

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 5, 1973

Senate called to order by the President.

Prayer by Father Paul Ouellette of Augusta.

Reading of the Journal of yesterday.

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

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

In the House May 15, 1973, Passed to be Enacted.

In the Senate May 31, 1973, Indefinitely Postponed in non-concurrence.

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

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

Non-concurrent Matter

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

In the Senate May 24, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-480) as Amended by House Amendment "B" Thereto (H-495), in non-concurrence.

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

Mr. JOLY: Mr. President and Members of the Senate: I would move that this body insist, and I would speak to the motion.

The PRESIDENT: The Senator from Kennebec, Senator Joly, moves that the Senate insist.

The Senator has the floor.

Mr. JOLY: Mr. President and Members of the Senate: We had a lengthy hearing on this particular bill. The bill was introduced prior to the hearings that have been held around the state by the Attorney General's office in regard to mobile home parks that you have probably been reading about.

It was a strong bill as originally presented, and the Committee in

its judgment, in view of the fact that these hearings around the state are being continued, and more will be held and more information will be forthcoming in anticipation that further legislation will be introduced at the special session or the next session of the legislature, took out some of the points in the original bill. We felt that the bill the Committee put out was a good start in this direction.

Mobile home owners would have to have 30 days notice before eviction, as you have to have in apartment houses, which today you don't have. It also states that mobile home park owners, the landlords, cannot make their tenants buy materials only from them. For instance, on the curtains, I guess they call them, that are hung on the bottom of trailers, they can make regulations that they be of a certain size, but they cannot say to the tenants "You have to buy them from us."

There were two amendments that have been put in. One amendment was put in which was really a paragraph that was in the original bill, saying that they could not restrict the tenants to one gasoline company or oil company, fuel company. In the testimony it was brought out that in some of the smaller parks you only have got thirty or forty mobile homes, and if all of them have different oil companies, in some of the large towns you might have ten or fifteen different oil companies sending trucks in there. It is dangerous for the children that are living there, and the oil companies themselves don't care about coming in sometimes and just filling a 50-gallon drum. So we knocked that part out. It has been put back in an amendment and then it has been changed again by a second amendment which would say that if there is a central oil supply — and this is the coming thing today; the new landlords are putting a large tank in their parks and then piping the oil to the different mobile homes, and it looks as though from now on most places will be doing this, but a lot of them still don't do it — and I am afraid that because this has been

put in it is going to hurt the bill, and it might kill it.

I think the original bill was a good bill, as we put it out of Committee, and I hope this body would go along with it. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to commend the Committee on Legal Affairs, which did hear this bill, for passing out the bill which they did send out of Committee. I agree with the Senator from Kennebec, Senator Joly, that it goes a far way toward correcting some of the problems that have been developed in mobile home parks or that have been revealed as existing in mobile home parks.

I would go further though in saying that the amendments that were put on in the House return to the bill some of the things that the Committee had taken out of the bill.

I didn't speak on this matter when it first came before this body out of Committee because I feared, just as the good Senator from Kennebec, Senator Joly, mentioned, that perhaps with the amendments on it that it would be killed in the House. The bill has now come back to the Senate, however, with these varied amendments on it from the other body, and it is quite obvious and clear that the other body is not going to kill this bill with the various amendments on it.

What these amendments require is that no mobile home park owner may, for one thing, charge a commission. If an individual within the mobile home park sells his trailer, the mobile home park owner may not charge a commission on the transfer of the ownership of that trailer unless the mobile home park owner has actually served as an agent of that sale. What has happened in the past is that an individual may go out and sell his mobile home and, simply because it is there in the park, the owner charges a commission, even though the owner may have had nothing to do with that

sale. The amendment would prohibit that kind of activity.

It would also say that the mobile home park owner may not require that that mobile home be removed from the park simply as an incident of the sale, but it does maintain the right of the owner to decide for himself whether or not he wishes to accept the new owner of the mobile home as a tenant of that park.

Further, the amendment would restrict the mobile home park owner from prohibiting any more than just one fuel dealer from coming into the mobile home park to sell to the trailer owners. In the past what has happened is that the mobile home park owners would simply state that as a condition of the tenancy in this park you must buy your fuel from XYZ oil company. And what has been happening in many instances around the state is that XYZ oil company is selling at the regular price to the individuals in the park but they have also been paying the mobile home park owner a percentage of one or two cents a gallon for the right to be the exclusive dealer in that park.

Very basically, these amendments put the bill back into its original form, with the one exception that House Amendment "B" to House Amendment "A" makes, and that is that it excepts the mobile home park owner who is putting in a centralized fuel distributing system. Therefore, Mr. President, I would move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Joint Order

WHEREAS, a fundamental obligation of the Maine Legislature is to review programs which it has approved in order to insure that programs approved by the Legislature are administered effectively, efficiently and economically and in accord with legislative intent; and

WHEREAS, a continuing review of legislative spending is desirable to curtail the spiraling cost of State Government and to insure that programs are not continued in operation unless they are working efficiently and meeting proven needs; and

WHEREAS, improvement in our current budgetary system is essential to provide services to Maine people at realistic costs within reasonable levels of taxation; and

WHEREAS, the citizens of Maine have a right to demand effective budgetary control; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to make a review and evaluation of the State budget with the goal of determining what changes, if any, should be made in current practices and programs; and be it further

ORDERED, that the Committee evaluate the possibility of adopting an annual budgetary system providing for continuing review and assessment of all State spending; and be it further

ORDERED, that the Committee study and report as soon as practicable to the Legislature the feasibility of the adoption of so-called "zero-based", and program budgeting, in order to enable the process of budget review and spending to be placed under direct review and control of the Committee on Appropriations and Financial Affairs acting for the Legislature; and be it further

ORDERED, that to help implement the report of the Maine Management and Cost Survey team, which is now analyzing the efficiency of State Government as authorized by H. P. 1564 of the 105th Legislature, for cost-savings and improved management practices, the Committee is hereby directed to review with this survey team its report and recommendations and to commence implementation of these recommendations wherever pertinent to state budgetary procedures; and be it further

ORDERED, that to help implement the Maine Management and Cost Survey Report for cost-savings and improved management

practices, the Committee is hereby directed to establish in September 1973 liaison with the Survey team which is now analyzing the efficiency of State Government as authorized by H. P. 1564 of the 105th Legislature; and be it further

ORDERED, that the study of any subject or matter adjudged by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry; and be it further

ORDERED, that the Committee report its findings and recommendations to the next special or regular session of the Legislature as soon as practicable; and be it further

ORDERED, that Joint Order, Senate Paper 606, as amended by House Amendment "A" and passed by the 106th Legislature be repealed. (H. P. 1567)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. **MORRELL**: Mr. President, would it be appropriate to move that this be delayed for one day, or tabled for one day?

The **PRESIDENT**: It would not be appropriate for you to do so, Senator, because you are debating a tabling motion, but it would be appropriate for another Senator to do so.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Thereupon, on motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Passage.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government of the 106th Legislature is directed to report out 2 bills relating to legislative reform, one to contain Constitutional revisions and the other to contain statutory revisions. (H. P. 1566)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, virtually all forms of energy used today are harmful to the environment; and

WHEREAS, in the absence of such natural resources, gasoline and oil have become the very life-blood of the State; and

WHEREAS, the profuse use of such energy has led to limited supplies as well as environmental regulations; and

WHEREAS, such conditions are susceptible to shortages, quotas, rationing, hoarding, price hikes and business failure; and

WHEREAS, conditions are such that the public should be more fully aware of these developments for their own protection; and

WHEREAS, it is necessary or advisable that an exhaustive study be made of the matters hereinabove mentioned in the light of facts and conditions as they exist at this time to the end that legislation as may be needed, if any, may be proposed for consideration by the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the present means of marketing and distributing gasoline and oil within the State of Maine for the purpose of determining to what extent, if any, regulation, priorities and conservative practices should be instituted for the general protection of inhabitants of this State; and be it further

ORDERED, that the Consumer Protection Division of the Attorney General's office be respectfully requested to provide the committee with such technical advice and other assistance as the committee deems necessary and desirable; and be it further

ORDERED, that the committee report the results of its findings, together with its recommendations and implementing legislation at the next special or regular session of the Legislature; and be it further

ORDERED, that said agency specified herein be notified accordingly upon passage of this directive. (H. P. 1569)

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, the Legislature has learned with profound sorrow and regret of the death on May 30, 1973 of Mrs. Josephine Czarnecka Muskie of Rumford; and

WHEREAS, she was a proud mother of four daughters and two sons, one of whom is our senior Senator in the United States Congress and former Governor of Maine; and

WHEREAS, the Members of the Legislature wish to tender their deepest sympathy at this time to this fine family in their sad bereavement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to inscribe this token of enduring affection in memory of Mrs. Josephine Czarnecka Muskie and extend our deepest sympathy to each of her immediate family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to the family in token of our esteem. (H. P. 1568)

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.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Psychotherapist and Patient Privilege" (H. P. 1226) (L. D. 1601), the President appointed the following Conferees on the part of the Senate:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec
BRENNAN of Cumberland

Communications

STATE OF MAINE
House of Representatives
Augusta, Maine 04330

June 4, 1973

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

The House today voted to Join in a 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) and the Speaker appointed the following Conferees:

Mr. ROSS of Bath
Mr. ROLDE of York
Mrs. BOUDREAU of Portland
Respectfully,

Signed:

E. LOUISE LINCOLN
Clerk

House of Representatives

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Tanous of Penobscot,

WHEREAS, Readers Digest in conjunction with other organizations annually sponsors summer concert tours in foreign countries; and

WHEREAS, Leonard Bernstein and others have selected Foxcroft Academy Band from 43 musical groups to tour Rumania in the summer of 1974; and

WHEREAS, it is a great tribute for a small school of 400 students when a quarter of the enrollment place first in an overall national selection process and 3rd musically; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the 106th Legislature of the State of Maine, now assembled in regular session, take this opportunity to commend the Foxcroft Academy Band and its Director, Robert Thorne, for their outstanding accomplishment in the field of music and express along with our best wishes for the tour every confidence that they can

move mountains of musical emotions toward better understanding and good will for our State and nation; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Principal and Band Director of Foxcroft Academy in token of our pride. (S. P. 653)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: An unusual occurrence happened in the State of Maine last week when Foxcroft Academy was chosen as one of four bands in the country, or the northeastern part of the country, to represent the United States in Rumania. It is unbelievable that a small community such as Dover-Foxcroft, with approximately 400 students, could come up with a quality band such as they have. In fact, I was over there last Saturday night to a concert and it was just fantastic to hear those kids play.

In any event, they are one of four bands to tour behind the Iron Curtain representing the United States. And the reason I want to say a few words is that today we hear so much about the youth of our country and the manner in which they conduct themselves, and I have always maintained that this is perhaps a small percentage of our youth. It is always heartwarming to see high school kids give so much effort, as they have in this particular case, to represent not only their town, their state and their country, but to represent the youth of our nation as well. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, there is hereby created the Maine Marine Resources Commission consisting of 5 members appointed by the Governor, one of whom shall be the Commissioner of Sea and Shore

Fisheries and one of whom shall be the State Geologist. The members shall serve without pay for their duties in connection with the commission but shall be reimbursed for their expenses.

It shall be the duty of the commission to:

1. Advise the Governor and the several departments, bureaus and offices of the State as to problems associated with the marine resources of the State;

2. Study, evaluate and make recommendations on the administration of the marine resources of the State;

3. Participate on behalf of the State of Maine, on request of the Governor, in the conduct of negotiations leading to the determination of marine geographical boundaries of the State.

If a vacancy shall occur by death, resignation or otherwise of those appointed as commissioners, the Governor shall fill the same.

The Department of Sea and Shore Fisheries and the Bureau of the Maine Geological Survey of the Forestry Department shall provide such administrative assistance as may be needed by the commission in the discharge of its responsibilities.

There is allocated from the Legislative Account the sum of \$4,500 to carry out the purposes of this order. (S. P. 654)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The purpose of this order is to create a commission which will be a focal point to handle some of the problems which have been developing quite rapidly in connection with our offshore marine resources. These problems are of a boundary nature, resource nature, and perhaps oil drilling nature. The subject should be put in the form for the special session of a legislative document, so that we will have a permanent body which will handle these problems. This order is designed to take care of the problem until that time.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Order received Passage.

Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Provide Meaningful Property Tax Relief to Elderly Homeowners." (H. P. 871) (L. D. 1159)

Bill, "An Act to Amend the Farm and Open Space Land Law." (H. P. 1252) (L. D. 1629)

Bill, "An Act Creating a Homestead Tax Exemption for Maine Residents 62 Years of Age or Older." (H. P. 1283) (L. D. 1670)

Bill, "An Act Relating to Custody of Foster Children." (H. P. 1393) (L. D. 1836)

Bill, "An Act Relating to Compensation for Inmates of the State Prison and State Institutions." (H. P. 1398) (L. D. 1840)

Resolution, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses. (H. P. 1083) (L. D. 1406)

Leave to Withdraw

Covered by Other Legislation

The Committee on Labor on Bill, "An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators." (H. P. 1320) (L. D. 1729)

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

The Committee on State Government on Bill, "An Act to Correct Errors and Inconsistencies in the Salary Provisions for Certain Unclassified State Officials." (H. P. 635) (L. D. 849)

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

The Committee on Taxation on Bill, "An Act Exempting Retail Store Stock of Goods from the Personal Property Tax." (H. P. 1048) (L. D. 1367)

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

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

the Construction of a Bridge Across the Kennebec River between the Municipalities of Waterville and Winslow." (H. P. 1167) (L. D. 1502)

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

The Committee on Transportation on Bill, "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Gardiner and Randolph." (H. P. 485) (L. D. 639)

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

The Committee on Transportation on Bill, "An Act to Authorize the Construction of a Bypass of the Built-up Area of Wiscasset." (H. P. 169) (L. D. 211)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Veterans and Retirement on Bill, "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War." (H. P. 404) (L. D. 533)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on Bill, "An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Missing in Action." (H. P. 522) (L. D. 704)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Veterans and Retirement on Bill, "An Act Relating to Veterans Preference and Military Service for Employees of State Agencies." (H. P. 454) (L. D. 603)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-489).

The Committee on Transportation on Bill, "An Act Relating to Insurance for Motor Vehicle Dealers under Financial Responsibility Law." (H. P. 298) (L. D. 400)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-487).

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 Judiciary on Bill, "An Act Relating to Possession of Marijuana, Peyote or Mescaline." (H. P. 594) (L. D. 785)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1553) (L. D. 1986)

The Committee on Judiciary on Bill, "An Act to Provide Penalties for Sale of Counterfeit Substances which are not Drugs." (H. P. 682) (L. D. 889)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1556) (L. D. 1989)

The Committee on Judiciary on Bill, "An Act Relating to Penalty for Criminal Trespass in Buildings." (H. P. 962) (L. D. 1273)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1558) (L. D. 1991)

The Committee on Judiciary on Bill, "An Act Relating to the Practice of Nursing." (H. P. 1033) (L. D. 1360)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1555) (L. D. 1988)

The Committee on Veterans and Retirement on Bill, "An Act Relating to Veterans Preference in State Employment." (H. P. 581) (L. D. 772)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1560) (L. D. 1993)

Come from the House, the Bills in New Draft Passed to be En-grossed.

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

The Committee on Judiciary on Bill, "An Act Relating to Criminal Penalties for Possession of and Knowingly Being in the Presence of Cannabis." (H. P. 1341) (L. D. 1761)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis" (H. P. 1554) (L. D. 1987)

Comes from the House, the Bill in New Draft Passed to be En-grossed.

Which report was Read.

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

Mr. CIANCHETTE: Mr. President, I wonder if someone from the Committee on Judiciary would explain this bill to us?

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

Mr. TANOUS: Mr. President and Members of the Senate: Yesterday when we debated the expungement bill, I referred to a bill on which we thought the Judiciary Committee would be responsive to the problems which we are presently having in the state with marijuana.

One of the chief problems that was brought up at the public hearing was the inequitable imposition of a penalty for "being in the presence of", and one of the police chiefs who was at the hearing admitted that this particular section of the law was inequitable in many instances. So what, in effect, this bill does is that it repeals the crime of being in the presence of marijuana.

It was pointed out at the public hearing that many, many times at a party or gathering of some sort one individual may have possession of marijuana and, as a result, of course, you might have had half a dozen people arrested; one was arrested for possession

and the others were arrested for being knowingly in the presence of. As a result of that particular crime on the books, of course, they were arrested, they were mugged, they were fingerprinted, and a criminal record was filled out on them. Then when the trial came up, it was virtually impossible to prove that they were knowingly in the presence of, but yet they had been put through the expense and the publicity of having been arrested.

Quite a few of the chiefs agreed that probably this particular section of the law was very inequitable and, for that reason, we have submitted this legislation for your consideration. Thank you.

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

Mr. JOLY: Mr. President and Members of the Senate: It seems to me we are being inconsistent in our discussion of this bill from the one we had yesterday. We were talking about expunging from the records someone for a first offense of the use of marijuana, and it was said this would open the door for other problems, such as shoplifting. I wonder if we are not doing the same thing here and I would like to ask the members of Judiciary, if they want to reply, how they can coincide this. In other words, today if you are in the presence of any kind of a crime, a murder or theft, and you don't say anything about it, you are in trouble. It is the same thing here: if you are in the presence of someone in possession of marijuana, and you know it. They want to do away with this law, and it just doesn't seem to me it is consistent with the same argument and debate that took place yesterday.

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

Mr. SPEERS: Mr. President and Members of the Senate: The difference is that if you were in the presence of a crime that is being committed you can relate that to the proper authorities, but you yourself are not charged with having committed a crime, whereas, being present where marijuana is being smoked, the

question is not whether or not you relate that to the authorities; the question is whether or not you yourself should be charged with committing a crime. There is quite a significant difference between the two.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am aware that it is very fashionable among members of the criminal trial bar, or particularly the defendants at the trial bar, to criticize the concept of our legislation, which I believe was adopted by the 104th Legislature, providing that it is against the law to be knowingly present when marijuana is being used, and I wonder if some member of the Judiciary Committee could tell us, if anyone knows, how many convictions there have been on a statewide basis under this statute.

Number two, I would like to know if there has been any case in any of our several superior courts where someone has come in to report there was a marijuana party going on and they, in fact, turned around and prosecuted him for being knowingly present, the situation hypothesized by the good Senator from Kennebec, Senator Speers. I would like to know if there have been any such cases when that occurred, Number one, and Number two, I would like to know how many convictions there have been under this statute as it presently exists, under the present law.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In answer to the questions of Senator Richardson, I would say there are probably hundreds of convictions for being knowingly present in this state. I would say this: that there are very few convictions where there is a vigorous defense. I think the law as it stands is probably unconstitutional. It is a throw-back to McCarthyism, guilt by association, something that was rejected by the American people about 20 years ago.

One of the incongruities that exist in a law like this is that you can be knowingly present where there are 300 pounds of heroin but there is no crime. If you are knowingly present where there is one single marijuana cigarette, it is a crime. And the problem is that where there is a vigorous defense, usually the defense is successful, but the individual is damaged, he is arrested, his name goes in the paper, and he is again permanently ensconced in Rogues' Gallery for the very egregious and outrageous crime of being someplace where someone has a marijuana cigarette.

I think the situation that Senator Tanous pointed out is valid, a situation where someone has a marijuana cigarette, a raid takes place, there may be 20 kids there and there may be one or two that are participating with marijuana, but the other 18 could very well be arrested.

It is a very onerous burden on the state to try to prove intent in being knowingly present. Again, where a vigorous defense is put in, it is successfully defended.

I think this bill is very meaningful and important legislation. I think young kids today have a tough enough time taking care of their own sins without being responsible for the sins of another, and under our present law they are.

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

Mr. RICHARDSON: Mr. President, I would inquire of the Senator from Cumberland, Senator Brennan, Number one, whether or not misprision of a felony is a crime in this state, which I believe it is and, Number two, whether or not possession of 300 pounds of heroin, under the law of this state, would not in fact be a crime, and indeed a felony.

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

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: As far as misprision of a felony, it is a crime under the common law in this state. A charge of that nature has not been brought to my attention in years and years. I don't think anyone has been charged with that. It might be a situation that may be far more relevant to what is taking place in Washington, D.C., as far as knowledge of serious felonies, as to the possible crime of misprision being brought against certain people.

In the situation dealing with heroin, again I say it is incongruous that it is a criminal act, that people are arrested and their reputations are ruined for the simple reason that they happened to be with some other kids of their own age who had a marijuana cigarette.

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

Mr. CIANCHETTE: Mr. President, I have another question for a member of the Committee if they would care to answer. That is, the way I read the bill, it seems like I could keep cannabis in my cellar, know it is there, and not be breaking the law. Is this correct?

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would be glad to continue to give this free legal advice. I suspect many of you think it is worth just what you are paying for it but, in response to the question of the good Senator from Somerset, Senator Cianchette, if you have some marijuana in your cellar and the police have gone through the appropriate procedures to determine that, and they can show that you knowingly have that in your cellar, under the present law and also under the new law, if we successfully repeal this, you would be guilty. You would be charged with possession then; not being knowingly present.

The knowingly present situation is the situation like if you go to a party at Mr. Sahagian's this afternoon, and some two or three

people appear there with marijuana, you happen to go up and start to chat with them, and the gendarmes swoop down on you, that is when you are in trouble for being knowingly present. But the situation you speak about, having it in your cellar, you would still be charged, even if we pass this law.

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

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that Bill, "An Act Relating to Criminal Penalties for Possession of and Knowingly Being in the Presence of Cannabis", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

On motion by Mr. Brennan of Cumberland, a division was had. Five Senators having voted in the affirmative, and 25 Senators having voted in the negative, the motion did not prevail.

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 Education on Bill, "An Act to Create Local-State Funding of Public Schools." (H. P. 1239) (L. D. 1617)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Equalizing the Financial Support of School Units" (H. P. 1561) (L. D. 1994)

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

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

The Committee on Legal Affairs on Bill, "An Act Relating to

Regulation and Inspection of Plumbing." (H. P. 733) (L. D. 943)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1523) (L. D. 1953)

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

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

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Providing for Retirement Exemptions under Income Tax Law." (H. P. 947) (L. D. 1244)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Providing for Retirement Credits Under Income Tax Law" (H. P. 1564) (L. D. 1998)

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

Representatives:

SUSI of Pittsfield

DOW of West Gardiner

DAM of Skowhegan

MERRILL

of Bowdoinham

MAXWELL of Jay

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

IMMONEN of West Paris

DRIGOTAS of Auburn

COTTRELL of Portland

MORTON of Farmington

FINEMORE

of Bridgewater

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

Which reports were Read.

Mr. Wyman of Washington moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. FORTIER: Mr. President and Members of the Senate: Again

I would like to make very clear my reasons for signing the Ought Not to Pass Report.

I believe that this is fiscally irresponsible. There is no mention in the bill of either assets of the recipient or income of the recipient. The only thing that is required is that one has reached the age of 65 and has a state income tax of at least \$10. I could appreciate being given a medal when I reach 65, but I cannot see the righteousness of being given a \$10 bill every year thereafter.

That bill calls for a \$500,000 decrease in our state revenue at a time that we need this so badly for welfare and hundreds of other cases. I appreciate that it might be a very popular bill with many of our constituents, but I in all honesty cannot support an expenditure of \$500,000 so that I may get \$10 and \$10 for my wife.

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

Mr. KATZ: Mr. President, I notice this is a redraft of L. D. 1244, and it is very hard for me to see any relationship between the philosophy of the bill which was originally presented by Representative Perkins of South Portland and the Committee redraft, and there is a very broad difference in philosophy.

It seems to me that the philosophy of the original sponsor is closer to the aims of this legislature, and I would subscribe to the comments of the Senator from Oxford, Senator Fortier.

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

Thereupon, on motion by Mr. Wyman, tabled and Tomorrow Assigned, pending the motion by that Senator to Accept the Majority Ought to Pass Report of the Committee in non-concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (H. P. 161) (L. D. 203)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

KILROY of Portland
WHITE of Guilford
DUNLEAVY
of Presque Isle
McKERNAN of Bangor
WHEELER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-486).

Signed:

Representatives:

PERKINS
of South Portland
CARRIER of Westbrook
GAUTHIER of Sanford
BAKER of Orrington
HENLEY of Norway

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

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in non-concurrence and the Bill Read Once.

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

Mr. TANOUS: Mr. President and Members of the Senate: This particular bill, L. D. 203, perhaps is one of the best bills, courtwise, to come out of this session. It is intended to save a duplicate trial. An individual would not be able to have a trial at the district court level, if he chose to have one there, on a misdemeanor violation, that is, and then have a second shot at the apple in superior court. It would limit an individual to one trial, and he would have to make a choice at the district court level.

Unfortunately, the Judiciary Committee came out with two separate reports. The reason that the three Senators, I assume, and the others signed the Ought to Pass Report, which we accepted here a few moments ago, is because we obtained an opinion from the

Attorney General stating that constitutionally Report "B" would not hold up as far as the laws are concerned. Unfortunately the other body has accepted Report "B", and now we have accepted Report "A". I am in hopes maybe that we will push this along and then maybe get together and enact this bill, because I am very serious when I say it is perhaps one of the best bills, as far as the courts are concerned, to avoid using up a lot of time having two trials on the same violation. I would like to go with Report "B", but unfortunately the Attorney General has ruled that possibly Report "B" would be unconstitutional.

The PRESIDENT: What time does the Senate assign for the second reading of this bill?

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Physician Assistants." (H. P. 829) (L. D. 1088)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1557) (L. D. 1990)

Signed:

Senators:

TANOUS of Penobscot
BRENNAN
of Cumberland
SPEERS of Kennebec

Representatives:

WHITE of Guilford
PERKINS
of South Portland
McKERNAN of Bangor
WHEELER of Portland
BAKER of Orrington
GAUTHIER of Sanford
CARRIER of Westbrook
KILROY of Portland

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

Signed:

Representatives:

HENLEY of Norway
DUNLEAVY
of Presque Isle

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

Which reports were Read.
Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for June 7, 1973, pending Acceptance of Either Report.

Divided Report

Seven members of the Committee on Natural Resources on Bill, "An Act Relating to Maine Coastal Protection." (H. P. 1271) (L. D. 1663)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-491).

Signed:

Representatives:

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

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-492).

Signed:

Senators:

SCHULTEN of Sagadahoc
CUMMINGS of Penobscot
MARCOTTE of York

Representatives:

CURRAN of Bangor
PALMER of Nobleboro

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

HERRICK of Harmony

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

Which reports were Read.

Mr. Marcotte of York moved that the Senate Accept the Ought to Pass as Amended Report "B" of the Committee.

Mr. Berry of Cumberland then moved that the Bill be Indefinitely Postponed in concurrence.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: I don't

feel that this action should be quite so dramatic that we indefinitely postpone a bill that basically has a lot of merit to it.

As many of you may know, L. D. 1663 came out as a result of the Governor's Task Force Study on Energy and Heavy Industry on the Maine Coast. Basically, it amends the Site Selection Law to limit heavy industry on the coast and also restricts oil terminals.

Now, the difference between Report "A" and Report "B" basically is that Report "B" adds a couple of towns along the coast to the restricted areas.

We have not had time yet to read or determine to the full extent just why this bill was indefinitely postponed yesterday in the other body. The horse blanket, to the best of my knowledge, is not available, but I do understand that this was the cause of a very lengthy debate.

The PRESIDENT: The Chair would caution the Senator against referring to what took place in the other branch of the legislature.

Mr. SCHULTEN: Well, somewhere else this matter was discussed, Mr. President, and all I really wanted to say in that regard is that I think they got so confused, wherever they were, as to the relative merits of the three bills that in utter frustration they threw out the whole bill. I have a feeling that this action was a little precipitous and might not be in the best interests of the state. For that reason, I would like to keep the bill alive, and I hope you would vote against the motion to indefinitely postpone.

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

Mr. JOLY: Mr. President, I would just like to make an inquiry of any member of the Committee. I thought we had a Bureau of Environmental Protection, and I wonder if they couldn't do exactly what is in the bill and, if so, why we need any bill at all here?

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

Mr. BERRY: Mr. President and Members of the Senate: I must in all practical honesty

congratulate the Senator from Sagadahoc, Senator Schulten, on the most amazing display of circumventing the order of the presiding officer I have ever seen since I have been in the Senate.

I would also point out, in addition to the inquiry of Senator Joly of Kennebec, that this would prohibit the refinery at Eastport. I question that the bill is constitutional. I do not detract from the good efforts of Senator Cummings or Senator Schulten in reporting out the bill, because this item had a great deal of study, of course, by the Governor's Committee, however, the bill is a very bad bill and, if you want to hang your hat on one particular thing, the Department of Environmental Protection and the Site Location Law of the State of Maine are very capable of handling any problem of this nature.

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

Mr. RICHARDSON: Mr. President, I am like the Senator from Cumberland, Senator Berry, in that I have no serious qualms about the constitutionality of this particular legislation. I think the argument that bills are unconstitutional is a bit overused in the legislative halls.

I would say though that I share the view that the insidious thing about this legislation is that it singles out some specific areas of the Maine coast and says to Portland, by inference, "Well, you are already a mess, therefore, we are going to continue helping you out." And it just selects, like pin the tail on the donkey, without reference to economic considerations, which I think would weigh very heavily in a decision to locate a refinery on the Maine coast. It doesn't give account for all these factors, or at least it doesn't seem to me to do so, therefore, I intend to vote with the motion to indefinitely postpone.

For those of you who are uneasy about this legislation, I can tell you that you are not any more uneasy about it than I am because, even with the Site Selection Law and the Coastal Conveyance Law, we are still going to have to fight

a series of brush fires and keep that up. I suppose what I am telling you is that rather than cynically pick out two areas and say "that is where it is going to be, and nowhere else", I would rather leave this type of question to be resolved by the Department of Environmental Protection with the Site Selection Law and the Coastal Conveyance Law and, most importantly of all, with informed public opinion being brought to bear as to each of these applications.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I must say that coming from Portland, but just being the Junior Senator from there, I am not very excited about zeroing in on oil development in Portland. I know Senator Richardson mentioned that some people think it is a mess right now, but I don't think so. I think we have got a beautiful harbor there, some beautiful islands and some very beautiful areas, and I would like to see them stay that way. And I would prefer to rely on the Department of Environmental Protection. So, for that reason, I likewise am going to vote to indefinitely postpone this measure.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Relating to Maine Coastal Protection" and all accompanying papers be indefinitely postponed in concurrence. As many Senators as are in favor of indefinite postponement will say "Yes"; those opposed "No".

A viva voce vote being in doubt, a division was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion prevailed.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Membership

on the State Board of Barbers." (H. P. 844) (L. D. 1118) ask leave to report: Conferees unable to agree.

On the part of the House:

DYAR of Strong
LeBLANC of Van Buren

On the part of the Senate:

HICHENS of York
GREELEY of Waldo
MINKOWSKY

of Androscoggin

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

Senate

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Liquor Purchased from State Liquor Stores." (S. P. 387) (L. D. 1133)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin
FORTIER of Oxford
SCHULTEN of Sagadahoc

Representatives:

STILLINGS of Berwick
IMMONEN of West Paris
CRESSEY

of North Berwick

CHICK of Sanford
FARNHAM of Hampden
RICKER of Lewiston
GENEST of Waterville

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

Signed:

Representatives:

TANGUAY of Lewiston
FAUCHER of Solon
KELLEHER of Bangor

Which reports were Read and, on motion by Mr. Danton of York, the Minority Ought to Pass Report of the Committee was Accepted.

The PRESIDENT: The Senator has the floor.

Mr. DANTON: Mr. President and Members of the Senate: I introduced this bill because of concern with the store at Kittery. Geographically, needless to tell you, the liquor licensees of my district will fare well, but I know that eventually that store will not

be able to handle the traffic at the Kittery liquor store because the liquor licensees will go there to purchase their liquor, and on a \$200 purchase they will have a savings of anywhere from \$40 to \$60. So what we will be creating there will be a big wholesale store.

The intent of that store was for retail purposes and I think, with this bill here, we can allow the liquor licensees to go to their local liquor stores and pick up their liquor. In that way, that store can just serve the retail trade. And I will amend this bill as it gets into its second reading to take the 10 percent discount that they now enjoy off.

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

Second Readers

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

House

Bill, "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission." (H. P. 1540) (L. D. 1970)

(On motion by Mrs. Cummings of Penobscot, temporarily set aside.)

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

Bill, "An Act to Regulate Insurance Premium Finance Companies." (H. P. 399) (L. D. 528)

Resolve, Providing Funds for Purchase of Water Rights and Dam on Big Ferguson Stream, Somerset County. (H. P. 1395) (L. D. 1838)

Bill, "An Act to Permit Public Employees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Annuity Contracts and Investment Company Shares." (H. P. 1552) (L. D. 1984)

Bill, "An Act Relating to Sales Tax on Farm Machinery and Equipment." (H. P. 1130) (L. D. 1465)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter set aside at the request of Mrs. Cummings of Penobscot:

Bill, "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission." (H. P. 1540) (L. D. 1970)

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

Senate Amendment "A", Filing No. S-197, was Read.

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

Mrs. CUMMINGS: Mr. President, this bill was originally designed to ask the railways to have investigations, as they do now, but to have public hearings on any accident that entails three days or more in a hospital. In order to try this out and to see how many actual accidents they do have to that extent, how serious they are, instead of forcing them to do this, under the impression that perhaps some people would stay in the hospital an extra day in order to get something like this, we are changing it from "shall" to "may" to make it permissive instead of mandatory.

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 in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Amend the Land Use Regulation Commission Law." (H. P. 627) (L. D. 851)

Bill, "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons." (H. P. 1295) (L. D. 1707)

Bill, "An Act to Regulate Revolving Credit Accounts." (H. P. 45) (L. D. 52)

Which were Read a Second Time

and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Relating to Marine Fishery Regulations." (S. P. 287) (L. D. 834)

Bill, "An Act to Implement Section 14-D of Article IX of the Constitution of Maine." (S. P. 651) (L. D. 1995)

Bill, "An Act to Exempt Child Placement Agencies from Payment of Sales Tax." (S. P. 208) (L. D. 552)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State." (S. P. 398) (L. D. 1212)

Bill, "An Act to Establish a Committee on Problems of Corrections." (S. P. 407) (L. D. 1209)

Bill, "An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions." (S. P. 462) (L. D. 1497)

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

Sent down for concurrence.

Enactors

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

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

(On motion by Mr. Conley of Cumberland, temporarily set aside.)

An Act to Lease Management and Cultivation Areas in Maine's Coastal Waters. (H. P. 731) (L. D. 937)

An Act to Amend Municipal Regulation of Land Subdivision Law. (H. P. 1513) (L. D. 1943)

An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Goods or Products. (S. P. 631) (L. D. 1963)

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

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 set aside at the request of Mr. Conley of Cumberland:

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

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

Mr. CONLEY: Mr. President, I would direct a question, if I may, to the Chairman of the Labor Committee. Under the current law, as I understand it, the minimum wage on the books is set at \$2 per hour once Congress approves a \$2 minimum wage. I would like to know how that present law now would line up with the bill that is currently before us in the enactment stage. It is my understanding that it actually decreases the minimum wage.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Chairman of the Committee on Labor who may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, in response to the question of the Senator from Cumberland, Senator Conley, this L. D. raises the minimum wage to \$1.90 an hour in the State of Maine. Relative to the federal government, if and when the federal government ever goes up higher than \$1.90, we, under a separate bill that has already been enacted and signed by the Governor, would automatically go with the federal government.

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

Emergency

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

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

Emergencies

An Act Authorizing Cumberland County to Participate in Social Services Program. (H. P. 1347) (L. D. 1780)

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

These being emergency measures, and having received the affirmative votes of 29 Members of the Senate, were Passed to be Enacted and, having been signed by the President, were 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:

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

Tabled — June 1, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

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

Tabled — June 1, 1973 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. Conley of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-209, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: Just to clarify the minds of the body here on just what this amendment does, it simply clarifies the language as it now is written under the present law, whereby widows would become eligible for receiving a pension once application was made, and that all former Governors who have reached the age of 65 would also be eligible to receive the pension once application is made. The widows that are concerned, that is, as long as they are unmarried widows.

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

Mr. BERRY: Mr. President and Members of the Senate: I would direct an inquiry to Senator Conley from Cumberland. He did not seem to mention that in Senate Amendment 209 there is an underlined sentence that says, "a former elected Governor who has attained the age of 65." We have former Governor Haskell, and my inquiry to him would be: Would former Governor Haskell be exempt from the pension provisions of this bill?

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe that there was a House Amendment put on the bill that deleted former Governor Haskell from the bill. It was the unanimous consent of the Appropriations Committee to include Governor Haskell, however, Governor Haskell met with some of the gentlemen on the Appropriations Committee and asked that he be excluded and, therefore, the reason for the House Amendment.

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

Mr. BERRY: Mr. President and Members of the Senate: This shows the danger of indulging in personalities, which unfortunately we have to do once in a while, but I would call your attention to the fact that it is possible for a non-elected Governor to be Governor of the State of Maine for anything up to four years, and by this action here we are

excluding such an individual from receiving the pension.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, a parliamentary inquiry as to the method of accomplishing what the the good Senator from Cumberland, Senator Berry, and the Appropriations Committee had intended to accomplish, that is, to include the non-elected Governor?

The PRESIDENT: If the Senator is stating that as a parliamentary inquiry, I think it might better be answered from the floor by a Senator.

Mr. CLIFFORD: I would ask through the Chair of any Senator as to the method which they might suggest to bring this back to the position as originally recommended by the Committee on Appropriations.

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

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

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

Tabled — June 1, 1973 by Senator Hichens of York.

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

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

Mr. HICHENS: Mr. President and Members of the Senate: This bill has been tabled and retabled many times, and I hope that this morning we can dispose of it finally.

I would like to correct some statements that were made by a fellow Senator from Arrostook, Senator Cyr, last week. First, when he stated that I had not attended either of the hearings on this bargaining bill, I did attend over

two and a half hours of the first hearing held here at the State Office Building. When the second hearing was scheduled for the new Civic Center, having had four bills to present to different committees, I was unable to get back and forth to the Civic Center, so I had to miss that hearing. But I did acquaint myself with what went on at the hearing and would advise the members of the Senate that from the time of the second hearing until and through the executive session of the committee over fourteen amendments were presented to the committee. Today, if this bill is allowed to go on, there will be more amendments added to it, and I have heard that more amendments are in the offing.

So, I think it proves a point in the order that was accepted and put on the Research Table last week, where it states that whereas the need for such legislation is in question since federal legislation is already pending in that area, and whereas the legislature is hesitant to act in that area in the absence of all the facts, therefore, the committee be advised to study it further.

In my discussions with the Senator on several occasions, he told me that all of the potato farmers up in the Aroostook area were in favor of this bill, and I reported that I hadn't heard from any of them, having close friends up in Mars Hill, Easton, Littleton, and Houlton, and none of them had bothered to contact me as to my refusal to go along with the bill, or to recommend a study, and he said, "Well, if it is letters and telephone calls that you want, I will see that you will get them." That was almost two weeks ago and I have received one letter and one telephone call. So, it doesn't show to me that the farmers up in that area are that much interested.

Also from the poultry end of it, I have had one poultryman contact me personally and that man was against the bill. There has been extreme pressure by members of the Farm Bureau, of which I am a member, and paid lobbyists for the Bargaining Board, but outside

of that, I have not been pressured in any way.

I want to be sure that the farmers get what they want. I am no longer a farmer, having given up the occupation a little over a year ago, so I am not affected. Every time my wife hears about the bill she will say, "Well, why don't you let the farmers have what they want instead of keeping the thing going." But I try to imagine myself going along the highway or some other place and see a man injure himself purposely or even try to commit suicide, and I feel that it is my purpose then, my obligation, to try to prevent that from happening. I feel that we have a similar case today. I think the farmers are asking, under the pressure of the Farm Bureau and the Bargaining Board members, to get into something that they really do not want. So, I would urge the indefinite postponement of this bill, and let's go on with the study.

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

Mr. CYR: Mr. President and Members of the Senate: I must apologize for my laryngitis this morning. Something happened to me over the weekend: I went up to Aroostook County and I contracted what is known as the processors curse. I never thought that they would go to this extreme, trying to invalidate their spokesman.

I think it is unnecessary for me to tell you that I will redebate this issue all over again; I don't think that you care too much to listen to that. However, I think I should bring to your attention the highlights of the legislation.

First of all, the sponsor of the bill is the House Chairman of the Committee on Agriculture, Representative Evans, who is also a broiler producer, therefore knowing the conditions and circumstances of the broiler people. Also, this legislation has been sponsored by the Farm Bureau, representing approximately 3300 families in the State of Maine. It has the endorsement of the Farm Bureau. It has the endorsement of the Potato

Council, which is an organization that represents all of the potato farmers in the State of Maine. It also has the support of the Agricultural Bargaining Committee, and it also has the support of the Commissioner of Agriculture.

A lot of opposition seems to rise in regards to the fourteen amendments that were put in. This only reflects that the committee, in its wisdom, was trying to bring in legislation which would be favorable to all sides. Many of those amendments were amendments to try to answer some of the criticism of the processors. For instance, I explained to you the composition of the Bargaining Board. Originally it called for only three members appointed by the Governor. We changed that to a board of five members: two representing the farmers, two representing the processing industry, and a fifth member which would be from a list of names presented by this board of four representing the public at large. What more can you give them? What more? They are not interested in sending this to Legislative Research. They are interested in killing this bill. That is what they want. They have offered no arguments, or there is no substance at all to their argumentation to send this to Legislative Research. Therefore, I can only conclude that it is an excuse to circumvent the purpose of this legislation.

The legislation that you have before you is mild legislation. It represents both sides. It also protects the processors against any hot-headed groups that would want to get together and say we are going to bargain with the processor. Instead of that, we have included in the bill that the Bargaining Board has to have a referendum and 51 percent of the producers have to vote for it, representing 50 percent of the production. So, therefore, you have again protection on both sides.

I mentioned to you in debate before that at the last session there was a bargaining bill that was presented, and the argument to kill it at that time was that there is

legislation on the national level, therefore, it is not needed. On the national level the arguments were that this really should be the prerogative of states, so let's send it back to the states. This is why the Farm Bureau across the nation has picked it up and has tried to introduce it to several of the states. The same bill is being presented in Idaho.

Now, with all of the legal advice, the legal lobbyists and the legal representation that these processors have, I say, let's put the bill into law and, if there is some correction to be made, let's do it at the Special Session. I, for one, would be very willing to either sponsor such legislation or to back up such legislation if we see that the bill is working unfavorably towards one group or another.

So, when we debated this the last time you supported me 23 to 10, and I hope that you will support me again by defeating the motion that is before the Senate to indefinitely postpone. Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: This is a tough bill for all of us. I shall support the motion to indefinitely postpone made by the Senator from Aroostook, Senator Peabody, and would like to explain why. When you take a look at agricultural employment in the State of Maine today, the outstanding thing that attracts your attention is the fact that it is contracting. As a matter of fact, the only bright light in this area of the state is the fact that we have had created out of nowhere at all a poultry industry. In Grandma's time, when Grandma talked about a chicken in every pot she was talking about a completely different kind of chicken, and through the native ingenuity of Maine people we have a poultry industry in the State of Maine today that accounts for millions of dollars of income to people in the State. It is a good industry, it is a non-polluting industry, now we have taken care of our feather situations, but it is an industry that

has permitted a good many Maine people to remain on the farm.

The industries had some really difficult problems. Perhaps some of you will remember when we had icebreakers coming up the Kennebec River so that we could bring some grain barges to help reduce cost to processors, because the major cost to poultry is feed and that comes from the mid-west. It is an industry that is at the mercy of some really tough competitive factors from the Maryland - Delaware area and from the South. It is an industry that has seen the New York market under attack; where the Maine bird previously had a good shot at the New York market, now it is in trouble in the New York market.

In trying to look down the road as to what the future of the broiler industry and the employment of those who raise birds and supply them to the processors is, when you look down that road you are conscious of the fact that here again Maine is geographically located in a rotten area to be competitive. We are not that close to the market and we are not that close to the grain. This is extraneous, but it leads many of us to wonder whether or not the future of feed for poultry might be farmed more beneficially in the ocean rather than the grain fields of the mid-west.

I have heard it said that other states have this bill on their books, and I am unable to identify a state involved in poultry processing that has a bill identical to this on its books. I am personally deeply, deeply committed to the notion that we cannot afford to put ourselves in an increasingly difficult competitive position, and that is the only basis that I am going to assume when I vote for indefinite postponement of the bill. I urge all of you, as you vote to look down the road and ask yourselves whether or not the poultry industry as we know it is strong enough in a voracious competitive market to prevail unique legislation.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I think the good senator from Aroostook, Senator Cyr, covered it very, very well, so I will be very brief.

As I look upon this bill, I think it is designed to create equality in bargaining between the little guy and the big guy, and clearly the little guys must act in concert to deal equally across the table with the big guy. As far as I am concerned, I see it as being analogous to the situation between labor and management some forty years ago in this country, when it is clear one guy can't go in and deal with General Motors all by himself, but he can deal reasonably effectively if he goes in there in concert.

Also, for the benefit of this Chamber, I understand it is in both of our platforms to encourage this type of conduct, so I am sure that will swing a lot of votes, but I think both the Democratic and Republican Parties have it in their platforms. So, I would strongly urge you to vote against the motion to indefinitely postpone.

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

Mr. BERRY: Mr. President, I oppose the motion to indefinitely postpone. In response to Senator Katz from Kennebec, I honestly think that the industry has invited some of the ailments that have befallen it. If we were to take the bill and, what I would prefer to do, apply the principles to different segments of the farming industry, I would be far happier than to apply the bill to all types of farming.

One of the segments of the industry I certainly would emphasize and encourage to be put under the provision would be the poultry industry. Just to coin a phrase, I think the chickens are coming home to roost in this case, and I think this legislation is necessary.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Peabody, that Bill, "An Act to Create a Maine Agricultural Bargaining Board," be indefinitely postponed. A roll call has been re-

quested. 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 Aroostook, Senator Peabody, that Bill, "An Act to Create a Maine Agricultural Bargaining Board", 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, Clifford, Cox, Fortier, Grafam, Hichens, Katz, Minkowsky, Olfene, Peabody, Roberts, Speers, Wyman, MacLeod.

NAYS: Senators Berry, Brennan, Cianchette, Conley, Cummings, Cyr, Danton, Greeley, Huber, Joly, Kelley, Marcotte, Morrell, Schulten, Sewall, Shute, Tanous.

ABSENT: Senator Richardson.

Mr. Wyman of Washington was granted permission to change his vote from Yea to Nay.

A roll call was had. 14 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

Senate Amendment "A", Filing No. S-196, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I would like to briefly explain this three-page amendment to you. The first part of the amendment provides for an increase in the Board's daily compensation from \$20 to \$50. That is in Section 1956 of the bill.

Section 1958 of the bill, regarding the complaint, this specifically calls for giving a statement in the complaint to the individual that is an alleged violator. In Section 1958, the amendment provides that the

individual who is an alleged violator may appear either personally or through legal counsel. Again in Section 1958 it clarifies the quorum section of the bill, and again in Section 1958 it provides for a record of the initial hearing, as well as the conduct of the hearing and having the Board to be advised by a member of the Attorney General's Office, an attorney.

The Amendment goes on to exclude damages to be awarded by the Board, as I mentioned in my debate last week. In Section 1959, again this deletes a part of that section so that you have a quorum represented at the hearing, as far as the board is concerned.

The other amendments are for clarification purposes, and the last part of page two and the entirety of page three of the amendment deals with the procedure of the hearing, as well as method of service of your complaints, and also the authority granted to the Board relative to issuing complaints or subpoena of witnesses.

Now this is the entirety of this amendment. I don't know if any of you want time to look this over, as it has been before you for a few days.

I might add that this particular amendment only proposes to clarify those areas that I felt dealt with the hearing provisions of the bill. I just felt that the original bill in its form did not adequately provide protection, and I just felt that with the bill in that respect you would not have been able to completely put it into operation as far as the hearing provisions were concerned so that, in my opinion, without the amendment the law would not have been a workable law. I feel that this clarifies the proposed legislation in this area.

I know that some of you have asked me if I have amended other areas of this particular law, and I have not. I have not gone into the area dealing with negotiations. I have not looked into this area as to whether it is a workable area or not. I don't want to mislead any of you into thinking that I am clarifying all of the problems that

have been raised here through the debate on this bill.

From the vote on indefinite postponement, it was a close vote, and I would hope that if this legislation is ultimately enacted that probably the proponents and opponents ought to get together and come out with legislation that would be compatible and workable to both parties. I know that these parties are all present here this morning in this Chamber and thus far, personally, I have been very disappointed with the lack of communication between the proponents and opponents to this legislation. I may add that ultimately, unless these parties close the gap and start discussing and talking to each other, even though this bill is ultimately enacted, you may end up with as many problems as you have now, so I hope that these individuals take heed. If you are talking about negotiations, one of the first items in negotiations is that the parties are able to communicate and talk together. I would hope that if this is ultimately enacted these parties will join in the enactment of this legislation in an air of non-partisanship in the hopes of bettering the industry as a whole. Thank you.

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

Thereupon, on motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Providing for Motor Vehicle Operator's License Classification." (S. P. 409) (L. D. 1211)

Tabled — June 4, 1973 by Senator Tanous of Penobscot.

Pending — Adoption of Committee Amendment "A" (S-201).

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

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

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

Tabled — June 4, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr Huber of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-208, 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 sixth tabled and specially assigned matter:

Bill, "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000." (S. P. 383) (L. D. 1129)

Tabled — June 4, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed. (Committee Amendment "A" (S-192).

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

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

An Act Making Current Service Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. (S. P. 627) (L. D. 1949)

Tabled — June 4, 1973 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

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

House Reports — from the Committee on State Government — Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service." (H. P. 678) (L. D. 885) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 4, 1973 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

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

Mr. SPEERS: Mr. President and Members of the Senate: This matter has been tabled a couple of times now, and I just received from the Department of Personnel a number of comments on this particular bill. The bill, when it was brought into the Committee on State Government, did receive a very strong Majority Ought Not to Pass Report because of a number of problems that existed in the original bill.

When it came out, it was amended on the floor of the other body and is now before us in a relatively new form, and in the particular form which exists at the present time it was not really heard by the Committee on State Government.

The comments that I have received mention different problems, and I would like to read from these just one example: The bill in its present form prohibits out-of-state advertising until the in-state advertising has been accomplished, and it directs equalization of cost amounts and duration of both in and out-of-state advertising. Since advertising cannot be done concurrently, the bill effectively delays the recruiting process. This is a deficiency which the Department of Personnel feels rather tender about because it has already been charged that the Department in many instances delays the recruiting process. Furthermore, advertising in some professional journals, etc., must be placed weeks ahead due to publication dates. Furthermore, costs to advertise in large metropolitan area newspapers, such as Boston and New York, are far greater than the cost that it would be to advertise in the State of Maine. There are other questions involved in the bill in its particular form, such as the question of the meaning of the individual who has to have maintained a domicile in the State of Maine.

Now, not one member of the Committee on State Government objects to the idea of giving some preference to Maine citizens over out-of-state individuals in trying to apply for Maine employment, and indeed the Department of Personnel does not object to this idea. In fact, their comments indicate that they have been applying preference to in-state resident applicants over non-resident applicants wherever that has been possible. They have indicated to me that they would be able to come up with some suggestions to amend the particular bill in its present form to take care of some of the administrative problems that they do see, should this bill pass in its form at the present time.

As I mentioned, I have just received these comments, and I would appreciate it very greatly if someone would table this legislation for two more legislative days, begging the Senate's indulgence, so that the Department might have some time to prepare some amendments to put this into workable form.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand this bill now, with the amendment that was put on in the House, all the bill says is that in making appointments to any position on an open competitive basis in classified service, in recruiting for the same preference shall be given to citizens of the State of Maine. I think that is a very good idea. I think we ought to start giving more consideration to our Maine citizens.

The other objectionable part, as I understand, has been amended out in the House and, if we go along with the acceptance of the Ought to Pass Report, we will be in that status. Personally, there is an awful lot of talk about emigration from Maine of kids that we educate here going down to the other states, so I think something like this, I am not saying that it is going to reverse the tide completely, but it would move us in the proper direction.

On that basis, I hope we pass the bill. I am not opposed to a tabling motion, but to me it is very simple and straightforward.

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

Mr. SPEERS: Mr. President and Members of the Senate: As I understand it, the bill is not quite as simple as that in its present form. For example, there is the requirement, and I am sure that I will be corrected if I am wrong, that advertising, for example, must be done within the State of Maine before it can be done outside the State of Maine, that the Department of Personnel may not spend any more outside the State of Maine for advertising than it has inside the State of Maine. I think it can be readily seen that that provision alone is thoroughly unworkable. It certainly costs more to advertise in the Boston papers, the New York papers, and in some of the professional journals than it does to advertise in some of the Maine papers.

I certainly agree with the good Senator from Cumberland, Senator Brennan, in his desire to see some preference given to in-state resident applicants over non-resident applicants in applying for a state job, but I also believe that the Senate does not want to go along in passing legislation, nor would the sponsor of this legislation, I am sure, wish to have a program passed that would be unworkable.

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

Thereupon, on motion by Mr. Wyman of Washington, retabled and Specially Assigned for June 7, 1973, pending Acceptance of Either Committee Report.

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

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

Tabled — June 4, 1973 by Senator Shute of Franklin.

Pending — Adoption of Senate Amendment "B" (S-198).

Whereupon, Senate Amendment "B" was Adopted.

Mr. Shute of Franklin then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-210, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: You may be wondering about these two additional amendments to Senate Paper 642, L.D. 1977. There has been some concern that two areas of government have been omitted from the membership of the study committee.

Senate Amendment "B" would add the Commissioner of the Department of Transportation to this Environmental Study Commission, and the amendment just presented, Senate Amendment "C", would provide for the Governor to appoint, instead of five members in the original bill, six members, one of whom would be a representative of municipal government. So, what these two amendments do is add the Department of Transportation Commissioner and a representative of municipal government.

The PRESIDENT: Is the Senate ready for the question?

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

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its prior action whereby Bill, "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act" (S. P. 427) (L. D. 1287), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-207, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: On page two of the bill, apparently my good friend Sam struck out too much language in the bill, so that it would have made it unworkable, I was informed by the Industrial

Accident Commission. This amendment only seeks to restore that language on page two of the bill as it appears before you that was stricken out in the preparation of this document. It does not change the substantive part of the bill whatsoever, and this particular amendment does not in any way change the matter of debate that was held on this bill last Friday.

Also, in last Friday's debate I mentioned one particular lobbyist that misled some of you — I did not mention his name — but any of you that do know this particular lobbyist, he is a heck of a nice

guy. He is a young lobbyist and certainly did not intend to mislead any of you, I am sure, after discussing it with him, so I would hope that those of you who know him would not hold to a lack of credibility on his part. Thank you.

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

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:00 o'clock tomorrow morning.