

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

Friday, June 1, 1973

Senate called to order by the President.

Prayer by the Rev. Robert Butler of Hallowell.

Reading of the Journal of yesterday.

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

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

In the House May 17, 1973, Passed to be Enacted.

In the Senate May 30, 1973, Indefinitely Postponed in non-concurrence.

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

Mr. Joly of Kennebec moved that the Senate Recede and Concur.

On motion by Mr. Berry of Cumberland a division was had. 12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

Mr. Brennan of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair which I asked when this bill was originally debated and I was unable to ask again when the bill was presented for final enactment two days ago. That is, very simply, whether or not this bill would prohibit the employment by either of the two parties of individuals whose responsibilities would be to enroll voters in that party. Now, these would be individuals employed by the parties and by the state committees: field men, who would have additional responsibilities, but who also would have the responsibility of enrolling voters. I can envision a situation where a field man employed by the state committee might be in the field — let's even go the extreme, and say that someone comes up to him and asks to be enrolled in the party

— would he be prohibited from enrolling that individual in the party simply by virtue of his being in the employ and being paid by the state committee? I would like to ask that question through the Chair. It was not answered when I first asked it, and I wonder if anyone might be able to answer it at this time.

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

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: The intent of this bill was to stop people from being paid, let's say, fifty cents per card to go out and enroll people or register them. As far as someone who is on someone's payroll, working for them in a campaign, out doing some work and seeing people, and in the course of their activities they would register and enroll people, we find no fault with this.

The problem is that a lot of naive, inexperienced people have been sent out in the past and given fifty cents to get each name. They have mixed up on doing this, they innocently made mistakes which have resulted occasionally in people thinking they were registered or thinking they were enrolled, and finding out when they went to vote that they weren't. It has been embarrassing and they have lost their franchise.

If there is any question that this is not clear in the bill, I would hope you would go along with the committee of conference and we would make sure, checking with the A.G.'s office or the Secretary of State's office, that this is all right and that it takes care of Senator Speers's problem.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I agree with the remarks of the good Senator from Kennebec, Senator Joly. And if we join in a committee of conference, I think we could broaden it to include most employees.

I think what this bill is designed to do is to do away with this idea of putting a bounty on getting certain types of voters, for example, getting a Democrat to switch to a Republican. I think that is sort of repulsive to the political process. So I hope we would join in a committee of conference and, I think, during the course of that committee of conference we could broaden it to take care of most salaried employees.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: At the risk of answering the question that was posed by the Senator from Kennebec, Senator Speers, the answer to the good Senator's question is "Yes, this would prohibit a person accepting money or anything of value in return for enrollment of voters." It doesn't say that it has to be on a per voter enrollment. It doesn't have any provision at all to protect regular party employees of either of the two major political organizations in the state. Therefore, I think it is bad legislation, and the problem which is described by Senator Joly of Kennebec is simply not met by this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: It seems strange to me this morning we are debating this bill when so many times in the past, particularly I think in the last three sessions, there has been a bill in here to repeal the very act that has brought about the problem today, and that is the doing away with justices of the peace and notary publics being allowed to register voters. It seems strange that we don't want to take a positive step in this area.

We all know that both political parties have paid hacks who are employed on a yearly basis, and we expect them to do their job. That is why we are paying them. But as far as the objections of Senator Speers, we are all aware that this bill can be worked out

to provide or allow people who are employed by both state headquarters or state parties to be paid, if that is the situation. But the people I know that have been employed by, at least the Democratic State Headquarters, I wouldn't want to be paying them \$15,000 a year to have them out enrolling or registering voters. If that is what they are doing, I think we ought to get rid of them, and I think the Republican Party probably feels the same way.

I do think in the case that most of us think of in particular, two years ago, that it was really outright blatant to have someone paying fifty cents a name or a dollar a name just to either get them enrolled or get them transferred. The Democrats have a few bucks in their back pocket, you know; we are not a real poor party. I am kind of surprised at my great leader over there talking about Democrats switching. Really the Democrats in this state have nowhere to go; that is why they are Democrats, and I don't think you are going to see too many of them leaving the party. I think you are the people that have the big fear, so if you are smart, I think you will pass this bill, or at least join in a committee of conference to see if you can't work something out more amicably.

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

Mr. BRENNAN: Mr. President, I really feel there is a lot of confusion on this bill, and it is a very short bill. Could we have those couple sentences read, the bill in its present form?

The PRESIDENT: The Secretary will read the enactor.

The SECRETARY: "Section 1580 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 10, to read as follows:

"Money for enrollment. A person, firm or organization, who offers, solicits or accepts money or anything of value in return for enrollment of voters. This subsection shall not apply to paid executive employees of state

committees who may organize enrollment programs for their respective parties."

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

Mr. BERRY: Mr. President and Members of the Senate: I don't see the difference between paying somebody on a per vote basis or paying them these \$15,000 that the very full coffers of the Minority Party appear to be full of. What is the difference? It sounds to me like maybe you are paying a lot more than fifty cents for a vote. Why don't you sell yourself on your merits?

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate insist and join in a committee of conference on Bill, "An Act Prohibiting the Acceptance of Money for Enrollment of Voters." The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Brennan, that the Senate insist and join in a committee of conference will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Books for Recording in Office of Register of Deeds." (S. P. 63) (L. D. 166)

In the Senate May 25, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-158).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-469), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Relating to Minimum Wages for Students Employed at Summer Camps." (H. P. 1313) (L. D. 1723)

In the House May 25, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-437).

In the Senate May 30, 1973, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

Mr. Huber of Knox moved that the Senate Adhere.

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

Mr. BRENNAN: Mr. President, I would oppose that motion. I will not bother to debate it, since it was debated the other day. I would urge the Senate to vote against the motion so we could then offer a motion to insist and join in a committee of conference, and I would ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Knox, Senator Huber, that the Senate adhere will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion prevailed.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Prohibiting the Acceptance of Money for Enrollment of Voters" (H. P. 1270) (L. D. 1645) the President appointed the following Conferees on the part of the Senate:

Senators:

SHUTE of Franklin

MORRELL

of Cumberland

BRENNAN of Cumberland

Orders

On motion by Mr. Clanchette of Somerset,

WHEREAS, regular use of the Maine Turnpike is necessary for a segment of southern Maine citizens due to location and occupations; and

WHEREAS, such frequent use is a financial burden upon those citizens which does not exist in other areas of the State; and

WHEREAS, the issuance of commuter-type tickets at a reduced rate would provide a measure of needed relief for certain vehicle operators within the area; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is authorized and directed to study the feasibility of the Maine Turnpike Authority issuing commuter-type tickets at a reduced cost to regular users of noncommercial vehicles residing in the area who for reasons of necessity frequently use the Maine Turnpike; and be it further

ORDERED, that the Maine Turnpike Authority be respectfully directed to assist the committee in carrying out the purpose of this Order to the maximum extent possible; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at either the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said Maine Turnpike Authority as notice of this objective. (S. P. 649)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. CIANCHETTE. Mr. President and Members of the Senate: By way of explanation of this order, I would like to mention that this order results from a bill presented to the Committee on Transportation by the Senator from York, Senator Marcotte. With a great deal of cooperation, fine attitude, and upstanding character, all those fine things, Senator Marcotte has been able to work out this order with the Transportation Committee. It probably will get the

job done that he wanted in the first place, and that was to sit down with the Turnpike Authority to see if there isn't some way that the users of the turnpike could get a break on the tolls. I do believe that because the Senator from York, Senator Marcotte, was so cooperative, that this job can be done, and I did want to commend him for his efforts.

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

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

On motion by Mr. Shute of Franklin,

WHEREAS, over 44 million dollars in special project bond issues have been proposed before the joint committee on transportation; and

WHEREAS, the bridges and improvements projects proposed are not without merit despite the high probability of failure when individually presented on statewide referendums; and

WHEREAS, the present system of financing such major projects by individual bond issue is less than adequate to meet such needs; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and instructed to study and evaluate the means of financing the following bills: "An Act to Authorize the Construction of a Bypass of the Built-up Area of Wiscasset," House Paper No. 169, Legislative Document No. 211; "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Gardiner and Randolph," House Paper No. 485, Legislative Document No. 639; "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Waterville and Winslow," House Paper No. 1167, Legislative Document No. 1502; "An Act to Authorize Bond Issue in the Amount of \$25,000,000 to Make Improvements on U.S. Route 1," Senate Paper No. 564, Legislative

Document No. 1744, as introduced at the Regular Session of the 106th Legislature in order to develop alternative means to finance such major projects; and be it further

ORDERED, that the State Department of Transportation be authorized and respectfully directed to provide such technical advice and other assistance as the committee determines necessary or appropriate to carry out the purpose of this Order; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at either the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said department as notice of this directive. (S. P. 650)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: This is a companion order to Senator Cianchette's in that it attempts to take care of the problem of several bills presented before the Committee on Transportation. There is a problem of financing the cost of bridge construction in this state, and we are getting to the point where we are reaching a crisis on financing bridge construction. This attempts to address itself to that problem.

Hopefully, the committee which will be formed as a result of this order, if it is passed, will attack this problem directly and attempt to find some means of funding for bridge building. I think that the Committee would like to see the study committee also attempt to establish priorities on bridge building in the state because, obviously, all of them can't be built simultaneously.

So this would take care of the problem of a bypass in the area of Wiscasset, which does include a new bridge in that area, badly needed for some time, the construction of a bridge across the

Kennebec between the communities of Gardiner and Randolph, between Waterville and Winslow, and also to approach the problem of making improvements on U.S. Route 1. All of them are approaching crisis proportions and something needs to be done. This order addresses itself to that problem.

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

Mr. SPEERS: Mr. President, I certainly would not oppose this order, and would certainly agree with the Transportation Committee that there needs to be a great deal of thought and study put into the matter of how to finance bridges for the future.

I feel somewhat a victim, although I am not a sponsor of any one of these bills, but one particular bill is of extreme interest to my district, construction of a bridge across the Kennebec between Gardiner and Randolph, and I am sure the other areas may feel as well that they are just as important and just as crucial. I think perhaps we shall all feel somewhat a victim of the circumstances wherein the Transportation Committee has decided that there needs to be a general study as to how the state should finance bridge construction in the future. As I said, I certainly don't disagree with that thought, but I would like to emphasize that these bills — I know the particular one on the bridge in Gardiner, and I am sure the rest of them — were put in at this session because these are extremely urgent matters and they are very badly needed matters, and I would object to the idea that these particular matters can be put off awaiting the results of that study.

I think it unfortunate, just because in this particular session the Committee has decided that we need to study how future bridge construction should be financed, that all of the bills that were brought into this session for that particular subject must be put off and await the results of that study. I don't find these bills on the calendar elsewhere, and I am very much in hopes that when they do appear that they may be given a

favorable report from the Committee on Transportation. And I certainly would not oppose the order which would then go on to study any future ways of financing bridge construction.

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

Mr. SHUTE: Mr. President and Members of the Senate: In response to the remarks by Senator Speers of Kennebec, I would suggest to him that the study which would be conducted by this special committee, be it Legislative Research, the Transportation Committee, or a subcommittee of that committee, that they also would include in their observation of the problem of funding bridge construction and establishing priorities, would follow the order, which suggests in the third sentence from the bottom, "to finance such major projects." This would, in my opinion, include all such bridge building problems as they present themselves to this legislature, whether they are constituted in the Gardiner-Randolph problem, Waterville-Winslow, or whatever, but indeed all of the problems. There are many other bridge construction problems in the state which are not included in this order, and this would be the committee's responsibility.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to add a few remarks to what Senator Speers spoke about.

First, the two bills that were sponsored by Senators before the Transportation Committee are on today's calendar under Leave to Withdraw as Covered by Other Legislation, and I believe that the bills that originated in the House would be on the House Calendar under Leave to Withdraw as Covered by Other Legislation.

This study is not a way to kill these bills. Let me just tell you the traffic counts over three of these bridge projects. The Waterville-Winslow traffic count for 1973 is 22,000 cars a day; Wiscasset-

Edgecomb was 15,000 cars a day in 1971; the Gardiner-Randolph bridge was 11,000 cars per day in 1971.

I believe it was the feeling of the Committee, or it was my feeling at least, that these projects are all worthy, and I believe we are facing up to the problem rather than trying to study them to death, because there is a financing problem. To put these things out to bond issue, I think is irresponsible for this legislature. We have got a problem; we should face up to it, fund it, and get on with the business.

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

Thereupon, 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 to Extend Sales Tax Exemption to New Machinery." (H. P. 637) (L. D. 850)

Bill, "An Act Relating to the Income Tax on Corporations and Revising the Rates." (H. P. 836) (L. D. 1106)

Bill, "An Act Relating to Social Security and Veterans' Benefits in Making Budget for Recipients of Public Assistance." (H. P. 302) (L. D. 404)

Bill, "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare." (H. P. 922) (L. D. 1220)

Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Adoption of Foster Children by Their Foster Parents." (H. P. 1393) (L. D. 1801)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations for the Department

of Health and Welfare for the Next Biennium." (H. P. 422) (L. D. 571)

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 Education on Bill, "An Act Providing for Financial Operating Costs of Public Schools." (H. P. 279) (L. D. 357)

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

The Committee on Education on Bill, "An Act to Fund the Costs of Public School Education from State Sources." (H. P. 1306) (L. D. 1699)

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

The Committee on Education on Bill, "An Act Providing Full Funding of Public Schools from State Sources." (H. P. 1381) (L. D. 1700)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officials of York County." (H. P. 1092) (L. D. 1429)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of Jury Commissioners and County Officers of Lincoln County." (H. P. 1236) (L. D. 1607)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officers of Somerset County." (H. P. 64) (L. D. 78)

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

The Committee on County Government on Bill, "An Act Relating to Salaries of Certain

County Officials." (H. P. 756) (L. D. 974)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officials of Androscoggin County." (H. P. 713) (L. D. 919)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of Certain Sagadahoc County Officers." (H. P. 458) (L. D. 607)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officials of Piscataquis County." (H. P. 435) (L. D. 584)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officers of Kennebec County." (H. P. 971) (L. D. 1278)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officials of Hancock County." (H. P. 289) (L. D. 363)

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

The Committee on County Government on Bill, "An Act Increasing Salaries of County Officials of Knox County." (H. P. 926) (L. D. 1224)

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

The Committee on County Government on Bill, "An Act to Increase Salaries of County Officials of Washington County." (H. P. 303) (L. D. 405)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Refer to 107th Legislature

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

Reported that the same be referred to the 107th Legislature.

Comes from the House, the report Read and Accepted and the Bill referred to the 107th Legislature.

Which report was Read and Accepted in concurrence and the Bill referred to the 107th Legislature in concurrence.

Ought to Pass

The Committee on Veterans and Retirement on Bill, "An Act Relating to Legislative Service Under State Retirement System." (H. P. 49) (L. D. 56)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on Bill, "An Act Relating to Group Life Insurance for Judges and Justices of the Courts." (H. P. 371) (L. D. 500)

Reported that the same Ought to Pass.

The Committee on Labor on Bill, "An Act to Permit Associations for the Promotion of the Pulpwood Industry." (H. P. 423) (L. D. 572)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

(On motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.)

The Committee on Marine Resources on Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor." (H. P. 648) (L. D. 864)

Reported that the same Ought to Pass.

The Committee on Labor on Bill, "An Act Relating to Definition of Hotel under Labor Laws." (H. P. 744) (L. D. 957)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on Bill, "An Act Relating to Contributions by Participating Local Districts under Retirement Law for Former Employees." (H. P. 952) (L. D. 1249)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act to Provide a Minimum Fine for Obstructing Justice." (H. P. 983) (L. D. 1303)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-462).

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

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

The Committee on State Government on Bill, "An Act to Establish a Uniform Program for Educational Leave for State Employees." (H. P. 507) (L. D. 672)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-436).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-479).

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

Ought to Pass in New Draft

The Committee on County Government on Bill, "An Act

Creating York County Commissioner Districts." (H. P. 199) (L. D. 272)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1545) (L. D. 1976)

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

Which report was Read.

Mr. Marcotte of York moved that the bill be Indefinitely Postponed.

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

Mr. DANTON: Mr. President and Members of the Senate: I can see my seatmate is going to have to hitchhike home today. It seems that every session this bill comes up for York County and every session he wants to kill the bill. I am opposed to that, so I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from York, Senator Marcotte, that Bill, "An Act Creating York County Commissioner Districts", be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Four Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

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 thank you very much for supporting me, and assuring Senator Marcotte a ride home.

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

The Committee on Natural Resources on Bill, "An Act to Extend the Deadline for Mandatory Shoreland Zoning." (H. P. 1362) (L. D. 1818)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1538) (L. D. 1968)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "B" (H-478).

Which report was Read and Accepted in concurrence.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair to any member of the Natural Resources Committee as to what the extension would be.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair which any member of the Natural Resources Committee may answer if he desires.

Thereupon, the Bill in New Draft was Read Once. House Amendment "B" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Discovery Procedures in Workmen's Compensation Hearings." (H. P. 1157) (L. D. 1490)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland

Representatives:

WHITE of Guilford

BAKER of Orrington

PERKINS

of South Portland

CARRIER of Westbrook

McKERNAN of Bangor

KILROY of Portland

WHEELER of Portland

HENLEY of Norway

GAUTHIER of Sanford

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

Signed:

Representative:

DUNLEAVY

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

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

Divided Report

The Majority of the Committee
on State Government on Bill, "An
Act to Provide a Maine Citizen's
Preference on State Civil Service."
(H. P. 578) (L. D. 885)

Reported that the same Ought
Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

WYMAN of Washington

CLIFFORD

of Androscoggin

Representatives:

NAJARIAN of Portland

CURTIS of Orono

STILLINGS of Berwick

CROMMETT

of Millinocket

GOODWIN of Bath

COONEY of Sabattus

BUSTIN of Augusta

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

Signed:

Representatives:

FARNHAM of Hampden

GAHAGAN of Caribou

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-418).

Which reports were Read.

On motion by Mr. Speers of
Kennebec, tabled and Tomorrow
Assigned, pending Acceptance of
Either Committee Report.

Divided Report

The Majority of the Committee
on Judiciary on Bill, "An Act to
Protect Families with Children and
Recipients of Certain Benefits
Against Discrimination in Rental
Housing." (H. P. 975) (L. D. 1289)

Reported that the same Ought
Not to Pass.

Signed:

Sensors:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

CARRIER of Westbrook

HENLEY of Norway

GAUTHIER of Sanford

KILROY of Portland

BAKER of Orrington

PERKINS

of South Portland

WHEELER of Portland

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

Signed:

Sensor:

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

WHITE of Guilford

Comes from the House, the
Minority report Read and Accepted
and the Bill Indefinitely Postponed.

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

Mr. BRENNAN: Mr. President
and Members of the Senate: First,
I would move that we accept the
Minority Ought to Pass Report of
the Committee, and I would like
to speak briefly to that motion.

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

The Senator has the floor.

Mr. BRENNAN: Mr. President
and Members of the Senate: Our
Human Rights Act already
prevents discrimination in housing
on the grounds of race, religion,
ancestry, and national origin. This
act is intended to rid this state
of arbitrary discrimination and to
promote human dignity. I strongly
believe these same policies should
be extended to families with chil-
dren and those unfortunate enough
to require public assistance.

Now any owner of the necessity
of human shelter can refuse a
family housing because it has
children. This works a cruel hard-
ship in a state with a drastic

housing shortage. Certainly it discourages young Maine families from staying in their native state. Certainly it discriminates against a class of Maine citizens arbitrarily and through no fault of their own. It is in the best interest of all Maine people that this form of discrimination be stopped now. But this is not a radical measure. It retains all the safeguards in the present act for the duplex owners where the owner is an occupant. It follows the model of Massachusetts legislation which has been in force for two years.

This act is a positive measure to give real help to a large class of Maine people in securing one of the basic necessities of life for themselves and their children. It prohibits an unjustifiable form of discrimination against children, so I urge this body not to turn a deaf ear. I would urge you again to accept the Minority Ought to Pass Report, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I want to commend my good friend, Senator Brennan from Cumberland, for the very flowery debate he has given us this morning on discrimination. I completely agree that no one should discriminate against another individual because of race, color, or creed.

I think when you are talking about discrimination against a family with children for rental purposes, I personally don't believe that you are in the realm of discrimination as such.

Now, it is extremely difficult for anyone to vote against a bill of this kind, I agree, especially in light of the very flowery debate that Senator Brennan has given us, who is concerned with the children of our state. And it was difficult for me to sign the report Ought Not to Pass because I have seven children of my own and, unfortunately, I mean, my neighbors don't want my children on their lawn, and I don't blame them. Nor do they want them

climbing up their trees, nor do they want them destroying their property. And I frankly can't see where the state government or this legislature has any right to try to infringe upon the rights of property owners.

Now, if a landlord or a homeowner chooses not to rent his property to a family with seven children, I believe that this is a right that a landowner has. If we commence to take these very basic rights away from these individuals, property rights, where do we stop? I mean, today the poor people can have all the legal representation they want, they can have the medical care that they want free of charge; we have provided for that through flowery language like Senator Brennan has given.

There is no problem with these people. They can have access to courts, they can have medical care, and the rich have this also. It is people like we, I suppose, the middle class people that have to pay for all these provisions that we enact. Nobody cares about the middle class anymore; we are all concerned about discrimination against the poor, the invalids, and the people with large families. I speak as a man with a large family, and I certainly don't think that such legislation belongs on our books. Thank you.

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

Mr. CONLEY: Mr. President, I would pose a question to the good Senator from Penobscot, Senator Tanous, and I wonder if he will respond with an answer to the question. Where are these large families supposed to live then?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I wish to apologize to the members of the Senate. I think perhaps I am not using my staff assistant the way I should. I see the remarkable dissertations being given by my confrere here when he stands up and reads these lengthy and

very learned papers on all these politically attractive items, and I am just able to stand up here with my non-legal background and try to think on my feet. It isn't an easy job and I hope that the Senate doesn't find my presentation too boring.

With apologies to the Senator from Cumberland, Senator Brennan, I would like to read an article from the Augusta paper about Portland. It is entitled "Portland Housing Project is Tarnished in Ten Months." I think this is quite apropos to what Senator Tanous of Penobscot is talking about. This is datelined yesterday.

"At its opening last August, the Riverton public housing project was hailed as a beautiful place to live, providing a country atmosphere for 150 people from Portland's core city. Ten months later the dream is tarnished. Grassy yards in back of the garrison style apartments have become garbage strewn pockets of squalor and residents say they fear for their safety. 'We live in constant fear', said a father of seven who asked to remain unidentified for fear of retribution from gangs of teenagers who prowl the project at all hours of the day and night. 'My children don't want to go to school, don't want to step foot out of the door', he said. 'Last month there were 13 reported assaults on women and children by gangs of youths ranging in age from 12 to 21', he said. 'Not all the families down here are bad', said another parent who also wanted to remain nameless, 'it works out about fifty-fifty, but the tough families make it hard for the ones who want to raise good families.' She said 'the larger number of youngsters, 750 among the project's 150 families, and widespread use of drugs are much to blame for the situation. The gangs have been blamed for setting rubbish and grass fires and then stoning fire department apparatus when it arrives at the scene. 'We have to go down there more than to any other section of the city', said Fire Chief Joseph Cremo. 'We don't go in there any more without first calling for police escort. Most of our calls down

there are really police matters', he added. One of the tenants who moved to the project from suburban Portland recalled that he had spent the previous eleven years in the city's peninsula core and never feared harassment. 'Now I am looking for a new rent so we can get out of it', he said, 'but where else can you get an apartment for nine for \$48.50, which is all it costs us here.' "

I think this underlines this problem. I think what Senator Tanous says indicates that we should measure up to our responsibility in the legislature and turn down this legislation.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to thank the good Senator from Cumberland, Senator Berry, for commending my Administrative Assistant, Mr. Flanagan. He does a fine job.

However, I think what this bill does is show the classic breakdown in this body and in many legislative bodies; it is the division between property rights and human rights. As far as I am concerned, I come down on the side of human rights.

I think that is a nice little dissertation or treatise that the good Senator read from the Portland papers. I personally do not agree with housing developments. I think we ought to spot these houses for the low income people. I think we ought to spot some of them out in Cape Elizabeth, we ought to spot some of them out in Cumberland, and we ought to spot some of them out in Falmouth. I think it is a real serious problem as to whether or not people can get a rent with large families. I think it is a very serious problem in this state as to whether or not they can get, if they want, public assistance.

This isn't really breaking tremendous new ground. We have done some of these things earlier, a couple of years ago. No longer can you discriminate because someone is Jewish. No longer can you discriminate because someone is black. No longer can you discriminate because of someone's

national origin. I think this bill here is a step in the right direction.

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

Mr. CONLEY: Mr. President and Members of the Senate: What the good Senator from Cumberland, Senator Berry, fails to mention in reading the article or the editorial from the Portland paper is the fact that government itself was responsible for the 150 units of public housing that he has referred to.

He mentioned in the editorial that one family found no problem of personal safety living on the peninsula, and yet it was the local government at that time that put an urban renewal program into effect that tore down the houses that forced these people into public housing.

Now, public housing, when it first came into being, was supposed to be an answer to much of the substandard housing that we have in the community, and everybody looked upon it as really an answer to solving a real serious problem, and that was to at least give safety as far as the standards of a home.

Now, if the good Senator is saying we should do away with public housing, I think perhaps he is right. I think that many of us have second thoughts about establishing instant ghettos in a community when we throw 150 particularly multi-family units into one little area. We recognize this but, on the other hand, we recognize that at the time these 150 units were built in Portland we had a very, very serious housing shortage within the community, and certainly a very dangerous situation existed at the time these were built. So they were built primarily for the purpose of giving instant relief to many people who needed this housing.

I think what the good Senator from Cumberland, Senator Brennan, has emphasized or tried to emphasize here today is the fact that we are concerned basically with human rights. Today, we find, particularly in the larger communities, it is almost impossible for anyone with more than three

or four children to get a flat or get a rent, and it becomes worse and worse each day.

I see no reason at all why this legislature, and this Senate particularly, shouldn't stand on record as trying to help recognize that problem and to alleviate the situation. I would support the motion of the good Senator to accept the Minority Report.

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

Mr. TANOUS: Mr. President and Members of the Senate: You know, to really appreciate the landlord's point of view, I think one would have had to have been at the public hearing to listen to the debate and the arguments on this bill.

I don't recall if my good friend, Senator Brennan, was at that particular hearing or not — maybe he was, but my recollection doesn't serve me momentarily on this subject because he is a very busy Senator and many, many times he wasn't at the public hearings, but I don't recall whether he was at this one or not — but we had a full afternoon with landlords and tenants. It was overflowing. The Judiciary Room is a small room and we did not anticipate such a crowd. The balcony was full and the hallways were full with landlords and tenants. The tenants were there with their children and the landlords were there with their arguments.

In all seriousness, you know, my heart bleeds for a family with children that has a difficult time to find housing. Certainly, as a child, I was in that position, but fortunately my means today don't proscribe me to this unfortunate difficulty that many people are in. But when you listen to the landlords and the problems that they have — and I am not a proponent for landlords, and I am not here this morning trying to enhance their position — but they did have a valid argument. I particularly remember this one landlord who had six apartments. He had four apartments perhaps with some elderly people in there, husbands and wives in their senior years. He did rent an apartment to a

family with children. Now, there was one with just a baby. Now, of course, these elderly people like to sleep at night, and they were suddenly subjected to being awakened by a crying baby three or four times a night. He described the stages that these children go through. I have seven, and I could appreciate his feelings, believe me. They not only go through the stage of crying during the night, of stomping their feet on the floor when they get old enough and get to the age when they want their own way, they go through the stage of getting a hammer and wanting to build something but, unfortunately, they use the furniture to try to build something with. They will bang on the pipes and they will jump on the furniture. Kids will do all kinds of things.

Now, I bring these points out merely to reflect to you the position of the landlords. Are we to say to these landlords, or yourself if you are a landlord, "If you have a rent available, you cannot deny this rent to a family with children"?

I agree with Senator Brennan that no one should discriminate against race, color or creed, and I think we have enacted legislation in this area, but when you are talking about a bill like this, and he speaks of discrimination because of children, I don't buy that argument. I don't think it is discrimination against children. I think it is a matter of choice as to whether a landlord wants to maintain the property and be permitted to earn a livelihood which he has chosen. Now, he will have to go all the way and rent his apartments to families with children so they can put up with each other. This is ultimately what he will have to do if this legislation is enacted.

Now, I am convinced, as I say, with Senator Brennan on discrimination, but I still believe in the philosophy of free enterprise, and when we commence to enact legislation in this area then this is an infringement on free enterprise and not discrimination. I respectfully request that you oppose Senator Brennan's motion

to accept the Minority Report and join me in accepting the Majority Committee Report. Thank you.

The PRESIDENT: Is the Senate ready for the question? 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 to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing." A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once again. 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 Legislative Document 1289. A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Conley, Cyr, Danton, Kelley, Richardson, Schulten.

NAYS: Senators Aldrich, Anderson, Berry, Cianchette, Clifford, Fortier, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Peabody, Roberts, Sewall, Shute, Speers, Tanous, MacLeod.

ABSENT: Senators Cox, Cummings, Graffam, Marcotte, Olfene, Wyman.

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

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

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An

Act to Create the Maine Coastal Development Corporation as a Body Corporate and Politic." (H. P. 1267) (L. D. 1759)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc

CUMMINGS of Penobscot

Representatives:

CURRAN of Bangor

HERRICK of Harmony

PETERSON of Windham

MacLEOD of Bar Harbor

HUBER of Falmouth

BERUBE of Lewiston

PALMER of Nobleboro

BRIGGS of Caribou

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

Signed:

Senator:

MARCOTTE of York

Representatives:

SMITH of Exeter

ROLDE of York

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

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

Senate

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 Providing a Moratorium on Cutting Timber and Grass on the Public Reserved Lots." (S. P. 7) (L. D. 34)

Bill, "An Act Relating to Kidnapping of Minor Child." (S. P. 548) (L. D. 1702)

Leave to Withdraw

Mr. Cox for the Committee on Business Legislation on Bill, "An Act to Amend the Maine Insurance Code to Provide for Regulation of Insurance Holding Company System." (S. P. 299) (L. D. 964)

Reported that the same be granted Leave to Withdraw.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Court Costs on

Hearings for Discharge of Persons Committed to Department of Mental Health and Corrections by Reason of Mental Disease. (S. P. 568) (L. D. 1745)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Leave to Withdraw

Covered by Other Legislation

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Relating to the Maine Turnpike Authority." (S. P. 528) (L. D. 1658)

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

Which report was Read.

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

Mr. BERRY: Mr. President, I note that the bill provided for the taking over of the Turnpike Authority by the Maine Transportation Department, and that the report of the Committee is Leave to Withdraw, Covered by Other Legislation. I wonder if a member of the Committee could explain what is meant here.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, the thought of "Covered by Other Legislation" is that it is tied into the order we had today. The order refers to each of these bills. The only problem that the Committee saw with these bills was that there is no way to fund them, and we didn't think it was responsible to put them out to bonding. Does that answer the question?

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

Mr. BERRY: Mr. President and Members of the Senate: I was concerned about this because the Legislative Research Committee of the 105th rather exhaustively investigated the principle of that L. D., and I think the record should

show that this is only going to be an investigation by the Research Committee if, as, and when it might conceivably go through, and that there is really no legislation involved.

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

Mr. GREELEY: Mr. President and Members of the Senate: With reference to the statement made by the Senator from Cumberland, Senator Berry, that was with reference to the state taking over the turnpike. This bill has to do with giving a little relief to people living in the southern part of the state on buying strip tickets and so forth. They have been paying a toll on this turnpike now for about 20 years, and there was some thought of trying to give a little relief to them. But maybe I am in error. Thank you.

The PRESIDENT: Is it the pleasure of the Senate to accept the Leave to Withdraw Report of the Committee whereby this bill is covered by other legislation?

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

Sent down for concurrence.

Mr. Cianchette for the Committee on Transportation on, Bill, "An Act to Authorize Bond Issue in the Amount of \$25,000,000 to Make Improvements on U.S. Route 1. (S. P. 564) (L. D. 1744)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Richardson for the Committee on Public Lands on Resolve, to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County. (S. P. 193) (L. D. 538)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act to Clarify Title to Roads and Ways." (S. P. 317) (L. D. 983)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Richardson for the Committee on Veterans and Retirement on Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (S. P. 353) (L. D. 1049)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-194).

Mr. Tanous for the Committee on Judiciary on Bill, "An Act to Create a Commission to Prepare Legislation Revising the Trial Court System." (S. P. 457) (L. D. 1473)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-191).

Mr. Richardson for the Committee on Public Lands on Bill, "An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks." (S. P. 476) (L. D. 1537)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-193).

Mr. Richardson for the Committee on Public Lands on Bill, "An Act to Establish Title to Islands in Maine's Coastal Waters and to Create the Maine Coastal Island Registry." (S. P. 500) (L. D. 1608)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-195).

Mr. Cox for the Committee on Business Legislation on Bill, "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000." (S. P. 383) (L. D. 1129)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-192).

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

Second Readers

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

House

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

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

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

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)

Resolve, Providing for Purchase of Copies of History of Monson. (H. P. 1414) (L. D. 1854)

Bill, "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)

Bill, "An Act Providing for Interest on Late Payment of Insurance Claims." (H. P. 1544) (L. D. 1975)

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

House — As Amended

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)

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

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

Bill, "An Act Establishing the Arrostook-Prestile Treatment District." (H. P. 1276) (L. D. 1748)

Bill, "An Act Relating to Illuminated Advertisements on Motor Vehicles." (H. P. 1460) (L. D. 1885)

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

Senate

Bill, "An Act Appropriating Additional Funds to the Depart-

ment of Health and Welfare for Medical Care Payments for the Fiscal Year Ending June 30, 1973." (S. P. 648) (L. D. 1985)

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

Bill, "An Act Relating to Service Retirement Benefits under State Retirement System." (S. P. 184) (L. D. 492)

Bill, "An Act Relating to State Employee's Grievance Procedure." (S. P. 644) (L. D. 1979)

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 645) (L. D. 1980)

(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 Matter, Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

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

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

(On motion by Mr. Hichens of York, Tabled and Tomorrow Assigned pending Enactment.)

An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of Federal Water Pollution Control Act Amendments of 1972. (S. P. 624) (L. D. 1945)

An Act Repealing Certain Laws Relating to Actions by Shareholders. (H. P. 313) (L. D. 431)

(On motion by Mr. Berry of Cumberland, Tabled and Specially Assigned for June 5, 1973, Pending Enactment.)

An Act to Amend the Municipal Official Conflict of Interest Law. (H. P. 620) (L. D. 818)

An Act Relating to Mirrors on Certain Vehicles. (H. P. 1071) (L. D. 1396)

An Act Adopting Emission Regulations of the Department of

Environmental Protection. (H. P. 1146) (L. D. 1595)

An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law. (H. P. 1502) (L. D. 1939)

An Act Relating to Schools Teaching Real Estate Subjects. (H. P. 1517) (L. D. 1944)

An Act Relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation. (H. P. 1520) (L. D. 1950)

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

An Act to Clarify the Industrialized Housing Act as it Relates to Mobile Homes. (H. P. 1521) (L. D. 1951)

An Act Relating to Discontinuance of Town Ways. (H. P. 1522) (L. D. 1952)

An Act Relating to Location of Certain Facilities in Public Ways. (H. P. 1524) (L. D. 1954)

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

Emergency

An Act to Allow the Brunswick Sewer District to Treat Sewerage from the Topsham Sewer District and Septic Tanks. (S. P. 395) (L. D. 1175)

This being an emergency measure and having received the affirmative votes of 26 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.

Orders of the Day

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

House Reports — from the Committee on Human Resources — Resolution, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

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

Pending — Acceptance of Either Report.

Mr. Minkowsky of Androscoggin then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise in opposition to this motion. This bill merely gives the voters of the state an opportunity to decide on the privilege of Indians in the legislature. A controversial subject for years, this allows the people of our state to make a decision for us. I can go into many avenues as to the rights of Indians, discrimination against them, and so forth, but I will not take up your time today as these arguments have been well voiced in the past. I, therefore, urge you very emphatically to vote against this motion to indefinitely postpone.

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

Mr. TANOUS: Mr. President and Members of the Senate: May I pose a question through the Chair to any member of the committee?

The PRESIDENT: The Senator may pose the question.

Mr. TANOUS: I wonder how many Indians would be represented by a representative in the legislature, if this matter was approved by the people, total population, and also will this mean that there will be representatives from each delegated tribe that we have in the state?

The PRESIDENT: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair which any Senator may answer if he desires. As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that this resolution be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 13 Senators having voted in

the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Resolution Read Once and Tomorrow Assigned for Second Reading.

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

House Reports from the Committee on Public Utilities — Bill, "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission." (H. P. 1411) (L. D. 1851) Majority Report, Ought to Pass in New Draft under same title (H. P. 1540) (L. D. 1970); Minority Report, Ought Not to Pass.

Tabled — May 31, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Acceptance of Either Report.

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

Senate Reports — from the Committee on State Government — Bill, "An Act to Provide Elected District Attorneys." (S. P. 474) (L. D. 1569). Report "A" — Ought Not to Pass; Report "B" — Ought to Pass with Committee Amendment "A" (S-183).

Tabled — May 31, 1973 by Senator Speers of Kennebec.

Pending — Motion of Senator Berry of Cumberland to accept Report "B".

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

Mr. SPEERS: Mr. President and Members of the Senate: This is indeed one of the more important items of legislation before the Senate. As every Senator knows, the question really boils down to whether or not the full-time prosecuting attorney should be elected or appointed. There is another bill that is in the other body at the present time which provides for appointed full-time

district attorneys. This is a question that I don't feel should be answered today or can be answered today.

I would certainly like to emphasize for the record, as I have on numerous occasions elsewhere, that I feel that this session should definitely come out with some kind of system for full-time prosecuting attorneys. It is a need that the state feels desperately, and it is a need which I feel we would be thoroughly irresponsible if we did not meet in this session.

So, in the interest of keeping this particular bill alive, and I hope that the other bill is likewise alive in the other body, until such time as we can put these matters into a posture so that the legislature as a whole can decide which route it wishes to travel, I would at this point support the motion by the Senator from Cumberland, Senator Berry, to accept Report "B".

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Ought to Pass Report "B" of the Committee?

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

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

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

Tabled — May 31, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(Senate Amendment "A" (S-187))

On motion by Mr. Shute of Franklin, 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 Providing Pensions for Former Governors and their Widows." (S. P. 363) (L. D. 1077)

Tabled — May 31, 1973 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-400) thereto.

On motion by Mr. Conley of Cumberland, retabled and Specially Assigned for June 5, 1973, pending Passage to be Engrossed.

The President laid before the Senate the sixth 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).

Tabled — May 31, 1973 by Senator Huber of Knox.

Pending — Acceptance of Report.

Mr. Cox of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I oppose my good friend, Senator Cox from Penobscot. I assume we are talking about Item 6 on today's calendar. Is that correct, Mr. President?

The PRESIDENT: The Senator is correct.

Mr. TANOUS: Mr. President and Members of the Senate: I had not anticipated this motion by my good friend, Senator Cox from Penobscot. I was under the impression that this matter was going to be tabled until Monday or Tuesday, but I welcome the opportunity to explain this bill to you at this time. It may take a few moments. Friday isn't always a good day to debate matters.

Mr. President and Members of the Senate: Back at the turn of the century — and I have got to explain the background of workmen's compensation to you so that perhaps you might be better enlightened to vote on this subject — some 60 odd years ago we enacted a workmen's compensation law in the State of Maine. Prior to enactment of such a law, any

individual who was hurt at his place of employment, if there was negligence on the part of the employer, was able to bring suit against his employer in the courts and could recover a substantial judgment, according to his damage, for conscious pain and suffering, physical pain and suffering, lost income, permanent impairment, for any damages that he could prove were related to this particular accident. Those individuals that could not prove negligence against an employer, of course, were denied any benefits or any damages. This was the situation as it existed prior to workmen's compensation laws. These cases were determined in a court of law under the tort system, so-called.

This legislature, as all 50 legislatures in the country, in their wisdom realized that most of the money was being expended for attorney's fees and court costs, and many people were going uncompensated with very serious injuries, the result of which these injuries had to be financed on the welfare rolls. But in the wisdom of these legislatures, they enacted a no-fault system in places of employment, and workmen's compensation insurance is a no-fault system.

Under workmen's compensation, it matters not whether the employer was responsible for the accident. All individuals collect a certain amount of compensation and coverage for medical care. Under our present law, all of their medical care is taken care of. So we came from a fault system to a no-fault system in the industrial field. This has been hailed by everybody as being perhaps one of the best moves that has ever been made in this country in this area.

As time passes on, in the transition of time, there has to be amendments to these laws, as all other laws. The major part of this particular bill seeks to cure an inequity in the present law. I understand that one of the lobbyists opposed to this particular measure has misinformed you or some of you, at least, as to what this bill proposed to do, and for

that reason I find it necessary perhaps to explain to you precisely what it does. I might add that it received a unanimous report out of the Labor Committee.

Our method of benefits under workmen's compensation today is figured on a percentage. An employee who is totally disabled and not able to perform his duties, which is the part of the bill that it covers, receives two-thirds of his salary — two-thirds of his salary, but no greater than two-thirds of the average minimum wage in the State of Maine as computed annually by the Manpower Affairs Division. Now, briefly to put this down in figures, if an individual earns a gross salary of \$90 per week, he was injured, disabled and not able to work, he would get in benefits two-thirds of \$90, or \$60 per week while he is disabled and until he returns back to work. If the individual earns \$120 per week, this would about be the maximum earnings as compared to the maximum benefits he could receive, because two-thirds of \$120 per week, or \$121 per week, is approximately \$81 per week. This \$81.14 figure is two-thirds of the average minimum wage in the State of Maine. So that an individual earning \$123 a week, he would be getting the maximum coverage under workmen's compensation, which is \$81 per week.

So these individuals earning in this area of \$120 to \$130, they get the maximum coverage, as I mentioned, which is \$81.14. Now, this bill comes into play when an individual is earning \$150 a week, for instance. Two-thirds, under the present law, of \$150 per week is \$100, but under the law he can only get \$81.14, which is two-thirds of the average minimum wage that I have been speaking about. As you go up the ladder, an individual can be earning \$180 a week and he still only receives benefits of \$81.14.

This bill would seek to remedy partly the inequity in the law. What it would do is that it would grant two-thirds of an individual's income as a result of being injured, but no greater than the average minimum wage in the State of

Maine as computed annually, and this is approximately \$121 a week. So that at no time, under this proposed bill, would an individual receive benefits greater than the average minimum wage which, as I mentioned, is \$121. At no time would he receive any greater amount than he is supposed to.

The inequity exists because an individual that earns \$180 a week, \$200, or even \$300 a week, whose full economic structure is based on his income, and this individual is hurt for any length of time, under the present law, he is relegated to adjusting his income or his living mode to \$80 per week. It seems to me inequitable that an individual who is earning \$120 a week should get \$81, under the present law, and an individual who is earning \$180 a week, who is hurt, gets \$81 as well. So this bill merely seeks to at least equitably make payments under this workmen's compensation law to those individuals that are in that income bracket, as I mentioned, of over \$120 a week, to at least compensate them, or make an attempt at least to compensate them for the mode that they have been accustomed to living.

I am sure all of you are familiar that, if you are earning \$180 or \$200 a week, this is your style of living, and overnight, because of an unfortunate accident, you are relegated to living on \$80 a week, it is a heck of an imposition on an individual and, in my opinion, it is inequitable because we do treat these individuals that earn this income inequitably. This is what the meat of this bill does. I would ask that you oppose the motion to indefinitely postpone, and I would ask for a roll call, Mr. President. Thank you.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: As I understand it now, Maine is in the top ten in the United States in payments of the maximum weekly benefits for total disability. Furthermore, this bill calls for going to 100 percent of the average

wage, and no other states in the United States are doing this.

Thirdly, I understand that Maine has the finest workmen's compensation package in the entire country.

The good Senator said many things that I think are quite true, but for those people earning up to the average weekly wage, with this bill they would be paid even for the amount of money that they would have for taxes deducted, so they are actually gaining benefits of 15 or 20 percent of what their net take-home pay is. Of course, the employers have to pay this tab. For those reasons, I would urge your support on indefinite postponement.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would like to correct a word that I used, I used the "average minimum wage," and it is the "average wage", so I wish to correct that. On the Labor Committee we deal with both phrases, and I am sorry that I used the word "minimum" because it doesn't apply in this instance. It is the average wage. But my example applies just the same. The misnomer of the word does not change the argument.

I would like to mention, in answer to my good friend Senator Cox's argument, it is true that the employers have to purchase this insurance to cover their employees, but don't forget that they are exempt from being sued by their employees. This is the trade that was made when this law was enacted, and employers supported this 100 percent. They no longer were to be sued by individuals in the courts and, instead, they preferred to cover all their employees in injury cases. This is the trade they made back in 1916. Certainly you can't use that as an argument today to say this is their baby and they have got to pay for this, because this is a matter that they supported when this law was originally enacted in the State of Maine. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am not going to attempt to debate this because I think the good Senator from Penobscot, Senator Tanous, has said it very well. I think this is a fair and equitable bill, and I strongly urge the Senate to oppose the motion to indefinitely postpone.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I share the concern that many members of the Senate apparently feel about increases in workmen's compensation expense to the employer, and placing the employer of Maine workers at a competitive disadvantage with other employers from other areas in the country who have workmen's compensation laws which are less liberal than ours, but I am persuaded by the arguments which I think lead one to the conclusion that we now have an arbitrary, capricious and unreasonable limitations which really doesn't bear any relationship to a man's true earning capacity. It doesn't bear any really true relationship to what he loses when he loses the ability to make a living.

The trade that was worked out grants to the employer — the trade that I am referring to is the trade for the insulation from tort liability by electing to become a compensation employer — the trade that was worked out grants to the employer a unique amount of insulation, and under Maine law, a unique insulation from not only suits by the employee, but suits by third parties arising out of employment related injuries. That insulation was recently granted by the Supreme Judicial Court of Maine in the case of Roberts versus American Chain and Cable.

I feel that it is necessary to balance the competing interests involved, but I am not persuaded that the addition of this benefit, which I think is simply a recognition of the realities of the situation, is going to place Maine employers at such a competitive disadvantage that it is really going to affect employment opportunities

for Maine people, and that is my concern. I therefore am going to join with the Senator from Penobscot, Senator Tanous, and I hope you will join us, in defeating the motion to indefinitely postpone this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Cox, that Bill, "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act" 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 Penobscot, Senator Cox, that Bill, "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Cox, Greeley, Hichens, Peabody, Schulten.

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

ABSENT: Senators Cummings, Graffam, Olfene, Wyman.

Mr. Greeley of Waldo was granted permission to change his vote from Yea to Nay.

Mr. Schulten of Sagadahoc was granted permission to change his vote from Yea to Nay.

A roll call was had. Four Senators having voted in the affirmative, and 25 Senators having voted in the negative, with four

Senators being absent, the motion did not prevail.

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

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

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

Tabled — May 31, 1973 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(Committee Amendment "A" (H-455))

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I have very serious reservations about this particular bill. I really feel that it is eroding away our present stringent statutory laws on privileged communications. I believe it should remain with the psychologist, the psychiatrist, the M.D.'s and attorneys, without expanding this particular field.

I don't think I ever really got a true definition of the word "counselor" in the school system, and many counselors have appeared before the Education Committee in the past saying that they should be granted this particular privilege.

Those who testified, even though this was before the Judiciary Committee, those who have testified before the Education Committee predicate it on the idea that there was not sufficient counselors in the school system; that there should be a ratio of one counselor to every 500 students. I believe that the lady who testified before our Committee on Education from the Augusta area claims that there was one to every 2,500 students, and basically she referred to herself as a referral service only.

I feel that, as long as the students in the State of Maine are

being subsidized at the public expense, wrongdoings or other problems that come to light in the school system should be public information or public knowledge. If a counselor does come across derogatory information, I believe the only responsibility this counselor really has is convey this to the school principal or higher authorities to have it rectified. In my estimation, counselors here have a very dubious roll in the school system, according to testimony that I have heard in the past.

I have very serious reservations that this should actually move along and become law in the State of Maine but, before moving any further in this direction, I certainly would appreciate getting any further information from the members on the Judiciary Committee as to what their feelings are about this particular matter.

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

Mr. TANOUS: Mr. President and Members of the Senate: As Chairman of the Committee, I will answer the question of my good friend from Androscoggin, Senator Minkowsky. This bill was presented at the last session of the legislature, in which I was Chairman of the Judiciary Committee, and at that time I voted for this particular bill. I felt it was an area that in perhaps we should relent our feelings of immunity. It was defeated.

I am in hopes that at this session the amendment on the bill, I think, answers the problems of at least the Judiciary Committee. And if you will check the amendment, H-455, it defines a school counselor as an individual who is certified as a school counselor by the Department of Education and Cultural Services or possesses a minimum of a Masters Degree in guidance counseling. It goes on further to say in the amendment, "in the event that the counselee or client's condition is such as to require others to assume responsibility for him, or when there is a clear and imminent danger to the counselee or client or to others, the counselor is expected to report this fact to an appropriate responsible

authority to take such other emergency measures as the situation demands." This amendment, certainly personally, made this bill palatable so that I could vote for it.

Traditionally, I know the present body and others don't agree with these immunity provisions, but I have never known of a case where a school counselor has ever been subjected to a subpoena to reveal anything that one of his students or counselees has ever revealed to him.

The important fact of a bill like this is that it is a psychological bill, in my opinion. It is going to give the students — and we are concerned with the welfare of our students — at least it will give them the confidence to be able to go to speak to someone. Many kids, as you know, can't even relate to their parents and so they seek out someone to speak to, and their school counselor, naturally, is one of the prominent individuals in their life as they are growing up to consult. But many of these students fear to reveal to their counselors some of the matters or problems that they have, because they fear the counselors may well be summoned into court to reveal what has been revealed to him.

As I mentioned, I don't think it is a cog in the wheel as far as justice is concerned, because I have never heard of a counselor ever being summoned into court to reveal anything that a student counselee revealed to him. I think it is a therapeutic measure. It closes the gap between the student and the counselor. For those reasons, I endorse this bill, and I hope that you would join me in accepting the unanimous report of the committee. Thank you.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of this bill being passed to be engrossed in concurrence will please say "Yes"; those oppose "No".

A viva voce vote being taken, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the eighth 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 31, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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 31, 1973 by Senator Tanous of Penobscot.

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

Mr. Hichens of York then moved that the Bill be tabled and Specially Assigned for June 5, 1973, pending the motion by Mr. Peabody of Aroostook to Indefinitely Postpone.

On motion by Mr. Berry of Cumberland, a division was had. 17 Senators having voted in the affirmative, and eight Senators

having voted in the negative, the motion prevailed.

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

Bill, "An Act to Create a Department of Marine Resources." (S. P. 637) (L. D. 1972)

Tabled — May 31, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

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

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

Pending — Acceptance of Either Report.

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

On motion by Mr. Sewall of Penobscot,

Adjourned until Monday, June 4, 1973 at ten o'clock in the morning.