having voted in the affirmative, and five Senators having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Create a Court Trustee System to Collect Support and Other Installment Payment Court Orders." (H. P. 954) (L. D. 1264)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

CARRIER of Westbrook
KILROY of Portland
BAKER of Orrington
WHEELER of Portland
WHITE of Guilford
PERKINS

of South Portland

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

Signed:

Representatives:

DUNLEAVY
of Presque Isle
McKERNAN of Bangor
HENLEY of Norway
GAUTHIER of Sanford

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

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

Senate

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

Bill, "An Act Creating the Uniform Marriage and Divorce Act." (S. P. 243) (L. D. 694)

Bill, "An Act Relating to Investigation where Custody of Children are Involved in a Divorce Action." (S. P. 497) (L. D. 1584)

Bill, "An Act Creating a Drug Control Corps Within the State Police." (S. P. 264) (L. D. 761)

Leave to Withdraw

Mr. Tanous for the Committee on Labor on Bill, "An Act Relating to Procedure with Respect to Claims against Third Persons under Workmen's Compensation Act." (S. P. 318) (L. D. 985)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate.

Mr. TANOUS: Mr. President and Members of the Senate: On today's calendar, the item just read to you, 6-30, "An Act Creating A Drug Control Corps Within the State Police", is a bill that I sponsored and it was sent to the Committee on State Government. Of course, as you will notice on the calendar this morning, it was reported out unanimously Ought Not to Pass.

I discussed this with the Chairman briefly this morning relative to the Committee's feelings on this particular bill, and I certainly am not going to try to superimpose my feelings on those of the Committee, but I will say this: In my opinion, even though the drug problem in the State of Maine today is not prevalent in the newspapers, it is definitely a serious problem in all of our schools in the state among our youth.

I don't think that we do have any real organized battle against the sellers of drugs, and this particular bill was designed to create a drug corps within the

State Police. It was my fondest hope that this would have been done by legislation and that we could have, in some way or other, tried to at least prosecute the pushers that we have in the State of Maine but, again as I say, I am not trying to superimpose my feelings on those of the Committee and, hopefully, maybe next trip we can enact some legislation in this area. Thank you.

Leave to Withdraw

Covered by Other Legislation

Mr. Clifford for the Committee on State Government on Bill, "An Act Establishing Drug Abuse Treatment Facilities." (S. P. 562) (L. D. 1743)

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

Which report was Read.

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

Ought to Pass — As Amended

Mr. Speers for the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act." (S. P. 403) (L. D. 1231)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-174).

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.

Mr. Speers of Kennebec was granted unanimous consent to address the Senate.

Mr. SPEERS: Mr. President and Members of the Senate: Lest there be any feeling on the part of this body that the Committee on State Government has not regarded the drug problem in the State of Maine as a very serious problem, I would like to explain perhaps the two items that have appeared on the calendar: One, the establishment of a drug control corps within the State Police, which the good Senator from Penobscot, Senator Tanous, alluded to, and secondly,

the bill, An Act Establishing Drug Abuse Treatment Facilities, which was sponsored by the good Senator from Cumberland, Senator Brennan, which was tabled by that Senator, and which was reported out of Committee Granted Leave to Withdraw.

I would like to assure the members of this body that the Committee on State Government has been working on a new draft of drug abuse legislation, which would combine a number of features, both of the bill of the Senator from Penobscot, Senator Tanous, on establishing a drug commission, and the bill of the Senator from Cumberland, Senator Brennan, which would establish drug abuse treatment facilities. We are also putting into this bill authorization for this commission to be working on the problem of alcoholism as well. So it is really going to be a rather new departure in the treatment of drug abuse and alcoholism problems.

As for the particular bill creating a drug control corps within the State Police, it was the feeling on the part of the Committee that the State Police now do have that authority; they are charged with the enforcement of our drug control laws, so it should be the purview of all of the State Police and not perhaps just a special corps within the State Police to enforce the drug laws of the state.

Ought to Pass in New Draft

Mr. Speers for the Committee on State Government on Bill, "An Act to Create a Department of Marine Resources." (S. P. 525) (L. D. 1675)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 637) (L. D. 1972)

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

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Revising Interest Charges of Industrial Loan Companies and Industrial Banks." (S. P. 382) (L. D. 1128)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot
KATZ of Kennebec
MARCOTTE of York

Representatives:

MADDOX of Vinalhaven
TRASK of Milo
DONAGHY of Lubec
HAMBLIN of Gorham
JACKSON of Yarmouth
BOUDREAU of Portland
O'BRIEN of Portland
DESHAIES of Westbrook

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

Signed:

Representatives:

CLARK of Freeport
TIERNEY of Durham

Which reports were Read.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I would move to accept the Minority Ought to Pass Report of the Committee.

This bill, L. D. 1128, I would like to tell you in summary what it does. It would permit a reasonable rate of interest fixed at 16 percent a year for the industrial banks. Additional profits would be able to be realized from the sale of credit insurance which is paid for by the borrowers. The Bank Commissioner is granted sufficient authority to regulate their affairs. Adequate sanctions are provided for any violations which are committed.

The most important aspect of L. D. 1128 is that it incorporates the 36-month restriction in order to prevent an indefinite extension of loans through flipping or frequent renewals. Now, we debated that situation the other day in regard to small loan companies, and this body, in its wisdom, decided to continue the legislation that was passed in 1967 to keep that 36-months restriction on. This would apply it to the industrial loans as well.

A more specific explanation is that it brings all industrial banks and industrial loan companies under one statute, with full and complete control and regulation by the Maine Bank Department.

1128 prescribes a maximum rate of 16 percent per year. This is a uniform rate which may be charged for loans under, as well as over, \$2,000. This rate will permit a profitable operation for industrial lenders who wish to operate somewhere between traditional banks and small loan lenders. Furthermore, they are permitted additional profit by virtue of selling credit life insurance.

Also, L. D. 1128 provides adequate sanctions for any violations which are committed. The loan may be voided, all moneys paid on the account must be returned, and reasonable attorney's fees may be awarded if the borrower is successful in the litigation. Such provisions assure effective enforcement for the protection of the borrowers.

But the big part of this is the 36-months provision. As far as I am concerned, the 36-months provision is really needed to prevent economic slavery. So I would move that we accept the Minority Ought to Pass Report. This is a real consumer measure.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: I stand in opposition to the motion of the good Senator from Cumberland, Senator Brennan. The 36-months rule would do the same to these companies as it does to the small loan companies: it would put them out of business. They cannot live with an 8 percent rule after 36 months.

This is a different kettle of fish than the small loan companies in that the industrial banks have depositors. If you put them out of business, how do you take care of the millions of dollars they now have on deposit from people that

have invested their money for? It would be chaos, I think, for the industrial banks and industrial loan companies.

Furthermore, in our debate the other day the good Senator said there was plenty of credit available. I say that there are several thousand people in Maine who are still high risk and they cannot get into a credit union because it is restricted, and banks won't take high risk loans. And one of the alternatives that they have had to small loan companies is going to industrial banks and industrial loan companies. We have to accept the fact that there are people who have problems on repayment.

Furthermore, on the 36-months rule, if someone pays off their loan in good fashion in two years, and has one year to go and needs more money, under the 36-months rule he would have to go to another loan company to get it, and it goes back to a higher rate of interest.

I cannot accept the theory that the industrial banks and loan companies do not have people who need them. I repeat, there are high risk loans when they cannot get money elsewhere, and passage of this bill will put these companies out of business.

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

Mr. FORTIER: Mr. President and Members of the Senate: I recognize there are sound arguments on both sides of this question but, in view of the fact that the Spanogle Committee is now studying these very subjects, I do not feel that this legislature should take action that might jeopardize or might hinder in any way this Committee. Consequently, I think that the Ought Not to Pass Report should be accepted.

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

Mr. BRENNAN: Mr. President and Members of the Committee: If my recollection is correct, I think Professor Spanogle may have been in the audience when this bill was presented. I don't recall him voicing any objections. Now, my recollection could be wrong.

I suppose the gist of a lot of this is going to drive people to banks and drive them to credit unions, where they get lower interest rates. That is why I think it happens to be a very sound consumer measure, and that is the purpose of this document.

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

Mr. KATZ: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Brennan, has finally said it, that the motivation of the bill is not that it is consumer legislation but to drive all competing kinds of lending institutions out of business.

If the Senator will refer to the veto message of the Governor of last session on similar legislation, the Governor clearly indicates that competing methods of financing for meeting the financial needs of the state were essential.

The Committee on Business Legislation had two or three bills before us. We reported one out with a strong Ought to Pass, as I recall it, and you will notice the strong bipartisan Ought Not to Pass vote of this Committee. I can understand the concern of the Senator from Cumberland because, in researching it, I now find he is the sponsor of the bill, and I can understand the glowing support he gives it on the occasion of the debate today.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Revising Interest Charges of Industrial Loan Companies and Industrial Banks." As many Senators as are in favor of accepting the Minority Ought to Pass Report will please say "Yes"; those opposed, "No".

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

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Establishing a Consumers' Council." (S. P. 464) (L. D. 1495)

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

Signed:

Senators:

SPEERS of Kennebec

WYMAN of Washington

Representatives:

FARNHAM of Hampden

CURTIS of Orono

STILLINGS of Berwick

SILVERMAN of Calais

CROMMETT

of Millinocket

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

BUSTIN of Augusta

NAJARIAN of Portland

GOODWIN of Bath

COONEY of Sabattus

Which reports were Read.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I guess this is consumer day here again; we are going to have some more opportunities. First, I would move acceptance of the Ought to Pass Report.

Now, in regard to this bill, I personally believe it is a bill of major priority this session. Establishment of the commission would give consumers an agency solely devoted to their protection for the first time in the history of this state. Up until now, nearly every government regulatory body has had at least divided loyalties, and has often regarded the regulated industry as its primary constituency. I think we are all aware of the fact that many of the commissions have taken people from that particular field to put on the commission, and oftentimes their loyalty has been to the job they formerly held.

I recognize that it has been the traditional function of the individual legislator to perform the role of consumers' advocate, and that may have worked out very, very well in a simpler, less sophisticated economy. But the reality is that in a highly integrated economy, dominated by large corporations, part-time legislators, with limited expertise, investigatory powers and time to delve into specific problems raised by corporate activity, are unable to effectively fulfill that role. So I think we ought to do something in this session for the consumer. I think this is a real chance.

Specifically, this bill would provide for a bipartisan committee with representatives of the public and labor, and ex-officio the Chairman of the P.U.C., the Director of the Bureau of Labor and Industry, and Commissioners of Banks, Insurance and Agriculture would serve on this commission.

To tell you specifically what the commission would do: first, it would have the powers to conduct investigations. Secondly, hopefully, it would educate consumers. Thirdly, it would inform consumers of the best buys for their money. Fourthly, it would represent consumers before other government agencies and legislative committees.

It is our hope that the consumer council will prove to be a dynamic and intelligent advocate for the consumer in public affairs. I frankly think we need such a commission. I honestly am somewhat puzzled by the committee report where there is some indication of leave to withdraw. As the sponsor of this measure, in no way do I have any interest in trying to withdraw this bill. I frankly think this bill is needed.

Down in Pennsylvania, I think it was the Insurance Commissioner who did something that I hope this bill would do. He looked over the costs of insurance for many of the companies in this nation, and he came out with a little report that showed what was the best buy, and many times, say, \$10,000 worth of insurance could be bought from Company X for half the price that Company Y was charging. He put

the consumers on notice in regard to this. I would think this commission, if it is created, would be able to do things like that which would be beneficial to the consumer. So I would urge you to accept the Minority Ought to Pass Report, and ask for a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, moves that the Senate accept the Minority Ought to Pass Report of the Committee and asks for a roll call.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I think the time has come for this body to realize that just by introducing a bill, entitling it something having to do with consumers, and to stand up and say now this is a real consumer bill and a consumer issue, that there has got to be something more behind it than just saying that this is something for the consumer.

This particular bill received a Majority Leave to Withdraw Report from the Committee for two reasons: No. 1, as I mentioned earlier, we had several bills placing consumer members on various advisory boards that were granted leave to withdraw from the Committee on State Government, and were included in a study order that is presently on the Legislative Research Table to be studied and to be looked into over the interim between the two sessions of this legislature. As it is drafted right now, it is to be looked at by the Legislative Research Committee, but probably, if the legislative reform package goes through, we could very well have these items to be studied before the Committee on State Government.

It seemed to the majority of the Committee that it was only well to include all of the consumer advisory board issues under that study. And I would like to read one or two of the bills that were granted leave to withdraw earlier in today's session. Bill, "An Act to Establish an Insurance Consumers' Advisory Board"; Bill, "An Act Providing for a Consumer Member on all Regulatory Boards

and Commissions"; Bill, "An Act to Provide that Consumers Shall be Included on Certain Boards." Now, all of these have been granted leave to withdraw for the simple reason that the study order refers to those particular bills specifically and directs the Legislative Research Committee to study the subject matter of those particular bills.

The bill that we have before us at this moment, Bill, "An Act Establishing a Consumers' Council", is also included in that study order, and the Legislative Research Committee is specifically directed to study the subject matter of this particular bill as well.

Now, the second reason I feel that the Leave to Withdraw Report should be accepted is that this session is, hopefully, going to create a significant change in the legislative role. We have referred on many occasions to the beefed up legislative staff, on many occasions to the continuing role of the legislative committees and, in fact, we did have a bill to create a human services commission, which was directed to follow the problems and look into the problems of various social services which are being granted in the state, and that bill was either granted leave to withdraw or ought not to pass; I can't remember exactly which, for the simple reason that it was the feeling of the legislature that the continuing legislative committees, such as Health and Institutional Services, should be the vehicles to look into these specific problems.

It seems to me if there are problems of the consumers — and incidentally, everyone in the State of Maine is a consumer, and everyone as a consumer is represented by each and every one of us in this body — it seems to me that if there are special problems that these problems should be looked into by a continuing legislative committee.

Now, let me read a couple of the duties that the consumers council would have, should this legislation pass. "The council shall conduct studies, investigations and

research, and advise the executive and legislative branches in matters affecting consumer interests." Now, if that isn't a legislative function, I don't know what is. And if the continuing joint standing committees are to have any kind of responsibilities, that is precisely the kind of thing that the joint standing committees ought to be doing.

Further on it states that "The council shall study and report all matters referred to it by the legislature or the Governor." Again, that is clearly a function for a joint standing committee.

Now, I don't want to give the impression, and I am sure the good Senator from Cumberland would not want to give the impression either, that the consumers of this state are naked at the present time as far as protection is concerned. I am sure he is well aware, and I know all of you are well aware, that there is a Consumer Protection Division of the Attorney General's Office, and that particular division is charged with the responsibility of enforcing all of the laws that now exist in regard to consumers, particularly the Unfair Trade Practices Act, and various other provisions that we have enacted in favor of the consumers in this particular session.

So, in summary, I suppose that I would urge the rejection of the Minority Ought to Pass Report, and urge that the Senate then go on to accept the Majority Leave to Withdraw Report, for the simple reason that this subject matter is going to be specifically studied, along with the other bills that I mentioned earlier and, secondly, that if this consumers' council were to be enacted, that it would be duplicating many of the efforts that should be the responsibility of the legislature itself.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, in reference to the remarks of the good Senator from K e n n e b e c , Senator Speers, in regard to the Attorney General's Office presently having a Consumer Division, I

think that is Consumer Fraud Division, but at any rate, the fellow who runs that, John Quinn, a young attorney, appeared on behalf of this bill. So the Attorney General's Office, if my recollection is correct, is for this bill.

Secondly, I would agree with the good Senator that we are all consumers. But I think this bill is an opportunity to do something for everybody in the State of Maine, to try to protect their interests. I think the situation about the legislature representing the consumers is fine, and I agree with it, but we are not in session all the time. Moreover, we lack the necessary expertise on a lot of these questions that I trust the consumer commission could develop, and that expertise, I think, would be terribly important in doing something for consumers in this state.

Now, in regard to deferring this to a study, I must say that I have spent four terms here — probably four terms too long for some members in regard to the things that I am for — but as far as I am concerned, the study is just a neat way of killing the bill. It is just another way of killing the measure. I think this is a simple straightforward measure, and I am not afraid of the duties: "The council shall conduct studies, investigations and research, and advise the executive and legislative branches in matters affecting consumer interests, coordinate consumers' services carried on by the departments, appear before agencies. . . ." I think these are good things. I think consumers are entitled to some representation in this state, and this bill is designed to do that. I hope you would not vote to defer it because, as far as I am concerned, that is just another way of killing it.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to respond to the good Senator from Cumberland, Senator Brennan, when he mentions that a study is a neat way to kill a particular bill.

I don't know how the good

Senator from Cumberland may approach his duties in studying various matters that may be referred to him for study, but I would like to assure the members of this body that the State Government Committee looks upon its duties with a great deal of respect and responsibility, and when these matters are referred to it, or if they are referred to it for study, I can assure the members that we will look upon these matters with a good deal of responsibility. We don't take this responsibility lightly and, as I mentioned, this would not be the only matter that would be referred to us for study in the consumer area, but there are various other bills that have also been mentioned in the study order that would also come under our scrutiny.

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

Mr. KATZ: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Brennan, hits a very, very tender note when he points out that a study is tantamount to defeating a bill, and I suspect that the impression is generally amongst us that this is true. But when a bill has merit, it just isn't so.

I would be hard pressed to mention any education bill in the last four sessions that hasn't come into the legislature as a result of a study, such as the formation of the University of Maine, such as the bill that you are presently considering for the education of handicapped children, such as the financing of education that you will be voting on a little later this week, such as the vocational education bill that the Senator from Aroostook, Senator Cyr, sponsored. I think it largely depends upon the merit of the bill rather than the procedure we follow.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Establishing a Consumers' Council." 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 Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Establishing a Consumers' Council." 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, Brennan, Cianchette, Clifford, Cyr, Danton, Fortier, Kelley, Marcotte, Minkowsky, Shute.

NAYS: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Joly, Katz, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Conley, Morrell.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Majority Leave to Withdraw, Covered by Other Legislation Report of the Committee was Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Witness Immunity in Civil Cases Commenced by the State." (S. P. 386) (L. D. 1132)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Witness Immunity in Civil Cases" (S. P. 639) (L. D. 1974)

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec

Representatives:

BAKER of Orrington

WHITE of Guilford
DUNLEAVY

of Presque Isle

KILROY of Portland

PERKINS of So. Portland

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

Signed:

Senator: BRENNAN

of Cumberland

Representatives:

CARRIER of Westbrook

McKERNAN of Bangor

WHEELER of Portland

HENLEY of Norway

GAUTHIER of Sanford

Which reports were Read.

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

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Improve the Lobster Fisheries." (S. P. 452) (L. D. 1506)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 638) (L. D. 1973)

Signed:

Senators:

HUBER of Knox

DANTON of York

RICHARDSON

of Cumberland

Representatives:

WEBBER of Belfast

GREENLAW

of Stonington

KNIGHT of Scarborough

LaCHARITE of Brunswick

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

Signed:

Representatives:

LEWIS of Bristol

BUNKER of Gouldsboro

SHUTE

of Stockton Springs

BROWN of Augusta

DAVIS of Addison

MULKERN of Portland

Which reports were Read.

Mr. Huber of Knox then moved that the Senate Accept the Ma-

jority Ought to Pass in New Draft Report of the Committee.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In support of the Ought to Pass Report, I would like to allay the fears that the members of the Senate might have about this legislation.

The Committee on Marine Resources, under the chairmanship of the Senator from Knox, Senator Huber, has wrestled with the lobster problem all winter long, and this is apparently about the best that we can do. This bill would impose an increase in the license fee, make the license attach, if you will, to the vessel or the lobsterman's boat, and it would also provide for a 600 trap limit, effective January 1, 1974.

Now, the amount of the license fee increase is rather staggering. In the last analysis, I don't believe that I intend to vote for the amount which is now on the bill, which is \$100. But, at any rate, we brought a bill before you for discussion and debate, and I hope you would accept the Ought to Pass Report, and then perhaps an amendment will be put on, either here or in the other branch, reducing the amount of the license fee increase to something in the order of \$25.

The PRESIDENT: Is it now the pleasure of the Senate to accept the motion of the Senator from Knox, Senator Huber, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee?

The motion prevailed.

Thereupon, the Bill in New Draft was 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 Amending the Laws Relating to Community Mental Health Services." (H. P. 483) (L. D. 627)

Bill, "An Act to Amend Municipal Regulation of Land Sub-

division Law." (H. P. 1513) (L. D. 1943)

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

Bill, "An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industrial Accident Claims Involving State Employees and to Establish a Safety Program." (H. P. 1528) (L. D. 1958)

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

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

Bill, "An Act Providing for a County Budget Review Board for York County." (H. P. 320) (L. D. 438)

Which was Read a Second Time.

Thereupon, on motion by Mr. Marcotte of York, the Bill was Indefinitely Postponed.

RESOLUTION, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (H. P. 467) (L. D. 615)

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

Sent down for concurrence.

House — As Amended

Bill, "An Act to Clarify Procedures under the Municipal Public Employees Labor Relation Act." (H. P. 1100) (L. D. 1436)

Bill, "An Act to Allow Coastal Wardens to Inspect Licenses." (H. P. 1310) (L. D. 1740)

Bill, "An Act Authorizing Use of Maine Turnpike by Legislators." (H. P. 1281) (L. D. 1668)

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

Senate

Bill, "An Act Relating to Public Utilities Commission Rate Regulation for Carriers of Freight." (S. P. 634) (L. D. 1965)

Which was Read a Second Time and Passed to be Engrossed.
Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities." (S. P. 295) (L. D. 842)

Bill, "An Act to Reorganize the Departments of Health and Welfare and Mental Health and Corrections." (S. P. 512) (L. D. 1599)

Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (S. P. 119) (L. D. 264)

Bill, "An Act to Institute a Priority Program Budget System." (S. P. 592) (L. D. 1869)

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

Sent down for concurrence.

Bill, "An Act Creating the Power Authority of Maine." (S. P. 550) (L. D. 1760)

On motion by Mr. Kelley of Aroostook, the Senate voted to Reconsider its previous 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-173, to Committee Amendment "A" was Read.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would question this amendment to the Committee Amendment. It is worded "Shall an initiated act creating the Power Authority of Maine become law." I don't really think it refers to L. D. 1760, as that bill was initiated in the legislature to take the place of the initiated act, which existence is still in limbo. This amendment, I think, refers to an act which as yet has not even been presented to the legislature.

I think that the wording of the committee amendment actually gives to the people of the State of Maine a more honest chance of making a decision based on the

way they understand it. The committee amendment reads "Shall the State of Maine enter the business of generating and selling electricity by creating the Power Authority of Maine," which is exactly what this does.

If, as with some of the petitions, they were sold to the people on the fact that it would bring cheaper power to Maine — I can't think of anyone who would be more happy to have cheaper power in Maine than Mr. Dunham, Mr. Haskell, or some of those who are wedded to private power — but I do believe that the people are actually being misled to think that this is going to bring cheaper power. And I regret any kind of dissimulation which would encourage a vote based on a misapprehension.

I think that this amendment is wrong, and I move that it be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: It is unfortunate that we must wrangle today, I hope for a short time, over the issue of the wording of this referendum amendment to my public power bill, for there is not one Senator in this chamber today who is not aware of the promise that has been made to the public to send this bill to the people with a referendum rider.

This promise clearly not only meant that the language of the bill would be identical, but that the question posed to the people in November would be the same as would be posed by the petition and that it would not be misleading. Senator Tanous reaffirmed this promise when he offered the referendum amendment to the bill at the public hearing. Its wording was correct and impartial.

I had hoped that the unexpected change in language was inadvertent, that it was a mistake,

that it was an oversight. Apparently it is not. Quite clearly, the question to the people should be unbiased, as was the case with the question on the "Big Box" and the "Income Tax Repeal". This language is as improper as if I asked you today to word the question to read "Shall the Power Authority of Maine be created to reduce your light bills and to meet our growing power shortage?"

It is important to point out what Maine citizens apparently think about the political controversy that has developed in the legislature over this bill and the petitions since they were submitted to the legislature on February 17th. Quite frankly, they don't think they are getting a fair shake. To them, it is not right to see heavy-handed efforts to thwart their right to vote on this issue next fall. They want to vote free of interference, whether it be by the State Police or by wording such as this. Frankly, the public is fed up to here by the moves of the opponents of this bill, which not only seek to unfairly discredit the issue, but to prevent it from going to the public. And quite frankly, support grows for public power every time another roadblock such as this is thrown in its way.

Now, some of you may ask how did six members of the Committee on Public Utilities who are Democrats happen to vote for this amendment as it is worded. I checked with those six members, and all except one did not even have a chance or did not read this wording, as they had read the wording that Senator Tanous presented at the hearing.

Accordingly, I would urge you to vote for this amendment, and when the vote is taken I would ask that it be done on a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I would like to support the statement of the Senator from Penobscot, Senator Cummings.

It seems to me that the way it is worded now is a very clear

explanation of what the public will be voting on. When we change it and use the words "Power Authority", I might just bring to your attention that we have other authorities in the State of Maine. We have a Recreation Authority, but they don't build so much as they help with money. We have an Industrial Building Authority, but they again are loaning money. If you call it a Power Authority, when actually it is going to be making power, I think it is a misconception and it will misguide the voters. Therefore, I would vote against this new amendment.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In support of the motion of the Senator from Penobscot, Senator Cummings, to indefinitely postpone this amendment, I would like to continue the thesis being advanced by the good Senator from Aroostook that the people are getting tired. I think the people are getting sick and tired of all the self-interest maneuvering that is going on in the public power issue. I think it is time that we stopped nit-picking and that we adopt the bill with Committee Amendment "A" on it, which contains this question: "Shall the State of Maine enter the business of generating and selling electricity by creating the Power Authority of Maine", which I submit is a perfectly straightforward and non-confusing statement of the issue.

I would urge the members of the Minority Party and the members of my party to stop horsing around with this issue and get moving. The longer all this legislative maneuvering continues with respect to the public power issue, the more frustrated, and rightly so, the people of Maine become with us. I think that we should put this issue to the people of Maine to give them an opportunity to vote as soon as practicable.

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

Mr. KELLEY: Mr. President and Members of the Senate: I just

want to point out once again that the language used in putting the question to the people on the "Big Box" and the "Income Tax" was impartial language, such as "Shall the income tax be repealed?" and "Shall the big box be removed?" That is all we are seeking here.

The language in the bill, quite frankly, is part of the language or argument used by the opponents of the bill at the hearing. And I think maybe all of you know that Senator Tanous appeared at the hearing and presented the referendum amendment, which is nearly identical to the wording in this amendment which I have presented today, and all I am asking is that the issue go to the people without lending to a bias one way or the other.

Not to be facetious but, again, I could have posed the question or tried to submit the question: "Should we pass the Power Authority to reduce light bills?" I think that would be just as improper as talking about the state getting into the electrical business.

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

Mr. BRENNAN: Mr. President and Members of the Senate: We have had obviously considerable discussion about this, and there has been talk with the leadership of both parties and, if my recollection is correct, it was my understanding that we were going to send the same thing to the people that is now in dispute in the Judiciary Committee. And what is before us is an amendment to try to do this. I think it is only the fair thing to honor this agreement I understood we had.

I don't know if the Majority Party has met in caucus on this and decided to do this or that, but if they have, I would strongly urge them to vote their conscience on this and go along with the commitment I believe was made earlier, and to put this in a very fair fashion: "Shall an initiated act creating the Public Power Authority become law?" That seems to be very fair, and I would strongly urge you to do the fair thing.

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

Mr. CYR: Mr. President and Members of the Senate: To begin with, I would like to reassure my colleagues of the Senate that I am not running for Governor. I am not running for Congress. If Watergate gets worse, I may run for the Presidency, if Senator Cianchette wants to finance my campaign.

Coming back to the issue before us, the amendment that was presented by Senator Tanous apparently never was discussed or debated before the Committee on Public Utilities. The amendment which was filed in our book was not read by most of us, it was not discussed and I, for one, never realized that somebody was a ball-player and passed us a curve ball. The only time that I learned about the tricky language of this was when Senator Kelley of Aroostook, my colleague from Aroostook, brought it to my attention. I think that this language would be acceptable to me if it spelled out generating and wholesaling, instead of generating and selling, as they have it in the language in this amendment which is presented to us.

Now the authority, PAM, is intended to generate public power, and also the transmission or the creation of some of the transmission lines, some of the high powered transmission lines, and the only reason for that is because of the cost of these transmission lines, as well as the generating plants. But the intention of PAM is to sell to the existing utilities, therefore, I think that the word "selling," general as it is, by the amendment which is presented before us is misleading. And for that reason I will vote against the indefinite postponement, and will vote for the amendment presented by Senator Kelley.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: The proposed amendment by Senator

Kelley of Aroostook this morning, the language of said proposed amendment is improper. I would hope if his amendment is defeated, that it is defeated because the language isn't proper in the amendment. I would then hope that this matter could be tabled until tomorrow so that a proper amendment could be introduced and voted on on the merits of the amendment itself and not because of a deficiency in the language. Thank you.

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

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mrs. Cummings of Penobscot, to Indefinitely Postpone Senate Amendment "A" to Committee Amendment "A."

Enactors

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

An Act Relating to Release of Patients at Pineland Hospital and Training Center. (S. P. 2) (L. D. 29)

An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs. (S. P. 205) (L. D. 550)

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

An Act Relating to Improved Property Tax Administration (S. P. 221) (L. D. 637)

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

An Act to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters. (H. P. 698) (L. D. 904)

An Act to Amend the Laws Administered by the Department of Environmental Protection. (H. P. 818) (L. D. 1140)

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

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

An Act to Clarify Municipal Apportioning Authority. (H. P. 1299) (L. D. 1711)

An Act Exempting from the Sales Tax Sales to Nonprofit Health Care Corporations. (H. P. 1512) (L. D. 1942)

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

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

The PRESIDENT: The Chair thinks it would be appropriate at this time to assure the Senator from Cumberland, Senator Brennan, and the Senator from Aroostook, Senator Kelley, that there is no intention on the part of the Republican Leadership to circumvent our word to go back on our word in any manner which was indicated in the floor speeches of those two gentlemen. I believe that the Senator from Aroostook, Senator Kelley's language in the amendment is not germane to the bill because it refers to initiated bill, and there is no initiated bill as yet. It is still before the Judiciary Committee and will not be initiated until the Judiciary Committee reports out that it has been validly initiated by the people and the legislature accepts that report. There is no initiated bill before the legislature at this time.

The Republican Leadership is committed to putting a public power bill out to referendum by the people because it is obvious that more than a sufficient number of people signed those petitions. We are also under obligation and we feel it is incumbent upon us to investigate the manner in which those signatures were secured and also the way the acknowledgements were taken. That is why we promised to put out the bill to referendum, but at the same time we felt it is important to make sure that the constitutional process has not been subverted for the private gain of a few individuals.

Orders of the Day

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

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

Tabled — May 24, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

On motion by Mr. Hichens of York, retabled and Specially Assigned for May 31, 1973, pending Enactment.

The President laid before the Senate the second 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 24, 1973 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. SEWALL: Mr. President and Members of the Senate: This bill, L. D. 1948, was the result of an effort by the good Senator from York, Senator Hichens, to purchase a facility in Kittery which would have been a hospital for the mentally retarded. The costs of this facility far exceeded those which we had expected so therefore, the Appropriations Committee, came out with this redraft which would call for a study by the Department of Mental Health and Corrections on similar facilities for the mentally retarded.

Since the Committee has come out with this report, we have had several discussions with Senator Hichens, and it is now my understanding that he will present an order which would constitute his Committee, that of Health and Institutional Services, to look into this same subject matter in the interim when the legislature is not in session. So, therefore, Mr. President, I move the indefinite postponement of this L. D. 1948 and all its accompanying papers.

The PRESIDENT: The Senator

from Penobscot, Senator Sewall, now moves that Bill, "An Act to Provide Moneys for Planning Residential Accommodations for the Retarded in Maine," be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

SENATE ORDER — Propounding Judicial Questions to the Supreme Court Relative to Bill, "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands." (H. P. 1382) (L. D. 1812)

Tabled — May 25, 1973 by Senator Danton of York.

Pending — Passage.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I had a chance to look this over during the course of the week-end, and I have some reservations, frankly, about it.

First, I would like to know whether or not there is any Attorney General's opinion on this. Generally speaking, we get an Attorney General's opinion for an awful lot of things where we think there is some cloud on constitutionality.

Secondly, I again want to express my strong reservations about advisory opinions. As you know, there are no briefs presented to the court and there are no oral arguments to the court. Really, in effect, what you are doing is referring it to five or six lawyers who are judges now on the Maine Supreme Judicial Court. I think you get the best results and the best law when there are strong adversaries on both sides to put forth the best side of each argument.

No one has to tell the Senate how important this issue is. I understand there are some 320,000 acres involved, and it involves apparently something like a pos-

sibility of \$3 million of income a year.

I kind of wish we had some sort of legislation where we could set up some calendar priority before the Maine Supreme Judicial Court so there could be lawyers on both sides, so there could be briefs on both sides, so there could be oral arguments on both sides. The problem with an advisory opinion, again, is that it is not controlling, but it is going to have an awful lot of strong weight.

What I am concerned with really is that I think the State of Maine is in a good position here, and I would like to see them be in a position to put their best foot forward. I think they could put their best foot forward by presenting briefs, by presenting oral arguments. I am not sure just what the court will do. I guess the court has the option of possibly not entertaining it, but I think I want to put in the record clearly my strong reservations about such an important matter going the advisory opinion route.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In defense of the Committee on Public Lands, whose position is unanimous on this score, we have reviewed for a number of months the number of serious legal questions involving the public lots. We did not feel it appropriate to litigate, for example, grass and timber cutting rights through the process of an advisory opinion of the Supreme Judicial Court of Maine.

However, with respect to the question of the state's sovereignty over these lots, starting with the Articles of Separation in 1820 from the Commonwealth of Massachusetts, I believe it is perfectly appropriate for the legislature to solicit the opinion of the justices on the question of whether or not there are in fact any limitations on the state's sovereignty.

Senator Brennan's comment about the very narrowness of advisory opinions I think is a little overstated. It is all very well and good to talk about an advisory opinion as simply being an opinion

of six lawyers, but I have never had any occasion pointed out to me where the Supreme Judicial Court, having given an advisory opinion, later during the course of an adversary proceeding reversed itself.

Secondly it is not correct to suggest, as the Senator from Cumberland, Senator Brennan, has, that there are no briefs filed. In fact, a memorandum of law will be filed, as the standard process or procedure, by the Attorney General's Office.

Thirdly, Assistant Attorney General Lee Schepps did an exhaustive and very clear analysis of the public lots controversy in Maine, and I think that his analysis, and those of us who are attorneys on the Committee, indicates that this procedure is perfectly appropriate because we need to know, before we can take any action in this legislature, whether there are any limitations on our right to exercise sovereign jurisdiction.

Finally, and most important of all, the public lots have been smoldering, or I should say molding, for 152 years under consultory and fragmented management, and I think it is high time the legislature got under way. I think that this request for an advisory opinion is a perfectly lawyerlike and appropriate method to follow.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I agree with Senator Richardson that this problem has existed for some 150 years, and that is why I have reservations about acting very hastily. I am not sure that they are going to leave, these public lots. I still have not gotten an answer to the question as to whether or not the Attorney General's Office has given an opinion on this, and I would like to have Senator Richardson elaborate on that, if they have.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I always welcome the opportunity

to elaborate, particularly at the request of the Senator from Cumberland, Senator Brennan. The Schepps Report, which I am sure the good Senator from Cumberland, Senator Brennan, has read, of 146 pages, I believe, points out that there are serious questions as to whether or not the sovereignty of the State of Maine is in any way limited in respect to the uses to which it may put the public lots. It is the opinion of this Assistant Attorney in this informal opinion that there are no limitations. However, there is no formal written opinion expressing that view.

The PRESIDENT: As many Senators as are in favor of the passage of Senate Order L. D. 1812, will please say "Yes"; those opposed "No".

A viva voce vote being taken, the Joint Order received Passage.

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

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

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Committee Amendment "A" (H-424)

Which was Passed to be Engrossed in concurrence.

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

Bill, "An Act to Create a Maine Agricultural Bargaining Board." (H. P. 1511) (L. D. 1941)

Tabled — May 25, 1973 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

House Amendment "A" (H-435)

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

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

Bill, "An Act to Amend the Snowmobile Laws." (H. P. 787) (L. D. 1039)

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Committee Amendment "A" (H-410) as amended by House Amendment "B" (H-429) thereto.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

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

Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches." (S. P. 344) (L. D. 1043)

Tabled — May 25, 1973 by Senator Minkowsky of Androscoggin.

Pending — Passage to be Engrossed.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: For those of you who have been around here a few sessions, I think you will recollect this bill as being with us for at least three sessions at the present time. I believe the theme in the past two sessions has been "a man's home is his castle".

I guess, being a layman, you don't understand the full ramifications of the far-reaching effects of this type of legislation, and that was basically the reason why I had this particular measure tabled last week.

In reading a letter from the Maine Municipal Association this morning, which carries a personal letter from Attorney Curtis Webber to Senator Clifford, I believe in essence, it does clarify the bill in many areas, but the bill is so simply worded that it leaves one person, such as myself, a little bewildered.

I would like to quote one particular passage from this particular letter and then hope that someone from the committee might clarify this particular bill beyond this point. Attorney Webber says the fact is, however, that L. D. 1043 would have an effect, if enacted, far beyond the housing code area. Two years ago in preparation for the committee hearing on this bill, I made a review of the state law providing for inspections of

residential or commercial structures. The following is a partial list of the same. Now these are areas which I am going to bring out that count not be statutorily enforced but, if this particular bill is passed, I understand can be enforced.

The first area pertains to building code inspections. The second area pertains to inspections by the insurance commissioner or his representative. The third area pertains to inspections by the local health officer upon complaint of a nuisance dangerous to health and life. The fourth area pertains to inspections by local electrical inspectors. The fifth and final area pertains to inspections by local plumbing inspectors. Now these five laws apparently, as they are written at the present time, cannot be enforced, but by the implementation of L. D. 1043, An Act to Authorize Issuance of Warrants for Administrative Searches, it will make these particular areas enforceable. I think, Mr. President and Members of the Senate, I would like to have an explanation of this particular bill which Senator Clifford did present.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: This L.D. 1043, which is "An Act to Authorize Issuance of Warrants for Administrative Searches", is, I think, or it has been in the past, a very much misunderstood bill. It is permissive legislation, and what it would do is that it would allow the Supreme Judicial Court to promulgate a rule of court under which the judge of the district court would, if he desired, and if the facts warranted, issue an administrative search warrant.

The reason for this bill is that the United State Supreme Court has ruled that in order to compel admittance by administrative inspectors — and these inspectors are building inspectors, housing

inspectors, plumbing inspectors, electrical inspectors, and in our area gas inspectors — that if they are refused admittance in their day to day normal procedure for administrative enforcement of these codes, then they cannot be admitted unless they secure an administrative search warrant. Under our law, we at the moment don't have the procedure whereby they secure these administrative search warrants.

Now, I think it is very important to note, Mr. President and Members of the Senate, that this bill is not breaking new constitutional ground. There is no question here of taking away the rights of people protected by the Constitution, because the United States Supreme Court and the courts of every state in the union have ruled that code inspectors, such as the electrical inspector and the building inspector, every state has ruled that these laws and these inspections can be made and that they are reasonable and necessary for the health the safety and welfare of the communities. So it really is not a question of the private rights versus the rights of the state. It is really a way, a machinery or procedure to be set up to protect everybody's rights, to allow the court to set up a rule under which these administrative searches may be issued. It is permissive legislation. A city or a town need not have the code enforcement or these electrical inspection laws, and the court need not issue a warrant if the facts don't justify the issuance of that warrant.

But I think the important thing is that we have these laws set up on the books for electrical inspections, plumbing inspectors, and housing inspectors. And right now, because of the lack of the procedure, if someone refuses admittance, if someone has a six-floor tenement — and I might use this as a good example from our area, the area which I represent and the area which the Senator from Androscoggin, Senator Minkowsky, represents — if there is in certain sections of our community high-rise tenements close to one an-

other, it seems to me it is very important, for example, for the electrical inspector to be admitted to check the electrical fixtures, to have the gas inspector admitted to check the situation on the gas control, and if the landlord who might not even live there, who might not be directly affected as far as safety, as far as welfare is concerned, if he refuses admittance, right now there is no way, no procedure under which the inspector could be admitted to check those safety regulations.

This would allow the Supreme Judicial Court to set up the procedure under which the district court could, if the facts warranted and if the circumstances justified, allow the administrative search. I hope that would answer the question of the good Senator from Androscoggin, Senator Minkowsky.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 25, 1973 by Senator Wyman of Washington.

Pending — Enactment.

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

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

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

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Final Passage.

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

Mr. BERRY: Mr. President and Members of the Senate: L. D. 1326 is a very laudable attempt to improve the efficiency of our transfer

of one administration to another, and it proposes that the legislature and the Governor be inaugurated on the Wednesday following the second Tuesday in December. The legislature would then immediately adjourn until its regularly scheduled date of meeting in January, but the Governor would continue as the Governor; he would be the full-fledged and responsible Chief Executive of the State. I think herein lies the problem, that the Executive, as it is now, has all too little time really for an orderly transfer and the assumption of responsibilities in the case of the change of administration.

We have recognized the problem recently by granting a small amount of money to the new Chief Executive in case of a change and given him office space. I think there is a move afoot in the Appropriations Committee to do even more in the future than has been done in the past.

This would appear, I am afraid, to put an intolerable load on the new Chief Executive. He would immediately be inundated by the day to day chores of being the Chief Executive.

I suppose there should be somebody else expressing their opinion here, but I think I am perhaps one of the few unavowed candidates for Governorship in this body so perhaps I can give some opinions here and they won't be against my self-interest. I, accordingly, Mr. President, making particular reference to the value and merit of the intent of the bill, and with the assurance to the body that in essence we are doing, I think from a practical standpoint, what can be done, move the bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Resolution, Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am glad to see that the field has been narrowed down to 31 candidates,

now that Senator Cyr and Senator Berry have taken themselves out of the race.

From conversations that I have had with people that some are somewhat experienced in this, they feel very strongly again that the Governor should not be inaugurated early for the very reason that if he is around here at the first of December he has to spend a lot of time on ceremonial functions and possibly talking to some of his supporters in reference to jobs and things of that nature. He would be better off being a long distance away preparing his budget and scrutinizing possible appointments for the benefit of the state. So, in essence, I would agree with the remarks of the good Senator from Cumberland, Senator Berry, and urge you to indefinitely postpone this bill.

The PRESIDENT: Is it now the pleasure of the Senate that this Resolution be indefinitely postponed?

Thereupon, the Resolution was Indefinitely Postponed in concurrence.

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

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

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

An Act to Annex Town of Brunswick to Sagadahoc County (H. P. 1326) (L. D. 1738)

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr SCHULTEN: Mr. President and Members of the Senate: L. D. 1738, An Act to Annex Town of Brunswick to Sagadahoc County,

as I have watched this bill go through the legislature and receive quite a wide acceptance of the concept of separation and joining the Town of Brunswick to Sagadahoc County, I find or I have the feeling that in our haste to make this possible that perhaps we have overlooked a lot of costs that perhaps have not been clear to all of us. I think I am referring specifically at the moment to the cost of transference of a lot of legal papers and documents that would be necessary in order that the day to day business could be conducted in the City of Bath rather than in the City of Portland.

Probably these hidden costs, or objections that I am somewhat apprehensive of at the moment could be overcome in an equitable way but, in looking at the bill itself that is now up for enactment, I notice that the act would take effect 90 days after the adjournment of the legislature. I am not trying to be facetious, but I would guess this would be sometime in September, which makes me pause to consider whether or not it might be a good idea to have this matter studied and put into the Special Session of the Legislature in January of 1974, and the bill, if it really does have all the merits the proponents claim for it, then could be passed as an emergency measure and actually nothing would be lost except perhaps two or at the most three months, and it would not be a fatal blow to the bill to have this done.

I do feel that if we are going to take a step like this, and this is quite an extraordinary step, why we should be fully aware of all costs that might be pertinent to the particular bill we have before us. I have not had an opportunity to discuss this new thought with the Senator, but I notice that the good Senator from Cumberland County, Senator Morrell, who is very much interested in this bill, is not at his desk today, and I was hoping perhaps that some Senator in the chamber here would see fit to table the matter until Wednesday or Thursday of this week.

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

Thereupon, on motion by Mr Minkowsky of Androscoggin, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System."

Tabled — May 25, 1973 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

Committee Amendment "A" (H-416)

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

Mr. MARCOTTE: Mr. President and Members of the Senate: In view of the fact that the good Senator from Cumberland, Senator Conley, was unable to attend the session, I would hope that someone here, out of courtesy, would table this one legislative day.

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

Thereupon, on motion by Mr Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees." (H. P. 799) (L. D. 1069)

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-175, was Read.

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

Mr. DANTON: Mr. President and Members of the Senate: First, I would like to make one thing

perfectly clear, that I don't have a liquor license or a beer license, but this has become a matter of principle with me.

Two years ago during the 105th I was one Senator in this body who voted against the adult rights amendment. Two years ago we should have taken all these things into consideration. Since then, I know there has been some young men that have gotten into the beer business and take-out stores and, for all I know, maybe there are some contemplating it today. I know there have been a lot of young men and young ladies that are employed and plan to be employed in motels, hotels, and restaurants that have liquor licenses. If this takes effect they will be looking for work.

I have to agree that perhaps there are some 18 year-olds that aren't responsible, and I also have to agree that there are some 20 year-olds, 30 year-old, and even fellows my age, 35, that aren't responsible. On that basis, Mr. President, I move that this bill and all of its accompanying papers be indefinitely postponed, and I hope you support me. Thank you.

The PRESIDENT: The Senator from York, Senator Danton, now moves that Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees" be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I am very glad to see the Senator from York, Senator Danton, speak out of principles but, for the same principles and for the same reasons which he advocated, I hope you will oppose indefinite postponement.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: If I remember correctly, and the good Chairman can correct me if I am wrong, but I believe that I am one of the signers of the Minority Report that opposed the increase of age on this particular bill from 18 to 20 years of age. I did so

because I felt that we had gone through a long hassle on adult rights in the last legislature and, if you are going to do something, you should do it and do it wholeheartedly. I felt that this perhaps was just an attempt to start weakening adult rights, and that the young men of 18 years of age had the maturity to control themselves so that the rights and privileges that we had extended to them would not be abused, and for that reason I voted against raising the age to 20 years.

However, last night, and some of you perhaps might have seen it, on the 6:30 news of the television there was a report from the State of Michigan, that had lowered the age in conformance with adult rights two years ago, and this was a report on the results of drinking and driving and accidents and fatalities. It was perfectly ghastly report in that the fatalities and the accidents that were directly attributable to the drinking by 18 year-olds, and the liquor acceptance by even younger than 18 year-olds due to the lowering of this age requirement, has created a very serious problem in the State of Michigan, and I am sure that all 18 year-olds and all people pretty basically are the same. I am afraid that perhaps that we have, or certainly will soon have, a similar problem in this state. So I would be in favor of adopting this amendment. In fact, if I had the opportunity now to go back to the original 20 years of age, I would be glad to do so. But I think this is a very serious problem, and if the young people in the state find they don't have the maturity to accept drinking, then I don't think it is any disgrace for us to help them, and they evolve into this naturally at a later more mature date.

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

Mr. DANTON: Mr. President and Members of the Senate: We have allowed our 18 year-olds to get married, we are allowing them to sign contracts, we allow them to go into the service, we allow them to vote, and now we are telling them at 18 years old you can

do all of these things, but you have to be 19 years old before you can have a glass of beer or buy a bottle of beer to take home. I certainly don't think that we are being very consistent.

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

Mr. TANOUS: Mr President and Members of the Senate: I hope that not too many 18 year-olds get married, for their own sake at least. Also, relative to contracting that has been brought up, you will find out that most contracts that call for any term whatsoever, that deal with purchasing a car, loans in banks, and so forth, you will find that the 18 year-olds don't have adult rights, believe me, because the banks and the car sales people just won't sell them an automobile unless they have a co-signer. It hasn't changed one iota from what it was before we enacted this legislation at the Special Session of the 105th.

This proposed amendment, as I mentioned to you last week, is a compromise between 18 and 20, but it is not really a compromise in a sense. I mentioned to you that 90 percent of the 18 year-olds in this state are in high school; most of them are seniors in high school, and all I want to do, as I mentioned before, is take the booze out of the high schools, and I think this amendment will do it. What is happening presently in many of our high schools is that the 18 year olds, and most of them are seniors, can legally buy beer and booze. And their friends range anywhere from 14 through 18 years old, and what is happening is it is now disseminating down to the 17, 16, 15, and 14 year-old kids in our communities.

All I am trying to do is get it out of the schools. When they are 19, at least they are out of the high school, and their association of friends is not apt to be of the high school age, so that you are not going to find the liquor disseminating down to the lower ages. I would hope that you would vote against the motion of my good friend, Senator Danton from York, for indefinite postponement, and support the passage of the amend-

ment. If a roll call has not been called, for Mr. President, I so move.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: Very briefly, I think we have done our youth a grave injustice by ever dropping from 21 to 18. I wholeheartedly support this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Danton, that Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees", be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Danton, that Bill, "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Brennan, Cianchette, Clifford, Cyr, Danton, Kelley, Marcotte, Olfene, Richardson, Roberts, Sewall.

NAYS: Senators Aldrich, Anderson, Cox, Cummings, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Peabody, Schulten, Shute, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Conley, Katz, Morrell.

A roll call was had. 12 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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

Sent down for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Hichens of York,

WHEREAS the Legislature recognizes that retarded individuals and their families face a severe and profound problem to provide the essentials of living and proper health care; and

WHEREAS, the Legislature is concerned that an adequate number of living accommodations, educational and developmental centers and other services be available to assist families in caring for retarded individuals; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Health and Institutional Services shall study, evaluate needs, develop a plan and present recommendations to the next special or regular session of the Legislature relating to the need for providing various residential accommodations ranging from respite to long-term care and relating to supportive services such as training programs and health care for retarded people of Maine, as alternatives to the natural home and as resources to enable retarded individuals to continue living with their family, where possible, and living in their community and to study any matter deemed germane to the subject and helpful to the committee; and be it further

ORDERED, that the Departments of Mental Health and Corrections and Health and Welfare shall cooperate with the committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the members of the committee shall be compensated at the rate of \$20 per day while engaged in the performance of their duties and shall be reimbursed for all reasonable

expenses actually incurred; and be it further

ORDERED, upon final passage, that copies of this Order be transmitted forthwith to the Departments of Health and Welfare and Mental Health and Corrections as notice of the directive.

(S. P. 641)

Which was Read.

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

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.