

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 31, 1973

Senate called to order by the President.

Prayer by Father John Donovan of Winthrop.

Reading of the Journal of yesterday.

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

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

In the Senate May 29, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-166).

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

On motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 19) (L. D. 19)

In the House May 25, 1973, Passed to be Engrossed.

In the Senate May 29, 1973, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, that Body having Insisted.

Mr. Huber of Knox moved that the Senate Adhere.

Mr. Hichens of York then moved that the Senate Recede and Concur, and Mr. Berry of Cumberland subsequently requested a division on the motion.

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

Mr. KATZ: Mr. President and Members of the Senate: I hope the Senate opposes the motion to recede and concur and ultimately votes to adhere. I consider this one of the very worst bills of the session.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, that the Senate recede and concur with the House will please rise and remain stand-

ing until counted. Those opposed will rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

**Non-concurrent Matter**

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

In the Senate May 21, 1973, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-470), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Psychotherapist and Patient Privilege." (H. P. 1226) (L. D. 1601)

In the House May 21, 1973, the Majority Ought Not to Pass report Read and Accepted.

In the Senate May 22, 1973, the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-156), in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Berry of Cumberland moved that the Senate Insist and Ask for Committee of Conference.

Mr. Clifford of Androscoggin then moved that the Senate Recede and Concur.

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

Mr. TANOUS: Mr. President and Members of the Senate: I rise to oppose the motion to recede and concur. I think there should be one last effort made by a committee of conference.

This report came out of the Judiciary Committee with a unanimous report, but apparently the bill had some problems in preparation, in the draftsmanship, and I think that a committee of conference might resolve the differences to provide

for a very needed matter in this particular area. I would ask that you oppose this motion and join Senator Berry in his motion to insist and ask for a committee of conference.

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

Mr. Clifford of Androscoggin was granted leave to withdraw his motion to Recede and Concur.

Thereupon, the Senate voted to Insist and Ask for a Committee of Conference.

### Joint Order

WHEREAS, the consumer credit industry in the State of Maine is regulated by several statutes, which have some inconsistent requirements, and which do not regulate all aspects of the industry; and

WHEREAS, legislation has been proposed that would comprehensively regulate the consumer credit industry which deserves further study; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the subject matter of the Bills: "An Act Creating the Maine Consumer Credit Code," House Paper 1229, Legislative Document 1803, and "An Act to Create a Maine Consumer Code," House Paper 1386, Legislative Document 1877, both introduced at the Regular Session of the 106th Legislature, and further to explore whether the best interests of the People of the State of Maine would be served by enactment of this type of legislation; and be it further

ORDERED, that the committee study the regulations which other states have imposed on the consumer credit industry; and be it further

ORDERED, that the State Departments of Banks and Banking, the Insurance Department, and the Consumer Fraud Division of the Department of the Attorney General, and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the committee

with such information, technical advice and assistance as the committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendments to the First Special Session of the 106th Legislature in 1974; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to each agency specified herein as notice of the pending study. (H. P. 1551)

Comes from the House, Read and Passed.

Which was Read.

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

### Joint Resolution STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-three

### IN MEMORIAM

WHEREAS, this State lost an outstanding citizen on May 25, 1973 in the death of the Honorable Ralph W. Allen of Caribou; and

WHEREAS, Representative Allen distinguished himself and his community as a Member of the 103rd and 104th Maine Legislatures; and

WHEREAS, he was untiringly devoted to the betterment of his local community, his county and the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause from our deliberations in sorrow upon the loss of this honored citizen, to express a common appreciation of him as a former colleague and servant of this State and extend to his beloved son and daughter and all others who share in the loss, the sympathy of the entire Legislature; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and presented to his

family in token of these sentiments. (H. P. 1550)

Comes from the House, Read and Adopted.

Which was Read.

Thereupon, the members of the Senate stood for a moment of silence and the Resolution was Adopted in concurrence.

#### House Papers County Government

Resolve, Authorizing the County Commissioners of Sagadahoc County to Pay Certain Claims. (H. P. 1547) (L. D. 1981)

Comes from the House referred to the Committee on County Government and Ordered Printed.

Which was referred to the Committee on County Government and Ordered Printed in concurrence.

#### Education

Bill, "An Act Relating to Tuition Contracts in School Administrative District No. 68." (H. P. 1548) (L. D. 1982)

Comes from the House referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed in concurrence.

#### Communications

##### STATE OF MAINE

One Hundred and Sixth Legislature  
Committee on Public Utilities

May 29, 1973

Honorable Kenneth P. MacLeod

President of the Senate

State House

Dear President MacLeod:

The Committee on Public Utilities is pleased to report the completion of that business of the 106th Legislature that was placed before this Committee.

Total number of bills received

	45
Ought to Pass	12
Ought Not to Pass	7
Ought to Pass as Amended	8
Ought to Pass in New Draft	4
Divided Reports	8
Leave to Withdraw	5
Referred to Another Committee	1

Sincerely,  
Signed:

MINNETTE H. CUMMINGS  
Senator

Which was Read and Ordered  
Placed on File.

##### STATE OF MAINE

One Hundred and Sixth Legislature  
Legal Affairs Committee

May 30, 1973

Honorable Kenneth P. MacLeod

President of the Senate

Senate Chamber

Augusta, Maine 04330

Dear Senator MacLeod:

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the 106th Legislature.

Total Number of Bills Presented

	171
Unanimous Reports	141
Leave to Withdraw	17
Ought Not to Pass	22
Ought to Pass	62
Ought to Pass as Amended	29
Ought to Pass in New Draft	9
Refer to 107th Legislature	1
Refer to Another Committee	1
Divided Reports	30
Total Number of Amendments	39

Total Number of New Drafts 15

Very truly yours,  
Signed:

CYRIL M. JOLY, JR.

Senator

Which was Read and Ordered  
Placed on File.

##### STATE OF MAINE

House of Representatives

Augusta, Maine 04330

May 30, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary.

Today the House voted to Adhere to its action on the following matters:

(H. P. 467) (L. D. 615)  
Resolution, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors — whereby on May 24 it Indefinitely Postponed the Resolution.

(H. P. 799) (L. D. 1069) Bill "An Act Raising the Age of Persons

Who May Purchase Alcoholic Beverages or Sell as Licensees" — whereby on May 22 it Indefinitely Postponed the Bill and all accompanying papers.

Respectfully,  
Signed:

E. LOUISE LINCOLN

Clerk

House of Representatives

Which was Read and Ordered  
Placed on File.

STATE OF MAINE  
House of Representatives  
Augusta, Maine 04330

May 30, 1973

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919).

The Speaker appointed the following Conferees to the Committee:

Mr. HENLEY of Norway

Mr. FINEMORE

Mr. COONEY of Sabattus

Respectfully,

Signed:

E. LOUISE LINCOLN

Clerk

House of Representatives

Which was Read and Ordered  
Placed on File.

### Committee Reports House

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

Bill, "An Act Creating the Maine Consumer Credit Code." (H. P. 1229) (L. D. 1803)

Bill, "An Act to Create a Maine Consumer Code." (H. P. 1386) (L. D. 1877)

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Mildred Beryl Foss of Lincoln. (H. P. 203) (L. D. 276)

Resolve, Providing a Minimum Service Retirement Allowance

under the State Retirement Law for Addie M. Knox of Belfast. (H. P. 565) (L. D. 744)

Bill, "An Act Relating to Military Service Credits Under Maine State Retirement System." (H. P. 194) (L. D. 267)

Resolve, Increasing Retirement Allowance for Mrs. Ruth Brown of Orono. (H. P. 1396) (L. D. 1839)

Bill, "An Act Relating to Benefits for Widows of Forest Rangers." (H. P. 267) (L. D. 374)

Bill, "An Act Relating to Retirement of Police Officers and Fire Fighters of the City of Augusta." (H. P. 1399) (L. D. 1841)

Resolve, Providing a Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service. (H. P. 1500) (L. D. 1931)

### Leave to Withdraw

#### Covered by Other Legislation

The Committee on Veterans and Retirement on Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Miss Mildred Keene. (H. P. 213) (L. D. 286)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

### Ought to Pass

The Committee on Judiciary on Bill, "An Act Revising the Enforcement of Money Judgments Act." (H. P. 1126) (L. D. 1461)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Commencement of Desertion and Nonsupport Actions." (H. P. 1223) (L. D. 1593)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Support, Judicial Separation and Annulment Actions by Military Nonresidents Stationed in Maine." (H. P. 1227) (L. D. 1602)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction." (H. P. 1391) (L. D. 1800)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Purchase of Copies of History of Monson. (H. P. 1414) (L. D. 1854)

Reported that the same Ought to Pass.

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

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

#### **Ought to Pass — As Amended**

The Committee on County Government on Bill, "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford-Mexico Area." (H. P. 464) (L. D. 612)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-460).

The Committee on Transportation on Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (H. P. 549) (L. D. 730)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-456).

The Committee on Judiciary on Bill, "An Act Establishing Privilege to Refuse Disclosure in a Patient-Psychiatrist Relationship." (H. P. 881) (L. D. 1168)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-459).

The Committee on Public Utilities on Bill, "An Act Establishing the Aroostook-Prestile Treatment District." (H. P. 1276) (L. D. 1748)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-454).

The Committee on Transportation on Bill, "An Act Relating to

Illuminated Advertisements on Motor Vehicles." (H. P. 1460) (L. D. 1885)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-457).

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

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

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

The Committee on Health and Institutional Services on Bill, "An Act Authorizing Department of Health and Welfare to Pay Medical Expenses for Needy Persons." (H. P. 516) (L. D. 679)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Authorizing the Department of Health and Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe" (H. P. 1543) (L. D. 1971)

The Committee on Business Legislation on Bill, "An Act Providing for Interest on Late Payment of Insurance Claims." (H. P. 1407) (L. D. 1847)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1544) (L. D. 1975)

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

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

#### **Divided Report**

The Majority of the Committee on Public Utilities on Bill, "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission." (H. P. 1411) (L. D. 1851)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1540) (L. D. 1970)

Signed:

Senators:

CUMMINGS of Penobscot

ANDERSON of Hancock

CYR of Aroostook

Representatives:

CONLEY

of South Portland

MADDOX of Vinalhaven

CHICK of Sanford

MURRAY of Bangor

MULKERN of Portland

KELLEHER of Bangor

GENEST of Waterville

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

Signed:

Representative:

TRASK of Milo

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

Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Forcible Entry and Detainer Procedure." (H. P. 846) (L. D. 1120)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

WHITE of Guilford

BAKER of Orrington

WHEELER of Portland

PERKINS

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

Signed:

Representatives:

CARRIER of Westbrook

KILROY of Portland

HENLEY of Norway

GAUTHIER of Sanford

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

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

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Relating to the Authorization of Nongeographic School Administrative Units at Correctional Institutions." (H. P. 348) (L. D. 463)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York

MINKOWSKY

of Androscoggin

GREELEY of Waldo

Representatives:

BERRY of Madison

LEWIS of Bristol

MORIN

of Old Orchard Beach

DYAR of Strong

McCORMICK of Union

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

Signed:

Representatives:

LaPOINTE of Portland

WHITZELL of Gardiner

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

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

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law." (H. P. 1029) (L. D. 1351)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland



**Representatives:**

BAKER of Orrington  
WHITE of Guilford  
DUNLEAVY

of Presque Isle  
McKERNAN of Bangor  
WHEELER of Portland  
PERKINS

of South Portland

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

**Signed:****Representatives:**

KILROY of Portland  
CARRIER of Westbrook  
HENLEY of Norway  
GAUTHIER of Sanford

Comes from the House, the  
Minority report Read and Accepted  
and the Bill Passed to be En-  
grossed as Amended by House  
Amendment "A" (H-465).

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

Sent down for concurrence.

**Senate**

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

Bill, "An Act to Authorize Bond  
Issue in the Amount of \$1,500,000  
for a State Park in the Bigelow  
Mountain Area." (S. P. 266) (L.  
D. 763)

**Leave to Withdraw****Covered by Other Legislation**

Mr. Roberts for the Committee  
on County Government on Bill, "An  
Act Increasing Salaries of Officials  
of Waldo County." (S. P. 176) (L.  
D. 484)

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

Mr. Roberts for the Committee  
on County Government on Bill, "An  
Act Increasing Salaries of County  
Officials of Aroostook County." (S.  
P. 359) (L. D. 1064)

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

Mr. Roberts for the Committee  
on County Government on Bill, "An  
Act to Increase Salaries of County

Officers for the County of  
Penobscot." (S. P. 399) (L. D.  
1204)

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

Which reports were Read and  
Accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Sewall for the Committee on  
Appropriations and Financial  
Affairs on Bill, "An Act  
Appropriating Additional Funds to  
the Department of Health and Wel-  
fare for Medical Care Payments  
for the Fiscal Year Ending June  
30, 1973." (S. P. 648) (L. D. 1985)

Reported pursuant to Joint Order  
(S. P. 646) that the same Ought  
to Pass.

Mr. Wyman for the Committee  
on Taxation on Bill, "An Act  
Providing for a Credit in Maine  
Income Tax Law for Investment  
in Pollution Control Facilities." (S.  
P. 526) (L. D. 1656)

Reported that the same Ought  
to Pass.

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

**Ought to Pass — As Amended**

Mr. Shute for the Committee on  
Veterans and Retirement on Bill,  
"An Act Relating to Service  
Retirement Benefits Under State  
Retirement System." (S. P. 184)  
(L. D. 492)

Reported that the same Ought  
to Pass as Amended by Committee  
Amendment "A" (S-182).

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

Mr. Berry of Cumberland then  
moved that Committee Amend-  
ment "A" be Indefinitely Post-  
poned.

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

Mr. RICHARDSON: Mr. Presi-  
dent and Members of the Senate:  
As sponsor of L. D. 492 and Chair-  
man of the Committee on Veterans  
and Retirement, the ignominious  
committee of yesteryear, I think  
that some explanation is in order.

I believe that all three Senate members of the Committee on Veterans and Retirement wanted the minimum retirement allowance to be at \$100, as I had originally sponsored it, or was originally suggested in the bill itself. As a process of accommodation, which all of you veteran committee members will realize does in fact go ahead, as a process of accommodation, myself and the other Senate members agreed to reduce the amount of the minimum from \$100 to \$90. That would involve an increase in the present law from \$80 to \$90.

I will abide by the will of the Senate. If it is your pleasure that the minimum retirement allowance be \$100, I, as the sponsor of L. D. 492, will be perfectly happy to go along with that.

The PRESIDENT: Is it now the pleasure of the Senate that Committee Amendment "A" be indefinitely postponed?

The motion prevailed.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

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

Mr. Speers for the Committee on State Government on Bill, "An Act Relating to State Employee's Grievance Procedure." (S. P. 265) (L. D. 762)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 644) (L. D. 1979)

Mr. Anderson for the Committee on Fisheries and Wildlife on Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 368) (L. D. 1094)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 645) (L. D. 1980)

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

#### **Divided Report**

The Majority of the Committee on Taxation on Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used

by Such Vehicles. (S. P. 544) (L. D. 1716)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
FORTIER of Oxford  
COX of Penobscot

Representatives:

MORTON of Farmington  
COTTRELL of Portland  
MERRILL of Bowdoinham  
SUSI of Pittsfield  
FINEMORE

of Bridgewater  
IMMONEN of West Paris  
DOW of West Gardiner  
MAXWELL of Jay  
DAM of Slowhegan

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

Signed:

Representative:

DRIGOTAS of Auburn

Which reports were Read.

Mr. Morrell of Cumberland then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. COX: Mr. President and Members of the Senate: I rise in opposition to the motion. L. D. 1716 is a raid on the treasury of the Transportation Department. It opens the dike for dedicated revenues through a constitutional amendment.

As I understand it, we are already looking at a possible bond issue of up to \$19 million this year, and the Committee does not feel that we should open this up.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would like to just speak a little bit on this bill. As Senator Cox briefly explained to you, the purpose of it is to fund the entire Department of Transportation from the gas tax and the excise tax.

I am under no illusion as to the ultimate destination of this proposal, but I do think it is one

that we seriously perhaps could consider, however briefly. And I have heard the term "raid on the treasury" before, so I recognize what Senator Cox is speaking about.

In the 105th we thought it made good business sense to group the various bureaus having to do with transportation: highways, railroads, airways, and the port authority under one major department called the Department of Transportation. When we did that we, in effect, set up a system whereby part of that department was funded from dedicated revenues which were scrutinized by the joint Committee on Transportation, and the remainder of the bureaus within that department were handled financially by a screening of the Appropriations Committee.

Now, it seems to me there are two things involved here: One, that we are entering an era when undoubtedly, even in relatively rural states such as Maine, we are going to be taking a much harder look at these various alternatives in the matter of transportation, as opposed to merely highways. I think for that reason we perhaps should consider it.

Second, it seems to me that the joint standing Committee on Transportation is better prepared to view the entire department's budget, rather than having the Appropriations Committee do its share with those bureaus having to do with other than the highways.

For these two reasons, I feel that it does make sense, even at the expense of down-the-road making a further adjustment in the gas tax to fund the entire Department of Transportation from dedicated revenues. I say that with absolutely no ulterior motives in terms of having any harsh feelings about the Department of Transportation. Quite the reverse: I think that the top leadership of that Department is equal in administrative ability to any administrators in the state departments in Augusta and perhaps exceeds the ability of many in the private sector. But I think it is good business judgment to at least

consider this from time to time. It is a matter that, if we were to look upon it favorably, would ultimately have to be discussed and decided by the public through a change in the Constitution.

For these reasons, I hope that you will accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I think I opposed this same idea two years ago. I feel that if we have got to come up with some extra income to pay these extra bills, that we better have a study and find out where we are going to get the money to do this. We are having all the problems we need right now to finance the highway program. So I am opposing the motion of the Senator from Cumberland, Senator Morrell.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The legislature earlier in this session rejected a complete undedication of highways revenues, and that perhaps is a rather radical departure, but this measure seems to be a lot more moderate, because what it does is allow the total transportation picture to be considered with those revenues.

I think the very reason which the good Senator from Waldo, Senator Greeley, states that he is against it really is the reason that we should be for it, because in building more and more highways we are falling further and further behind, and I think we have got to begin to consider some alternative methods and modes of transportation. I think this is a method by which we could begin to do that, to use some of those revenues to consider alternate methods of transportation besides building more and more highways and which we are falling more and more behind in.

I think this is a progressive measure, and I think it is one that we ought to pass and let the people of the State of Maine decide.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I am very much opposed to this measure. Your Committee voted 12 to 1 against it. I think the reason that the good Senator from Androscoggin, Senator Clifford, states, the fact that we are falling behind on our highways, is no reason to take money from them for something else.

I think we are a rural state depending a great deal on roads, we have no satisfactory rail transportation and, living in a remote area of the state, I can appreciate what good roads do. I just think we have to have them if we are going to take care of our industry properly.

Finally, if you want to look at this one way, it is an exercise in futility because it requires a two-thirds vote to enact it as a constitutional measure, and everybody has had their say on it, I hope, so I think we may as well oppose the motion of the good Senator from Brunswick, Senator Morrell.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Morrell, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles.

The Chair will order a division. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

#### Divided Report

Six members of the Committee on State Government on Bill, "An Act to Provide Elected District Attorneys." (S. P. 474) (L. D. 1569)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec  
WYMAN of Washington

Representatives:

FARNHAM of Hampden  
STILLINGS of Berwick  
CURTIS of Orono  
SILVERMAN of Calais

Six members of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-183).

Signed:

Senator:

CLIFFORD  
of Androscoggin

Representatives:

CROMMETT  
of Millinocket  
COONEY of Sabbathus  
GOODWIN of Bath  
NAJARIAN of Portland  
BUSTIN of Augusta

Which reports were Read.

Mr. Berry of Cumberland then moved that the Senate accept the Ought to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Accept the Ought to Pass Report "B" of the Committee.

#### Second Readers

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

#### House

Bill, "An Act Authorizing Sale of the Seal Cove Water District." (H. P. 1530) (L. D. 1961)

Bill, "An Act Relating to Nets to Catch Shrimp." (H. P. 1537) (L. D. 1967)

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

#### House — As Amended

Bill, "An Act Increasing State Aid for the Construction of Highways." (H. P. 888) (L. D. 1173)

Bill, "An Act Relating to Jurisdiction of Certain Land at Bangor International Airport." (H. P. 1404) (L. D. 1845)

Bill, "An Act to Correct Certain Inconsistencies in the Motor Vehicle Laws." (H. P. 329) (L. D. 447)

Bill, "An Act Revising the Pauper Laws." (H. P. 275) (L. D. 381)

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

#### Senate

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers" (S. P. 618) (L. D. 1934).

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

Sent down for concurrence.

Bill, "An Act Creating a Study Commission on Environmental Laws". (S. P. 642) (L. D. 1977)

Which was Read a Second Time.

Mrs. Cummings of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-187, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: All this amendment does is to insert into the bill the statement of fact, which actually was the heart of the measure and was inadvertently left out.

The PRESIDENT: Is it the pleasure of the Senate to Adopt Senate Amendment "A"?

The motion prevailed.

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

Bill, "An Act Relating to Repair of the Seawall in the Town of York" (S. P. 643) (L. D. 1978).

Which was Read a Second Time.

On motion by Mr. Marcotte of York, tabled until later in today's session, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island." (S. P. 391) (L. D. 1137)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Protective Services for Incapacitated Adults. (S. P. 152) (L. D. 386)

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

An Act Relating to Qualifying Foreign Corporations to do Business in Maine. (S. P. 229) (L. D. 664)

An Act Relating to Lack of Privilege as a Defense in Action Against Manufacturer, Seller or Supplier of Goods. (S. P. 310) (L. D. 976)

An Act Relating to the Statute of Limitations in Contracts for Sale. (S. P. 311) (L. D. 977)

An Act Relating to Requirement of Notice of Breach in Contracts of Sale Where Personal Injuries are Suffered. (S. P. 313) (L. D. 979)

An Act Relating to Warranties on Consumer Goods and Services. (S. P. 343) (L. D. 1042)

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

(On motion by Mr. Sewall of Penobscot, temporarily set aside.)

An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State. (S. P. 412) (L. D. 1251)

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

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

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

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

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

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

An Act Relating to Research, Development and Cultivation of Marine Species. (H. P. 856) (L. D. 1143)

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

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

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

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

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

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

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

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

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

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

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

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

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

The President laid before the Senate the matter temporarily set aside at the request of Mr. Sewall of Penobscot:

An Act Providing Pensions for Former Governors and Widows.

Pending — Enactment.

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

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Resolve, Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against State of Maine. (S. P. 77) (L. D. 194)

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

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

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

### Emergency

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

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Committee of Conference

On the disagreeing action of the two branches of the Legislature on An Act Repealing the Bank Stock Tax, (H. P. 1491) (L. D. 1919), the President appointed the following Conferees on the part of the Senate:

Senators:

WYMAN of Washington  
COX of Penobscot  
FORTIER of Oxford

On motion by Mr. Berry of Cumberland,  
Recessed until the sound of the bell.

(After Recess)

Called to order by the President.

### 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 29, 1973 by Senator Hichens of York.

Pending — Enactment.

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

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

Senate Amendment "A", Filing No. S-186, was Read and Adopted and the Bill, As Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 30, 1973 by Senator Roberts of York.

Pending — Consideration.

(In the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-329), House Amendment "A" (H-349) and Senate Amendment "A" (S-121).)

(In the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "C" (H-458).)

On motion by Mr. Joly of Kennebec, the Senate voted to Recede from its prior action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A", House Amendment "A" and Senate Amendment "A".

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

Senate Amendment "B", Filing No. S-189 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Senate Report — from the Committee on Labor — Bill, "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act." (S. P. 427) (L. D. 1287). Ought to Pass as amended with Committee Amendment "A" (S-177).

Pending — Acceptance of Report.

On motion by Mr. Huber of Knox, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

Bill, "An Act to Establish Privileged Communication for School Counselors." (H. P. 533) (L. D. 715)

Tabled—May 30, 1973 by Senator Minkowsky of Androscooggin.

Pending — Passage to be Engrossed. Committee Amendment "A" (H-455).

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

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

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

Tabled — May 30, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-154) as amended by Senate Amendment "A" Thereto (S-160).)

(In the House — Bill and accompanying papers, Indefinitely Postponed.)

Mr. Speers of Kennebec moved that the Senate Insist.

Mr. Anderson of Hancock then moved that the Senate Recede and Concur and subsequently requested a division.

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

Mr. ALDRICH: Mr. President and Members of the Senate: I would oppose the pending motion to recede and concur with the House, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Senate recede and concur with the House on Bill, "An Act to Create the Department of Business Legislation." A "Yes" vote will be in favor of the motion to recede and concur; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Graffam, Greeley, Hichens, Huber, Joly, Morrell, Olfe, Schulten, Shute, Wyman.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Katz, Kelley, Marcotte, Richardson, Roberts, Sewall, Speers, Tanous, MacLeod.

ABSENT: Senators Minkowsky, Peabody.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Insist.

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

Senate Report — from the Committee on State Government — Bill, "An Act Establishing Drug Abuse Treatment Facilities." (S. P. 562) (L. D. 1743) Leave to Withdraw, Covered by Other Legislation.

Tabled — May 30, 1973 by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

Sent down for concurrence.

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

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)

Tabled — May 30, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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

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

Tabled — May 30, 1973 by Senator Kelley of Aroostook.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone Senate Amendment "A" (S-173) to Committee Amendment "A" (S-168).

Senate Amendment "A" to Committee Amendment "A" was then Indefinitely Postponed and, on further motion by Mrs. Cummings of Penobscot, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-184, was Read.



The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: The proponents of L. D. 1760, many of its opponents, the leadership of both parties, and the Public Utilities Committee concur in their desire to have the people of the state determine whether the State of Maine should enter into the business of generating and selling electricity by creating the power authority of Maine.

It was my hope to have the question worded as clearly and fairly as possible, since the people will have one, and only one, opportunity to approve or disapprove the state's entry into the power business. However, as evidence that the Republican Party is and always has been acting in good faith, and in the hope this will hasten the disposition of L. D. 1760, I submit Senate Amendment "A" and move its passage.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.  
Sent down for concurrence.

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

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

Tabled — May 30, 1973 by Senator Kelley of Aroostook.

Pending — Motion of Senator Peabody of Aroostook to Indefinitely Postpone.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending the Motion by Senator Peabody of Aroostook that the Bill be Indefinitely Postponed.

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 30, 1973 by Senator Morrell of Cumberland.

Pending — Enactment.

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

Mr. BERRY: Mr. President, this issue was decided yesterday and it seems to me the outcome depends upon the vote of the people of Brunswick and Sagadahoc County. This will be covered by that legislation, therefore, this is unnecessary and I move it be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill, An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate. (H. P. 1492) (L. D. 1920)

Tabled — May 30, 1973 by Senator Brennan of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, tabled, pending Enactment.

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

Bill, "An Act Relating to Repair of the Seawall in the Town of York" (S. P. 643) (L. D. 1978)

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-188, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to Reconsider its prior action whereby Bill, "An Act to Create

a Department of Marine Resources" (S. P. 637) (L. D. 1972), was Passed to be Engrossed.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

#### Reconsidered Matter

Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service, (S. P. 503) (L. D. 1587), having been returned from the Legislative Files pursuant to Joint Order, Senate Paper 633, Mr. Schulten of Sagadahoc then moved that the Resolve be Substituted for the Committee Report.

The PRESIDENT: The Senator has the floor.

Mr. SCHULTEN: Mr. President and Members of the Senate: Just a brief word: The members of the Senate will remember that on May 24th, just last Thursday, we reconsidered the placing of this bill in the legislative files under Rule 17-A, and this bill, L. D. 1587, is a Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service. The Senate took action on this bill on the 24th, last Thursday, and the other house took action and recalled the bill on the following day.

The Senate was very kind and gave me ample opportunity to explain why I felt that this bill should be reconsidered and why the bill should be substituted for the committee report. I would be glad to go into greater detail, which I have, if the members of the Senate have questions on this particular bill. But to briefly bring back to your memory the bill that I speak of, this concerns a teacher in Boothbay Harbor who was tragically killed in an accident. He had over nine years service in education, he had paid his retirement fund in for over nine years — nine years, I believe, and four months. He was paying \$40.50 a month. Had he lived and continued paying for an additional eight months, he would have then been qualified to receive the state retirement's fund.

Since this was a very tragic case, I felt the fact that he missed by \$40.50 a month times eight, or \$324, I believe, that the legislature should give consideration to providing a pension for the destitute wife and the children.

Now, it seems rather inexcusable for me to get up here and ask for such consideration when the bill was heard by the Committee on April 26th and was reported out unanimous Ought Not to Pass on May 1st. My only excuse for that is that I had intended to attend the hearing, naturally, since I was sponsor of the bill, but unfortunately, on April 26th I had a personal tragedy of my own which took me out of the state. However, I did, in spite of my own problems, remember the tragedy of someone else, so I did send a telegram to the Committee, to the Committee Chairman, and I would like to quote it. The quote is: "Regret unable personally sponsor document 1587. Eaton possessed fine qualities. Good family man, dedicated teacher, responsible member Boothbay Community. Hope Committee will favorably consider request for pension benefits to Mrs. Eaton and children." Now, I don't know if the Committee ever got that telegram, but I could say that I got the bill the first of the month, the following week, so at least Western Union did charge for it. I am not certain whether the telegram actually arrived.

Now, the Committee, in their wisdom, reported the bill out as unanimous Ought Not to Pass and, as I have said before, it went into 17-A. This bill, recommending such action, was on our calendar on May 1st. On May 1st I had still not returned to the state and my duties here in the legislature. I returned on May 2nd and just didn't pick up the fact that this bill had gone into the dead files so quickly. But this is the reason for my dilatory action on the bill. I think it has a great deal of merit, and I would certainly hope that the Senate today would favorably consider the substitution of the bill for the report.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: As Chairman of the Committee on Veterans and Retirement, I think that some explanation is necessary, and that is the reason I voted with you on May 24th to return this bill from the legislative files. I resisted the impulse on May 24th to respond to some of the rhetoric employed by the Senator from Sagadahoc, Senator Schulten. If you will read the transcript of that day's proceedings, you will see that the Committee was described in some rather unflattering terms.

I welcome the opportunity today to tell you why the Committee on Veterans and Retirement reported this bill out Ought Not to Pass and why it reported similarly deserving bills out Ought Not to Pass. If it is your pleasure to reverse this procedure in this case, then, after consulting with the other members of the Committee, including the Senate members, Senator Danton and Senator Shute, I will give consideration to putting in an order returning all of these similar bills.

Mr. Lawrence Eaton died on January 22, 1973 and, in accordance with the established Retirement System procedure, a letter was written to his beneficiary, Helen B. Eaton, his wife, asking for her own birth certificate and the birth certificates of the surviving children and Mr. Eaton. When this information was provided to the trustees of the Retirement System, it was noted that the children were not the descendants of Lawrence G. Eaton. Further pursuing the matter, it was also found that he had not adopted the children and, therefore, as the statute provides that "Any unmarried natural born or unborn or legally adopted progeny of the member" are those who may participate under survivor benefits, the Retirement System trustees took the position that the only choice would be that his beneficiary, that is, Mrs. Eaton — the children not being born of his marriage to her, and not having

been adopted by him — either could have a refund in the amount of \$3,482.12 or survivor's benefits payable at the rate of \$100 per month.

Now, more significant, Members of the Senate, I don't know how many of you have ever had the distinction and honor of serving on the Committee on Veterans and Retirement, but what is involved is that we have a Maine State Retirement set-up which has certain rules and regulations, and people who want some special consideration go to the Retirement System trustees, are turned down, and then they come to the legislature and make a very eloquent plea, as has been made on behalf of the widow of Mr. Eaton.

Now, this Committee, for all its faults, feels very strongly that an administrative procedure should be set up by which the Retirement System trustees can, under legislative guidance, allow modifications. We have had many pathetic cases brought to our attention. Senator Schulten of Sagadahoc, in a private discussion with me, seems to doubt that we have had as many heart-tugging cases as this. I can assure you that is not the case. We have heard many, many of them. The Committee elected to report these bills out Ought Not to Pass, and in the interim, hopefully, the Committee on Veterans and Retirement is going to be given an opportunity to conduct a thorough review of this entire question of how we handle the deserving case. For example, the person who misunderstands the necessity for filing a notice of intent to retire. We have had many things like this, the situation that confronts Mrs. Eaton, and many other cases. It is simply that we don't feel you are going to have a good Retirement System if you don't have some continuity with some fabric to it. This is the reason why I sponsored L. D. 492. It is the reason why the Committee has turned down the request for special retirement benefits for wardens of the institution at Windham; the bill I sponsored received the glory of a 17-A report, because

we are trying to put some fabric and consistency back into the law.

I am not going to bleed and die over it. If you want to do this for Mrs. Eaton and her children, then, I think in fairness to many, many others that we have considered, including, Members of the Senate, on Page 5, of today's advance journal you will see five or six cases which received Ought Not to Pass, and many of which I think are at least as deserving, if not more deserving, than the claim of Mrs. Eaton and the children who were not the progeny of the deceased Mr. Eaton and that were never legally adopted by him. So I will abide, as I did this morning — I am sure you were all so pleased to note so cheerfully — with your judgment. If you want to go ahead and make a special exception in favor of Mrs. Eaton, that is fine. I will be delighted to put in an order because I think, in fairness to these other people, if you are going to emasculate the Retirement System Law, then do it for everybody.

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

Mr. MORRELL: Mr. President, I would like to pose a question through the Chair to the Senator from Cumberland. The Senator mentioned the fact that there is going to be a study that would look into the matter of how do you handle a deserving case that through some small technicality has to be thrown out. I was wondering if he envisioned that a report on those circumstances would involve any retroactive action on the part of his Committee?

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

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, the terms of the order, which was introduced by the Majority Leader of the lower branch, and which is now on our Special Legislative Research Table,

are sufficiently broad — I know, because I have reviewed the order in terms of all of these bills — to permit us to establish a claims procedure, and take this and put it into a claims procedure that will not involve coming to the legislature every time and having a distinguished committee, such as the Committee on Veterans and Retirement, with its distinguished membership, going through all of these claims. We are, in fact, a claims committee, and I think that process ought to be stopped.

It would be my intention that all of these special situations that come to the attention of the legislature should be processed through that claims procedure, including Mr. Eaton, and including Mildred Beryl Foss, including Addie M. Knox, including Mrs. Ruth Brown of Orono. As I have indicated, the basic reason for the study committee is to try to put some fabric and consistency in this. If you are the widow of a Sea and Shore Fisheries warden killed in the line of duty, you receive special retirement benefits. If you are the widow of an Inland Fisheries and Game warden, you don't. That sort of inconsistency is all through our Retirement System Law, and I think we ought to correct it.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: I am delighted that the good Senator from Cumberland, Senator Richardson, has such fine plans to upgrade and update the Retirement System, and I am sure that many people in the State will applaud his actions.

I still think, however, that we perhaps are getting away from the item that I asked for reconsideration on last week. I too have read the transcript of what was said here last Thursday. I feel once again I have tried to present a picture as I saw it. If perhaps in my enthusiasm of emotion I offended members of the committee, certainly this was the last thing in my thoughts. I recognize that they are all hard working members of the legislature and that they do the best job they

can. I just feel, however, that they like the rest of us might possibly, occasionally take action that has not been fully considered, nor do they have all the facts apparent with them when they make the decisions.

The good Senator read, I assume, from the State of Maine memo from the Maine Retirement System concerning the children of this deceased Larry Eaton. I would just like to say that he is absolutely right; there is no question about it. I would also like to say that Larry Eaton and his wife were married for ten years, and Larry Eaton never adopted the two children by Mrs. Eaton's previous marriage. The reason he didn't do this was because her former husband would never allow it. He was perfectly willing through divorce that Mrs. Eaton should have the burden, but he was never willing to give up the ownership of the children.

The husband of these two children, who is still living, I understand, has a disability retirement from the air force. He is a twenty-year veteran. I understand, but I can't prove it, that this disability pension or retirement is pretty much concerned with the mental disability that he has. I also understand that he has a very severe drinking problem, so that his contribution to the upkeep of the children has been very spasmodic, if at all. I don't know what his mental disturbance might be, but I understand further that this gentleman in the ten years that he has been divorced from Mrs. Eaton has been married twice more. If I were a wit, I would say perhaps that is part of his mental disturbance, if anyone is brave enough to do that, but that goes without saying.

Eaton raised these two children in the last ten years to the best of his ability. He was never able to officially adopt these children, but he did his best to bring them up as he thought children should be. It was a happy family. Today, Helen Eaton, the widow with the legal claim to the two children, is practically destitute. The veterans are about to give a \$59 a month allotment for the upkeep

of the children. Social Security will provide another \$75, so that they will have about \$135 a month to bring up those children.

When Mr. Eaton was killed in the automobile accident, he left a car that had been demolished, which the insurance company paid off \$700 for, and Mrs. Eaton then bought a second hand car for \$700, which took care of that asset. The other assets she had consisted of a house that is mortgaged, plus about \$200 in a checking account. There were no other assets. There was no insurance. There is nothing. Mrs. Eaton has applied and I hope has gotten a job as a pastry cook in a local Boothbay restaurant. I understand she does have some talent this way. Her problem won't be quite so severe during the summer because in Boothbay Harbor it is not too difficult for a person with ability to get a job. Even some without ability can occasionally get jobs. But the winters in Boothbay Harbor for those unemployed can be very severe, and for a family of three and \$135 a month, I can assure you it would be awfully rough.

Now during the summer, Mr. Eaton, to supplement his \$8800 a year income from teaching, ran a second-hand book store, which he did not own but rented, and each year he would put in more second-hand books of varying description. Sometimes he cleared almost \$1,000 with the summer activity. Mrs. Eaton says the store is still there and has some books in it. They have made no effort to replenish the supply. She hopes to sell off enough books to give her a few dollars, plus the meager income she will get as a 4:00 o'clock in the morning pastry cook, to help to keep her own family together.

Now, I asked Mrs. Eaton, "Well, how about the possibility of your former husband helping?" She said, "He is completely helpless and hopeless, as far as we are concerned, and we can expect nothing there." I said, "Well, how about families?" She said, "Mr. Eaton's father is dead, and he is dead also. His mother is employed in the Bangor House." I said,

"Well, how about your parents?" She said, "My parents both are dead and I have no help there. I have one sister who recently moved to Topsham, Maine. She has eight children and she now finds that her husband has cancer. So I really don't feel that I can ask them for too much help."

So perhaps the many cases that the Veterans and Retirement Committee have to consider to bring out this broad base plan that is going to help so many people are all worthy of the good Senator's very deserving and eagle eye, but I say to you that here is a man who dedicated his life to education, who was employed for four years as a teacher at the Higgins Classical Institute, who had a major or a BA in chemistry, who interrupted his teaching to get a degree in mathematics; he foolishly, as many people occasionally do, forgot that there is a day of reckoning, and to finance his education he dipped into his retirement fund during the four years at Higgins Classical to pay for his living to provide the degree in mathematics, so that when he started in Boothbay Harbor over nine years ago he had no retirement benefits because he had squandered them. Like the prodigal son, he had squandered four years of pension payments.

Since he had been in Boothbay Harbor though, as a very respected member of the school and the community, and a proud father, even though he wasn't legally entitled to call the children his own, he paid at his current rate \$40.50 a month. He was less than a year shy, I believe eight months shy, of becoming legally entitled to pension rights for his widow and for his family. Whether it is just his widow or his family, I consider not terribly important at this point, because he did his best to raise these children as his own. So we are talking about approximately \$300 that deprives this woman, this practically destitute woman, from a pension that her husband was doing his best to provide.

Now fate sometimes can seem very cruel, and I think fate on this particular occasion, if the leg-

islature feels that it can't go along with the request to provide \$324, it is a particularly cruel occurrence of fate. I don't believe that fate is cruel; I believe all these things can be worked out. I am sure the ladies and gentlemen of the Veterans and Retirement Committee are people of the highest caliber with the best motives, and I am sure that when they took their action they thought they had all the facts. All I say is that I don't think that they had them quite to the degree that I have, and I have tried to share them with you. I hope you will feel there is justification for allowing a pension to be paid to this widow woman and her two children.

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

Mr. SHUTE: Mr. President and Members of the Senate: I, along with Senator Danton, am a member of the blue ribbon committee to which Senator Richardson referred, and I don't believe that we are without compassion. I am sure that Senator Schulten would agree that we have many difficult bills and many difficult cases which come before this distinguished committee, and the Eaton Case was just one of them.

Another one was one to which Senator Richardson has alluded, the case of a teacher in the Bangor area who, just prior to ending the school year last year, suffered a stroke, had intended to retire, but unfortunately was unable to submit her letter of intent to retire, and thus missed out on considerably more money in retirement than Mrs. Eaton ever would realize as a result of passage of this resolve. So this is just another of the instances that came before this committee.

I agree with Senator Richardson that if the legislature is ever going to get on a business like basis and, yes, have regard and have compassion for these people, but treat them all in a different manner, then we have got to start somewhere, so we attempted to treat all these cases similarly. So we are not without compassion. We are trying to put some businesslike

attitude into this business of being a legislator.

So, because I have got to share these convictions with my other colleagues on this committee, I must move for the indefinite postponement of this bill.

The PRESIDENT: The Senator from Franklin, Senator Shute, now moves that Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service, be indefinitely postponed.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that Resolve, Providing a Deceased Member of the Maine State Retirement System with a Minimum of Ten Years Creditable Service, be indefinitely postpone.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: While I ordinarily support the Chairman of the Committee involved in an action like this, I must say that I feel that there are exceptional circumstances in this particular case that affect Senator Schulten from Sagadahoc. He was not present at the hearing and went out of his way to draw attention to the fact. I think if he had been here he would have put up a valiant fight. I think in this particular instance there is a little divergence indicated.

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

Mr. RICHARDSON: Mr. President and Members of the Senate:

I am moved, of course, by the remarks of the Majority Leader, the Senator from Cumberland, Senator Berry, but I want to make one thing absolutely clear — that is a borrowed phrase which has not become totally out of place — that is that there is no member of this Committee that does not feel compassion and sympathy for Mrs. Eaton and her children. There is no member of the Committee who does not feel compassion and sympathy for all of the many other cases that came before us. We ask you to permit the Committee to recommend for adoption by the legislature directions to the Retirement System to set up a claims process.

Now, if the Majority Leader votes, as I presume he is going to, in favor of this, I hope that when the Committee brings back 15 or 20 others of these resolves, some of which have price tags of less than the \$14,584 which is on this bill, I hope we will act with a sense of consistency and grant these special benefits to all of these cases without reference to who the advocate is.

Now Senator Schulten is concerned, as we all are, about the constituency in his area. Some legislators are more persuasive than others, and Senator Schulten from Sagadahoc, has made his usually fine and persuasive presentation, but I hope that the quality of justice that people receive in the legislature isn't entirely dependent on the fortuitous circumstances of who happens to represent them. I hope that if you vote today to approve this L. D., if you take that action today, I hope — and I welcome a roll call — I hope that you will be consistent when we come back in here with the others, because I can assure you, Members of the Senate, having sat on this committee and been with this committee for five months, I know that there are plenty of cases just as deserving, if not more deserving, than Mrs. Eaton's.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that Resolve, Providing a Deceased

Member of the Maine State Retirement System with a Minimum of Ten Years Creditable Service, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Anderson, Brennan, Cox, Cummings, Cyr, Danton, Graffam, Greeley, Hichens, Huber, Joly, Kelley, Olfene, Richardson, Roberts, Sewall, Shute, Speers, MacLeod.

NAYS: Senators Berry, Cianchette, Clifford, Conley, Fortier,

Marcotte, Morrell, Schulten, Tanous, Wyman.

ABSENT: Senators Katz, Minkowsky, Peabody.

A roll call was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Resolve was Indefinitely Postponed.

Sent down for concurrence.

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On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.