

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, June 6, 1973

Senate called to order by the President.

Prayer by the Rev. Bruce W. Meyer of Augusta.

Reading of the Journal of yesterday.

### Papers from the House Non-concurrent Matter

Bill, "An Act Relating to Grounds for Judicial Separation." (H. P. 1224) (L. D. 1594)

In the House June 1, 1973, Passed to be Engrossed.

In the Senate June 4, 1973, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Thereupon, the Senate voted to Adhere.

### Non-concurrent Matter

Bill, "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders." (H. P. 470) (L. D. 618)

In the House June 1, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-475).

In the Senate June 4, 1973, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Tanous of Penobscot moved that the Senate Adhere.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I move that we insist and join in a committee of conference. We debated this bill at fair length the other day. There were some objections raised by the good Senator from York, Senator Roberts in regard to the fact that it wasn't discretionary. I think at a committee of conference we could change "shall" to "may" so it would be discretionary. Other objections were raised in reference to the

quantity allowance. I think at a committee of conference we could put in a certain quantity situation so it wouldn't apply to those who have a substantial quantity.

I frankly think a bill like this makes a lot of sense. It is a chance to put some intelligence, some coherence, into our criminal justice system. I appreciate it is getting late in the session and there is a long calendar, but I think we have an opportunity to do something meaningful here, and I hope the Senate would do the intelligent thing and join in a committee of conference so we can iron out these little difficulties.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, moves that the Senate insist and join in a committee of conference.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, I ask for a division and I would like to speak briefly.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This bill, L. D. 618, professes to do away with the first offense for marijuana offenders, or expunge the records, but it does more than that. It seeks also to expunge the record of a first offender for selling, for manufacturing, for cultivating, and the whole gambit of dealing with marijuana.

Certainly, we could have a committee of conference on this, no doubt, but I thought that the vote was quite clear in this body, and I don't see how anyone could come out with a compromise on expungement of a record for a first offense for a seller, cultivator or grower, and I would oppose the motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I appreciate some members of the Senate may not like this, but I still think it is an important measure. Under the law, if we pass it this way, the state would still have exacted their pound of flesh. I still am unconvinced as to what

interest the state has in permanently stigmatizing a young person for a most minimal offense.

In regard to the remarks of the good Senator from Penobscot, Senator Tanous, at a committee of conference we could take out "sellers" if he thinks they are in there, and we would limit it exactly to just "possession", and possession only. I think that is what committees of conference are all about. Again, I would urge you to vote to join a committee of conference.

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. A division has been requested. As many Senators as are in favor of the motion to insist and join in a committee of conference will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

#### **Joint Order**

WHEREAS, sales tax on passenger vehicles is collected under existing law by the dealer at the time of purchase and forwarded monthly to the State; and

WHEREAS, legislation has been proposed which will enable payment of this tax directly to the State at the time of registration, thus enabling annual savings of approximately \$155,000; and

WHEREAS, the proposed change appeared not workable in its present form for collection of General Fund Revenue by a dedicated revenue account; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the bill: An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of

Registration, House Paper 1321, Legislative Document No. 1727 and all amendments and new drafts thereto, as introduced at the regular session of the 106th Legislature, to determine whether or not the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Bureaus of Motor Vehicles and Taxation be directed to provide the Committee with such technical information and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature; and be it further

ORDERED, that copies of this Order be transmitted forthwith to said bureaus upon final passage as notice of the pending study. (H. P. 1576)

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 Order**

WHEREAS, legislation has been introduced at the 105th and 106th sessions of the Maine Legislature to clarify the scope of collective bargaining involving public employers and public employees; and

WHEREAS, legislative guidance is needed in differentiating between the statutory duties of public employers with respect to public policy and the working conditions of public employees; and

WHEREAS, the Maine Supreme Judicial Court has recently handed down its decision in the case of the City of Biddeford By Its Board of Education v. Biddeford Teachers Association; and

WHEREAS, the impact of that decision and other pertinent issues need further study in considering proposed amendments to the Municipal Public Employees Labor Relations Law; now, therefore, be it

**ORDERED**, that the Senate concurring, that the Speaker of the House of Representatives and the President of the Senate appoint a Joint Select Committee consisting of 5 members of the House, appointed by the Speaker of the House and 3 members of the Senate, appointed by the President of the Senate; and be it further

**ORDERED**, that said committee is directed to undertake a comprehensive study of the Municipal Public Employees Labor Relations Law, to determine the desirability of amending said Municipal Public Employees Labor Relations Law in light of experience under this law and the recent decision of the Supreme Judicial Court, **City of Biddeford By Its Board of Education v. Biddeford Teachers Association** with specific attention to be given to the scope of negotiations between teachers and public employers of teachers, and to the effect of binding and compulsory arbitration in the public interest, except that such committee shall not conduct any investigation into areas which are the specific subjects of any study which may be conducted by or under contract with the United States Department of Labor or any subagency thereof; and be it further

**ORDERED**, that within the area of its study, the committee shall report its findings and its recommendations to the next special or regular session as to how the best interests of the State would be served; and be it further

**ORDERED**, that the committee shall have the authority to seek input from qualified individuals who are knowledgeable and experienced in public sector collective bargaining and to employ clerical and competent professional assistance within the limits of funds provided; and be it further

**ORDERED**, that members of the committee shall be compensated for the time spent in the performance of their duties at the rate of \$20 per day plus all actual expenses incurred; and be it further

**ORDERED**, that there is appropriated to the committee

from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order. (H. P. 1574)

Comes from the House, Read and Passed.

Which was Read.

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

### Communications

#### STATE OF MAINE

One Hundred and Sixth Legislature  
Committee on Agriculture

June 4, 1973

Honorable Kenneth P. MacLeod  
President of the Senate  
State House

Dear Senator MacLeod:

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

Total number of bills received	34
Ought to pass	16
Ought to pass as amended	4
Ought to pass in new draft	1
Ought not to pass	3
Divided Reports	7
Leave to withdraw	2
Referred to another committee	1

Sincerely,

Signed:

**ARNOLD S. PEABODY**  
Senate Chairman

Which was Read and Ordered  
Placed on File.

### Orders

On motion by Mr. Schulten of Sagadahoc,

WHEREAS, developments must meet reasonable requirements for environmental protection to be considered desirable under the existing Site Location Law; and

WHEREAS, the Bureau of Environmental Protection is presently required to consider some economic data in the process of making such determinations; and

WHEREAS, legislation has been proposed to broaden this view to require the Bureau of Environmental Protection to examine and weigh all benefits and detriments on such projects; and

WHEREAS, such an extension will require extensive research and revision of the Site Location Law to lawfully accomplish this theoretical objective; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the bill, "An Act to Amend the Site Location of Development Act," House Paper No. 1375, Legislative Document No. 1831, as introduced at the regular session of the 106th Legislature, to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

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

ORDERED, that the State Bureau of Environmental Protection be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary or desirable to carry out the purpose of this Order; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be sent forthwith to said bureau as notice of the pending study. (S. P. 655)

Which was Read.

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

### **Committee Reports House**

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

The Committee on Liquor Control on Bill, "An Act Permitting Liquor Licensed Clubs to Sell Tickets to its Members and Guests for Prizes to Raise Funds for Club Purposes." (H. P. 1248) (L. D. 1625)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### **Ought to Pass — As Amended**

The Committee on Marine Resources on Bill, "An Act Extending Regulation of Fishing Methods and Quantity and Types of Gear Used." (H. P. 1376) (L. D. 1832)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-490).

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.

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

The Committee on Judiciary on Bill, "An Act to Revise Functions and Purposes of the Panel of Mediators." (H. P. 977) (L. D. 1291)

Reported that the same Ought to Pass in New Draft under New Title. "An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators" (H. P. 1562) (L. D. 1996)

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 Judiciary on Bill, "An Act Relating to Immunity of Persons or Hospitals Refusing to Perform or Assist in Abortions." (H. P. 740) (L. D. 953)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions" (H. P. 1559) (L. D. 1992)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-493).

Which report was Read.

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

Mr. BERRY: Mr. President, I wonder if a member of the Committee would explain the impact of the bill, its relation to the Federal Supreme Court Decision, and the impact of House Amendment "A"?

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

Mr. TANOUS: Mr. President and Members of the Senate: The bill in new draft that came out of the Judiciary Committee relative to abortions is comprised of five bills. The Judiciary Committee has six abortion bills before it to consider, and we took the five bills that deal with one subject, dealing mostly with conscience, and we put these in one new draft.

This means that your doctor can refuse to perform abortions if he so desires without being chastised for doing so legally. Hospitals can refuse to have patients in their hospitals for purposes of abortion, under this bill, without again being chastised legally.

Also the bill provides that a fetus may not be sold for experimentation purposes. The bill also provides that a fetus that is aborted and born alive, I suppose at this point you have got a live birth, that this child, the aborted child that is born alive, has a right under our law to medical care. There were incidents shown that in New York there were children aborted in one or two instances that were born alive and just left to die. This bill provides that such a child be given medical care just as any other human being. Also it describes live birth.

So what we have done is taken five bills and came out with one draft, because it deals with conscience mostly and philosophy.

We do have another bill in Committee that deals directly with the amendment that was tacked onto this bill somewhere down the hall, and I plan to move indefinite postponement of that amendment because we do have a bill in Committee which is coming out shortly, either tomorrow or Friday, which is the deadline anyway, but it probably will be coming out tomorrow. That bill, as I mentioned, deals directly with the

amendment, or it is the entirety of the bill actually, and my reason for moving indefinite postponement of the amendment would be because, in my opinion, it frustrates the committee system of the legislature. Thank you.

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 the Chairman of the Judiciary Committee. In view of the Supreme Court decision, is it right that a woman in a situation where an abortion would be necessary on an emergency basis should find herself in a position where there were neither a hospital or a doctor available who would be willing to perform that necessary operation? Is this right?

I will rephrase the question. Is it right, in view of the Federal Supreme Court decision on the abortion matter, that a woman who had to have an emergency abortion performed found herself in a situation where the only hospital and doctor available would take refuge under this proposed law and fail to perform this operation?

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

Mr. TANOUS: Mr. President and Members of the Senate: In answer to the question of the Senator from Cumberland, Senator Berry, if I grasp his question properly, it would seem to me that any individual who doesn't wish to perform certain services, that there is no law in the world that can force an individual to do this.

Certainly, I don't see the relation to this particular bill. This is a conscience bill which determines that a doctor or a hospital may not have to participate in these procedures. I would think that a legislature should certainly not try to mandate that these people should do certain acts against their own conscience. When we commence to do this, mandating doctors, lawyers, or anybody to do things against their own conscience or convictions, then aren't we, in essence, telling them what their religion or philosophy is going to

be? I would think that anyone who in good conscience doesn't want to perform an abortion, or a hospital that doesn't wish to participate in abortion procedures, that they ought to be given the protection of the law, if this is their conscience, the same as anybody else who wishes to practice any religion of their choosing.

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

Mr. BERRY: Mr. President and Members of the Senate: I will put the problem and the question in words that perhaps we all can understand. If a woman is brought to a hospital in a state of crisis, and her life depends on an immediate abortion, is somebody going to stand at a hospital door, if we pass this legislation, and say this woman cannot come in here and receive the necessary treatment to save her life?

Now, I agree 100 percent with the right of a doctor and a hospital to say no, except if they are the only source that this woman has to save her life. If there is another hospital or another doctor available, fine. But if there are not? That is my question.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As I understand it, under the prior Maine law, which was abrogated by the Supreme Court decision, that kind of procedure described by the Senator from Cumberland, Senator Berry, was allowed and lawful under the law. As far as I know, there was no doctor in the state then, nor is there any doctor now, including those doctors who are interested in this legislation, there are none of those doctors whom I know and whom I have talked to about these bills that would refuse to perform that kind of operation in order to save the life of the mother.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: As I understand it, the legislation that is before us provides freedom

for those who are perhaps in the healing arts to exercise a decision of conscience as to whether or not they wish or do not wish to perform abortions. I support that concept.

As I understand it, this bill would prohibit the sale of fetuses for experimental purposes, and I support that.

The thing that concerns me is that apparently there is an amendment on this bill which some people are saying should not have been allowed as not being germane, but whatever the procedural niceties might be, we are now confronted by, I think, some very major legislation having a very significant impact on what legislation, if any, is going to be passed to implement the Supreme Court decision.

I have talked with members of both sides of this controversy and, very frankly, Mr. President, I am surprised because it seems to me that the roles have been reversed: that the Right to Life Committee ought to be sitting in a different chair than it is sitting, and the Abortion on Demand proponents ought to be sitting in another position than they are now. What I am trying to say, and not very aptly perhaps, is that if the Supreme Court decision stays as it is now, and there are no statutory guidelines governing the operation, including the so-called conscience amendments, we have no real guidelines other than the Supreme Court decision.

I am not sure why there is objection to the amendment that was placed on this bill in the other body and, in all sincerity, Members of the Senate, I think we ought to have ample opportunity to review this legislation very carefully before voting on it. Not having had an opportunity to do this myself, I would appreciate it if this matter could be tabled by some member of the Senate for perhaps a day or two in order to permit those of us who have very severe reservations about this concept to look at it in good faith because, as I say, I fully support the right of a physician who finds it morally repugnant to terminate a human

pregnancy, I fully support his right not to do that, but I think, under the decision, he would be subject to a civil action if he refused.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I believe it was the intention of the Chairman of the Committee on Judiciary, the Senator from Penobscot, Senator Tanous, to postpone House Amendment "A", not to debate House Amendment "A" on its merits, because the bill which is the same as House Amendment "A" is still in the Judiciary Committee.

I think the points made by the good Senator from Cumberland, Senator Richardson, are very valid, that the original bill, this 1992 in its original form, most people agree should pass, and that the House Amendment is the more controversial bill and really should be taken up separately. I think that is the point that Senator Tanous was making, that 1992 was reported out of the Committee on Judiciary for a purpose, the five bills were reported out together, and that the bill which is incorporated in House Amendment "A" is going to be reported out separately, because it does involve a different issue, it is a more complex situation and, therefore, should be taken up on its own merits.

I would hope that this morning the bill could be read, that House Amendment "A" could be indefinitely postponed, and this bill could proceed. Then debate could be had on the bill which is still in Committee and which will be reported out on the merits of what we should do to comply with the Supreme Court decision.

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

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

#### **Divided Report**

The Majority of the Committee on Labor on Bill, "An Act Relating

to Employment of Women." (H. P. 525) (L. D. 707)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

KELLEY of Aroostook

Representatives:

FARLEY of Biddeford

ROLLINS of Dixfield

McHENRY of Madawaska

BROWN of Augusta

HOBBINS of Saco

GARSOE of Cumberland

McNALLY of Ellsworth

BINETTE of Old Town

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-497).

Signed:

Representative:

CHONKO of Topsham

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 Taxation on Bill, "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax." (H. P. 379) (L. D. 508)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

Representatives:

MORTON of Farmington

DRIGOTAS of Auburn

DOW of West Gardiner

MERRILL of Bowdoinham

MAXWELL of Jay

IMMONEN of West Paris

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:

FINEMORE

of Bridgewater

SUSI of Pittsfield

COTTRELL of Portland

DAM of Skowhegan

Come from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-501).

Which reports were Read.

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

Mr. FORTIER: Mr. President and Members of the Senate: I am not going to take the time of the Senate to debate this bill this morning, but to all those Senators who deplore continually the rise in our taxes, I would simply remind you that there goes another \$150,000.

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

Mr. CLIFFORD: Mr. President, I would like to ask one of the Committee members, through the Chair, whether or not the gas which is included in the bill is intended to include natural gas as well as bottled gas.

The PRESIDENT: The Senate from Androscoggin, Senator Clifford, has posed a question through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would have to read the bill, and I would ask that it be tabled until later in today's session.

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

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

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

Mr. BERRY: Mr. President, answering the inquiry of the Senator from Androscoggin, Senator Clifford, this bill would apply to all gas.

The PRESIDENT: The Secretary will now read House Amendment "A".

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

### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Provide for Reduction of Sentence for Inmates of State Correctional Facilities who Donate Blood." (H. P. 1343) (L. D. 1777)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland

Representative :

PERKINS

of South Portland

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

HENLEY of Norway

WHEELER of Portland

WHITE of Guilford

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

Signed:

Representatives:

CARRIER of Westbrook

BAKER of Orrington

KILROY of Portland

GAUTHIER of Sanford

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

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

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

Mr. KATZ: Mr. President, in order to get some kind of response as to any validity to this bill, and perhaps begin some kind of debate, I will move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act to

Provide for Reduction of Sentence for Inmates of State Correctional Facilities who Donate Blood", be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I would oppose the motion to indefinitely postpone. This is a bill which came out of the study of the Institutional Services Committee last year, and we have discovered that some sixteen states in the United States have a similar provision for inmates in state prison. It is an incentive to have these prisoners donate blood. As the bill states, it cannot be sold for profit or anything, and they get a five-day credit for each donation, limited to two donations in a year. I do not think that the ten-day good time allowance is going to hurt in any way, and it is an incentive for prisoners to donate blood.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act to Provide for Reduction of Sentence for Inmates of State Correctional Facilities who Donate Blood", be indefinitely postponed in non-concurrence. As many Senators as are in favor of the motion to indefinitely postpone will please say "Yes"; those opposed, "No".

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

Thereupon the Bill was Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Provide for Municipal Rent Control." (H. P. 1378) (L. D. 1834)

Reported that the same Ought to Pass.

Signed:

Senator:

BRENNAN

of Cumberland

Representatives:

BAKER of Orrington

PERKINS

of South Portland

WHITE of Guilford

DUNLEAVY

of Presque Isle

KILROY of Portland

WHEELER of Portland

McKERNAN of Bangor

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

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

CARRIER of Westbrook

HENLEY of Norway

GAUTHIER of Sanford

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

Which reports were Read.

Mr. Brennan of Cumberland moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. MINKOWSKY: Mr. President, may I have a brief explanation as to the intent and purpose of this bill from a member of the Committee or its sponsor possibly?

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

Mr. BRENNAN: Mr. President and Members of the Senate: A brief explanation: First, in regard to the sponsor, the sponsor happens to be one of the most distinguished members of this legislature, and not of my party.

Now, what the bill does, the bill is enabling legislation so that municipalities or towns that have problems with skyrocketing of rents can enact legislation in order to provide for control. That is what we have talked about up here for some years; it is local control. There is no compulsion that it take place in Cape Elizabeth or Brewer or Lewiston. It is just those communities that would like to have some rent control so they can do something about it.

In cities like Portland, where there are some serious problems, it could be very meaningful legisla-

tion. So, in essence, it is merely enabling legislation and an extension of home rule.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think perhaps an explanation is in order as my name appears on the Ought Not to Pass Report. I certainly agree that housing and the problems of housing are very serious problems in the state, but I would like to explain why I signed the Ought Not to Pass Report on this particular bill.

It seems to me that the problem of rent control and the problem of price freezing and wage freezing is a national problem involved very closely with the national economy. It is a very intricate problem and it should not be taken very lightly because it does affect all aspects of our national economy.

I have very grave reservations as to whether or not the state on the state level has the information, the ability and the knowledge to effect adequate rent, price or wage controls — and before the good Senator from Cumberland jumps to his feet and says we are not talking about price and wage controls, we certainly are not, but this is the same type of situation, where we have a very serious effect upon the economy. As I say, I have very grave reservations as to whether or not the state has adequate resources to effectively carry out such controls. And if I have reservations as to whether or not the state has adequate resources, I have even more reservations regarding whether or not the individual communities have the adequate resources to bring about controls on the rents in their communities.

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

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

### Divided Report

The Majority of the Committee on Public Lands on Resolve, Authorizing the Forest Commissioner to Convey by Sale the Interest of the State in Certain Land in Piscataquis County. (H. P. 33) (L. D. 40)

Reported that the same Ought Not to Pass.

Signed:

Senator:

RICHARDSON

of Cumberland

Representatives:

MARTIN of Eagle Lake

PALMER of Nobleboro

ROLDE of York

LYNCH

of Livermore Falls

BRIGGS of Caribou

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

Signed:

Senators:

MacLEOD of Penobscot

CLIFFORD

of Androscoggin

Representatives:

SIMPSON of Standish

ROLLINS of Dixfield

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-494).

Which reports were Read.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Enjoying so much as I do the distinction of being able to chair a committee upon which the presiding officer of this body sits, I want to explain this divided report from the Committee on Public Lands, which I believe is the first divided report we have had. I would like to move the acceptance of the Ought Not to Pass Report, which is the Majority Report.

A Mr. Bradeen up in Medford didn't pay his taxes, and he didn't pay them for quite a long while. During the period of non-payment, the township became unincorporated and the tax bill be-

came due and owing to the state. The township subsequently became incorporated and he owed some money to the town because he continued to persist in refusing to pay his taxes.

Now, the state took the land, which amounts to 500 acres, and the Department of Forestry and the Department of Parks and Recreation both have plans for the utilization of this 500 acres of land, on which is located a set of buildings which are apparently in a very serious state of disrepair.

The town fathers of Medford would like to have us sell them the land for the amount of the state's tax lien. Myself and the other members of the Public Lands Committee feel that this is a very inappropriate time for the State of Maine to be giving 500 acres to anybody. The town fathers of Medford then came in with a proposed amendment indicating that they wanted to take this over as a recreational area, their argument being initially that they needed this land for it to be on the tax rolls. They then came in with an amendment to have it be a recreational area.

Now, this bill has received a considerable amount of attention from the executive councilor who hails from this community and from the representative who represents these people. And my friend, the good Senator from Penobscot, Senator Sewall, has taken a great interest in this legislation. I simply want to give the Senate an opportunity to vote its conscience, and I will be very pleased, I am sure, to see what the result of that vote is going to be. I would ask for a division on the motion to accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: As a member of the Public Lands Committee who signed the Ought

to Pass Report, it seems to me and also some of the people who signed that report that this was kind of a poor way for the state to get land for public purposes.

It was taken on a tax lien, it is a substantial portion of this town, and the town would like to get it back either on the tax rolls, so they could tax it, because it is a substantial portion of the town, which is a small town, or they would like to use it for a recreation area for the town.

I think if the state is going to acquire lands for public purposes, it seems to me that the state ought to be willing to go out and pay the market value. Here they acquired it by a tax lien. I know, having served in city government of the City of Lewiston, on all lands which were acquired by tax lien in Lewiston the city always made every effort to get them back into the private sector and onto the tax rolls. I just don't think this is the kind of method that the state should be using to acquire public lands. I think the state can afford to purchase enough public lands through the public tax money.

This is why the minority signed the Ought to Pass Report, which would allow this land to go back to the town to be taxed or to be used by the town for recreation purposes. Therefore, I would oppose the motion of the good Senator from Cumberland, Senator Richardson.

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

Mr. TANOUS: Mr. President and Members of the Senate: I rise to support my good friend, Senator Clifford from Androscoggin. I am indeed pleased to see that someone on this Committee perceived the true problem in existence.

I have here before me a page and a half statement that was provided me by my good friend, Mr. Clyde Hichborn who, incidentally, opposed me in the primaries two years ago, but I certainly agree with the Minority Report on this bill, and certainly we ought to accept the Minority Ought to Pass Report.

I could read this and give you all the reasons why this land

should be given back to the Town of Medford, where it properly belongs. I think it was taken away from them for a reason that Senator Clifford has mentioned, and I don't think it is a valid reason to maintain this.

This little community of Medford is in Piscataquis County. This land is comprised of a farm and they need the tax in the tax base to survive. Unless they have this tax source, it is well possible that they might end up in the same problem they were in when originally this land was taken away from them by the state. So I would urge you to vote against the Majority Ought Not to Pass Report and vote in favor of the Minority Ought to Pass Report. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence. A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

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

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

Obviously less than one-fifth having arisen, a roll call is not ordered. Will all those Senators in favor of accepting the Majority Ought Not to Pass Report of the Committee again please rise and remain standing until counted. Will those opposed please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and 24 Senators having

voted in the negative, the motion did not prevail.

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

### Divided Report

The Majority of the Committee on County Government on Bill, "An Act Creating Androscoggin County Commissioner Districts." (H. P. 271) (L. D. 378)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-485).

Signed:

Senators:

ROBERTS of York  
PEABODY of Aroostook  
CLIFFORD

of Androscoggin

Representatives:

WHITZELL of Gardiner  
FARRINGTON of China  
McMAHON of Kennebunk  
CHURCHILL of Orland  
SHELTRA of Biddeford  
TANGUAY of Lewiston  
DYAR of Strong

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

Signed:

Representative:

DAM of Skowhegan

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-485) and House Amendment "A" (H-500).

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

### Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Relat-

ing to Property Tax Administration." (H. P. 100) (L. D. 137)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1563) (L. D. 1997)

Signed:

Senators:

COX of Penobscot

FORTIER of Oxford

Representatives:

SUSI of Pittsfield

FINEMORE

of Bridgewater

IMMONEN of West Paris

DOW of West Gardiner

MERRILL

of Bowdoinham

MAXWELL of Jay

DRIGOTAS of Auburn

COTTRELL of Portland

MORTON of Farmington

DAM of Skowhegan

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

Signed:

Senator:

WYMAN of Washington

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

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

Mr. WYMAN: Mr. President and Members of the Senate: I would appreciate it if this could be tabled for one legislative day, pending acceptance of either report.

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

Thereupon, on motion by Mr. Hichens, of York, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

### Senate

#### Leave to Withdraw

#### Covered by Other Legislation

Mr. Wyman for the Committee on Taxation on Bill, "An Act Relating to Net Asset Limitation Under the Elderly Householders Tax Relief Act." (S. P. 502) (L. D. 1591)

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

Which report was Read and Accepted.

Sent down for concurrence.

### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Creating Definite Sentencing Limitation in Juvenile Offenses." (S. P. 495) (L. D. 1582)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

BAKER of Orrington

PERKINS

of South Portland

CARRIER of Westbrook

WHITE of Guilford

KILROY 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:

Senator:

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

WHEELER of Portland

Which reports were Read.

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

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

Mr. TANOUS: Mr. President and Members of the Senate: I rise to oppose the motion of my good friend, Senator Brennan, on this bill. At the public hearing on this particular bill the Department appeared and opposed the bill, and I thought for valid reasons. They felt that enactment of this legislation would do exactly just the opposite of what Senator Brennan from Cumberland seeks to do with this particular bill. They felt that by definite terms being given to juvenile offenders, that they would

in fact in some instances extend the penalty of an individual.

Apparently, presently they are permitted to release these individuals, these kids, I guess you would call them, when they feel they are completely rehabilitated. For that reason, the Department opposed this particular bill, and I thought that their argument was very valid. I think their prime interest is to rehabilitate the juvenile offender and send him home as soon as possible. By a definite limit on sentences, the Department felt it would, in essence, harm the juvenile offender and in some instances extend his penalty. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I see no way really it is going to extend his incarceration. Frankly, under the present law, if a 13-year-old, say he is arrested and charged with shoplifting, and he is incarcerated at the Boys Training Center, he is incarcerated until he reaches his majority. Theoretically, he can be incarcerated for five years. For that very same offense, an adult could only be incarcerated, say, for three months. That is the reason that this bill is in.

The judge has no discretion whatsoever. If he wants to send him to the Boys Training Center at 13, technically, they can hold him until he is 18. Usually they probably hold them for nine or ten months. What this bill would do is give more flexibility to the courts. If the judge felt, for example, a 13 or 14-year-old kid, if he lost his liberty for 30 days, say, and he got a taste of loss of liberty and that would do the job, he would have the discretion to do it. Under the present law, he doesn't.

I think it is ridiculous that someone who is 13 years of age is sent to the Boys Training Center and could be held for five years with loss of his liberty, for a situation where an adult would only lose his liberty for a maximum of 90 days. You can call the Boys Training Center and Stevens

Training Center anything you want, one euphemism or another but, frankly, if you go there and you can't leave when you want to, it is something similar to a jail. So this is designed to give maximum flexibility to the courts in dealing with youthful offenders. Again, I would urge you to accept the Minority Ought to Pass Report.

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

Mr. HICHENS: Mr. President and Members of the Senate: I, too, would rise in opposition to that motion. I have had close contact with the Boys Training Center even before I became a legislator. I have been familiar with the work there by Superintendent Hughes, and I feel that any regular sentencing is out of order. Some of these boys need a month's incarceration and others need nine months. I, to my knowledge, have never seen where anybody has been kept from their 13th birthday to their 18th birthday, for five years.

This does give the social workers and does give the people there at the institution a chance to evaluate the situation as to what environment the boy came from, what the conditions were for his committing the crime, and I believe that the present practice is in good order and should stay that way.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Creating Definite Sentencing Limitation in Juvenile Offenses". As many Senators as are in favor of accepting the Minority Ought to Pass Report will please say "Yes"; those opposed "No".

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

A division was had. 15 Senators having voted in the affirmative,

and 14 Senators having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Regulate Prejudgment Attachment and Seizure of Property." (S. P. 477) (L. D. 1538)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec

Representatives:

McKERNAN of Bangor  
PERKINS

of South Portland  
CARRIER of Westbrook  
WHITE of Guilford  
KILROY of Portland  
HENLEY of Norway  
BAKER of Orrington  
GAUTHIER of Sanford

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

Signed:

Senator:

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

WHEELER of Portland

Which reports were Read.

Mr. Tanous of Penobscot then moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Accept the Majority Ought to Pass Report of the Committee.

#### Second Readers

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

#### House

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)

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)

Bill, "An Act Relating to Possession of Marijuana, Peyote or Mescaline." (H. P. 1553) (L. D. 1986)

Bill, "An Act to Provide Penalties for Sale of Counterfeit Substances which are not Drugs." (H. P. 1556) (L. D. 1989)

Bill, "An Act Relating to Penalty for Criminal Trespass in Buildings." (H. P. 1558) (L. D. 1991)

Bill, "An Act Relating to the Practice of Nursing." (H. P. 1555) (L. D. 1988)

Bill, "An Act Relating to Veterans Preference in State Employment." (H. P. 1560) (L. D. 1993)

Bill, "An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis." (H. P. 1554) (L. D. 1987)

Bill, "An Act Equalizing the Financial Support of School Units." (H. P. 1561) (L. D. 1994)

(See Action later in today's session)

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

Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (H. P. 161) (L. D. 203)

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

Bill, "An Act Relating to Regulation and Inspection of Plumbing." (H. P. 1523) (L. D. 1953)

Which was Read a Second Time.

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

#### House — As Amended

Bill, "An Act Relating to Veterans Preference and Military

Service for Employees of State Agencies." (H. P. 454) (L. D. 603)

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

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

#### Senate

Bill, "An Act Relating to Liquor Purchased from State Liquor Stores." (S. P. 387) (L. D. 1133)

Which was Read a Second Time.

Mr. Danton of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-212, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

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

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

Sent down for concurrence.

#### Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its prior action whereby Bill, "An Act Equalizing the Financial Support of School Units" (H. P. 1561) (L. D. 1994), was Passed to be Engrossed.

On further motion by the same Senator, tabled and Specially Assigned for June 11, 1973, pending Passage to be Engrossed.

#### Enactors

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

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

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

An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain

Municipalities. (S. P. 295) (L. D. 842)

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

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

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

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

(On motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Enactment.)

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

An Act to Revise the Laws Relating to the Practice of Optometry. (S. P. 632) (L. D. 1964)

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

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

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

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

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

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

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

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

An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding. (H. P. 1525) (L. D. 1955)

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.

#### Emergencies

An Act to Exempt Hairdressers who Hold Booth Licenses from

Eligibility for Unemployment Compensation. (H. P. 1014) (L. D. 1333)

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

An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments for the Fiscal Year Ending June 30, 1973. (S. P. 648) (L. D. 1985)

An Act Creating the Uniform Alcoholism and Intoxication Treatment Act. (S. P. 13) (L. D. 76)

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

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

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

These being emergency measures and, except for the matter temporarily set aside, having received the affirmative votes of 30 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.

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

An Act Creating the Uniform Alcoholism and Intoxication Treatment Act. (S. P. 13) (L. D. 76)

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

Mr. CONLEY: Mr. President and Members of the Senate: Before us this morning, is L. D. 76, which is An Act Creating the Uniform Alcoholism and Intoxication Treatment Act. It is a bill or a subject, at least, that has long been a conversation in this state for many, many years, a step that the state has really not taken toward the rehabilitation of alcoholics, and this is the first implementation along those lines. I think it is a very, very significant piece of legislation, and I wouldn't want it just to go on the Appropriations Table without members of the Senate fully understanding what the ramifications of this bill are.

I think it should be pointed out, one, that there are between 30,000 and 50,000 alcoholics in the state who really find no place at all to go for the purposes of treatment. Secondly, it costs us, through loss of wages in employment, illnesses and so forth, into the millions of dollars each year.

I think we should be concerned about the fact that over the years the state has appropriated something like \$80,000 a year for the Division of Alcoholic Rehabilitation for the purpose of treatment, and yet at the same time the state has taken in through the sales of alcoholic beverages somewhere in the vicinity of \$40 million in the biennium. What the bill primarily does is recognize that alcoholism is a disease and that it is treatable, and it decriminalizes public intoxication as a crime. It also provides the State of Maine with the mechanism to establish alcoholic treatment facilities for the rehabilitation of its 40 to 50,000 alcoholic persons.

Enactment would allow the State of Maine to join Hawaii, Iowa, Maryland, North Dakota, Florida, Massachusetts, Connecticut and Oklahoma, all who have implemented a uniform statute with no apparent difficulty.

If this Uniform Act is passed in the Judiciary Committee's amended form, it will also make available to the state an additional \$120,000 each year of federal alcoholism formula grant monies.

L. D. 76 creates a framework within the state which can bring about an effective and humane method of care and treatment for the State's and the nation's first ranking drug and public health problem. It also establishes the mechanism for state licensing of public and private alcoholism treatment facilities and, thereby, the mechanism for third party (insurance coverage) payment for that treatment. The Act places heavy emphasis on voluntary treatment. Involuntary treatment is permitted only in exceptional and very clearly prescribed circumstances.

I would like to say, Mr. President and Members of the Senate, that this bill originated from an

order before the Legislative Research Committee in the last session, and that for 18 months that subcommittee met quite consistently with members of the Governor's Advisory Board on Alcoholism, with the Department of Health and Welfare, the Department of Mental Health and Corrections, and many other interested citizens throughout the state. At the time of the public hearing, held back some months ago — it almost seems as though this bill has been around here as long as I have — but at that public hearing there were over 500 people who turned out in support of this L. D.

This morning I just wanted to bring this bill to the attention of the Senate, and I am sure that the power from Penobscot County, the good Senator Sewall, is going to place this on the Appropriations Table.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Before this legislation presumably takes its place on the Appropriations Table, on the motion of the distinguished Chairman of the Appropriations Committee, I think that the record of this legislature and this Senate should reflect that the Senator from Cumberland, Senator Conley, has indeed made this a labor of love, that this very fine legislation really is in the finest tradition of the Senate, and I really think that the record ought to reflect our appreciation to him for a job that has been extraordinarily well done.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to join the good Senator from Cumberland, Senator Richardson, in congratulating the Senator from Cumberland, Senator Conley, for a very fine piece of legislation.

The Committee on State Government has been working on a new draft of a bill having to do with drug abuse and reestablishing the Drug Abuse Commission. This new draft which will be coming out

very shortly, not on today's calendar but it may very well be on tomorrow's calendar, has to do with the combining of the Drug Abuse Commission and the Alcoholic Division that is currently in the Department of Health and Welfare. The Committee, in working on this new draft, had very much in mind the Senator's legislation on alcoholism and intoxication treatment, and took many of the ideas from the Senator's bill, so I would just like to commend him for a very fine piece of legislation.

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

Mr. HICHENS: Mr. President and Members of the Senate: I, too, rise in commendation of the Senator from Cumberland, Senator Conley. I presented two like bills, although not nearly so all inclusive as this bill is, during my first two sessions as a legislator. Both times they were passed and then died on the Appropriations Table, so I certainly hope that this bill, after all this intensive study, is passed through this year and goes on to make wonderful legislation for the State of Maine.

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

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

On motion by Mr. Sewall of Penobscot,  
recessed until the sound of the bell.

(After Recess)

Called to order by the President.

### Orders of the Day

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

Bill, "An Act to Extend the Deadline for Mandatory Shoreland Zoning," (H. P. 1538) (L. D. 1968)

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

Pending — Passage to be Engrossed.

(House Amendment "B" H-478).

On motion by Mr. Schulen of Sagadahoc, retabled until later in

today's session, pending Passage to be Engrossed.

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

Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (S. P. 353) (L. D. 1049)

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

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-194).

On motion by Mr. Richardson of Cumberland, retabled and Specially Assigned for June 8, 1973, pending Passage to be Engrossed.

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

Joint Order — Relative to Legislative Research Committee study, review and evaluate State Budget. (H. P. 1567)

Tabled — June 5, 1973 by Senator Richardson of Cumberland.

Pending — Passage.

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

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

House Reports — from the Committee on Taxation — Bill, "An Act Providing for Retirement Exemptions under Income Tax Law." (H. P. 947) (L. D. 1244) Majority Report — Ought to Pass in New Draft and New Title of: Bill "An Act Providing for Retirement Credits Under Income Tax Law." (H. P. 1564) (L. D. 1998); Minority Report — Ought Not to Pass.

Tabled — June 5, 1973 by Senator Wyman of Washington.

Pending — Motion of Senator Wyman of Washington to accept Majority Report.

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

Mr. FORTIER: Mr. President and Members of the Senate: I would like to bring out the fact that this bill in no way helps the poor and the needy. For a family

of two, that is, man and wife both over 65, they would have to have an income over and above their Social Security of at least \$5500 before they could get their \$20 credit on their state income tax. In other words, it is just a handout that would please, of course, some of the elderly people and it costs \$500,000. I would move indefinite postponement.

The PRESIDENT: The Senator from Oxford, Senator Fortier, now moves that Bill, "An Act Providing for Retirement Exemptions under Income Tax Law," be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I oppose that motion. Yesterday the statement was made that it was not exactly like the original bill, and that certainly is true, because the original bill had a price tag of \$1.5 million on it, and this only has a price tag of \$500,000. Otherwise, I think it is like the original bill because it is an attempt to help the elderly people with their income tax.

I will agree with the good Senator from Oxford, Senator Fortier, that it probably should have a net worth limit in it, which it does not have, but I would hope that the Senate would accept the Majority Report, and then perhaps we can amend the bill to take care of the objection which the good Senator has. I, therefore, oppose the motion to indefinitely postpone.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Oxford, Senator Fortier, that Bill, "An Act Providing for Retirement Exemptions under Income Tax Law", be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President. 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 Oxford, Senator Fortier, that this bill 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, 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Bill and all accompanying papers were Indefinitely Postponed.

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

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

Tabled — June 5, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Before we enact, I hope, L. D. 1963, I think some word of explanation to the Senate is in order.

This legislature is, we all hope, going to become the legislative legislature that is going to enact some significant reform, and I think we have already done a lot of things in the area of consumer protection. This bill is one of the bills in the consumer protection area that I think deserves some comment.

The purpose of L. D. 1963, and the other bills which are related to it, is to align Maine law with the law in other jurisdictions of the United States. Historically, the consumer who is injured by a dangerous product could recover damages only after first alleging and proving negligence, or by bringing himself within a highly technical area of the law known as the law of warranty.

This bill will permit the injured consumer to recover for unreasonably dangerous manufacturers' defects, notwithstanding any breach of any warranty and notwithstanding any failure on the part of the plaintiff to allege and prove negligence.

In today's society it is not at all unusual for us to buy a product which was warehoused in Massachusetts a week ago,

manufactured and shipped from California two months ago. The multi-state corporation enterprise is something that we in Maine have not kept track with. We very seldom, very seldom in Maine, do business locally with someone with whom we are familiar, so that if there is something wrong with the product we can go to the local man and say, "Well, this product didn't meet up to expectations." This bill, I think, will make possible a greater fluidity in the law, and will avoid some of the technical distinctions that now permit people to sell dangerously defective consumer goods by placing them in the chain of commerce and having the unsuspecting consumer injured through absolutely no fault of his own. I move the question.

The PRESIDENT: Is the Senate ready for the question?

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.

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

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

Tabled — June 5, 1973 by Senator Speers of Kennebec.

Pending — Adoption of Senate Amendment "B" (S-209).

Mr. Conley of Cumberland was granted Leave to Withdraw Senate Amendment "B".

Mr. Clifford of Androscoggin then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-211, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — June 5, 1973 by Senator Wyman of Washington.

Pending — Adoption of Senate Amendment "A" (S-196).

Whereupon, Senate Amendment "A" was Adopted.

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

Mr. SPEERS: Mr. President and Members of the Senate: Many of us who supported this bill when it was originally introduced into this body did so because we were concerned and supported the concept of collective bargaining. It also became patently obvious, however, as this bill moved through the process, that there were a number of problems that were involved with it, as the Senator from Penobscot, Senator Tanous, mentioned when this bill was first introduced into the Senate, that there were serious problems with it, and even as the good Senator from Aroostook, Senator Cyr, mentioned in debating this particular bill that if there were problems then there should be amendments offered to it, and that there would be support for those amendments to correct any of the problems that did exist.

Because of the support for the concept of collective bargaining, I feel it very important that this Senate should pass a bill which deals with these particular problems, and that there should be provisions of collective bargaining more specifically spelled out and detailed in the bill so that the parties involved in the collective bargaining should know precisely what their rights and their duties under this bill will become.

The amendment that I intend to offer lifts some of the language from the National Labor Relations Act, some of the language from L. D. 1811, which is the Agricultural Labor Act, which was referred to in debate on the floor of the Senate, and some of the language from the Michigan Agricultural Marketing and Bargaining Act, which also has been referred to in the debate in relation to this particular bill.

The good Senator from Penobscot, Senator Tanous, yesterday mentioned that he hoped that the two sides which were debating this particular bill would do everything that they could to move together

and to come out of this session with a bill which he hoped both sides could vigorously support. I believe that the amendment which I am about to offer, Senate Amendment "B", would go far toward achieving that result. With the amendment, I could certainly again support this bill.

I would not want the Senate to vote on this particular matter without having the opportunity to go through the amendment — it is rather lengthy — and I would appreciate it if someone would table this bill pending the adoption of the amendment, and I would offer for the Senate's consideration Senate Amendment "B" under Filing No. S-213.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "B" and moves its adoption. The secretary will read the Amendment.

Senate Amendment "B", Filing No. S-213, was Read.

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

Mr. CYR: Mr. President and Members of the Senate: I oppose this amendment. I supported Senator Tanous's amendment. In fact, it was understood before he presented the amendment, we had talked it over and we had agreed at that time to release the bill as it was, and to amend it at the special session because of the rough waters which we have encountered in this body. However, I did agree with Senator Tanous's amendment, that this brought it in line with the civil procedure of the State of Maine.

However, on this amendment which is now being presented by Senator Speers I have a lot of opposition. Even with just a quick reading, as I have had just a short time to read it, I can see a lot of objection to it. The amendment is intended to cut the heart out of the bill. I am sure that is not the intention of Senator Speers, however, that is exactly what this amendment is going to do. First of all, on the first page the membership: I explained to you at length in our debates before that

the structure of the Bargaining Board started out as a three-man board being appointed by the Governor. It is from the complaints of the processors that we changed that, because some of the processors told us that this might be subjected to political pressures, and for that reason we changed the structure of the board from a three-man board to a five-man board, two of which would be selected from a list of names submitted by the processing industry and two selected from a list submitted by the Agricultural Associations in the State of Maine. So you would have two representing the industry and two representing agriculture. And from these four people, they would submit a list of at least three names again to the Commissioner of Agriculture, from which list one member representing the public would be selected by the Commissioner of Agriculture. Now, I think that was a good compromise. I think it is a safety for both sides. The industry is represented with two members, farmers are represented with two members, and the public is represented with one member selected by the Commissioner of Agriculture.

Now, in this amendment, they want one member representing farmers, one member representing agriculture, and three members representing the public, and they would be selected by the governor. So there again, you are going back to political pressure, which we have agreed with the processors to correct. Now they are going back to the same structure. Plus the fact that, after all, on this bargaining board, it is the people in the processing industry and the people in agriculture that are really interested in this board. Now you are going to have just one representing agriculture, just one representing the industry, and you are going to have three from the public. So that one there, I would not be in favor of at all.

Then the good Senator from Kennebec, Senator Speers, mentioned that this amendment was borrowed from the National Labor Relations Board. Well, in the

National Labor Relations Board, at least what I know, and what I have read in the paper, during the labor negotiations industry is not allowed to go out and hire people outside of unions. In this right here, in number four on limitations, on page three, in the original bill it says that the processing industry would not be able to negotiate with other parties until they finished their bargaining with the association that has been qualified to represent the farmers. Now they are doing away with this, and this is the heart of the bill.

On page four, under unfair practices, for instance, they rule out any possibility of a holding action, any possibility of a picketing action, any possibility of picketing, threats, intimidations, and so forth. In other words, we may as well not have a bargaining bill if we are going to have it with this amendment. So I move the indefinite postponement of this amendment.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that Senate Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: In a real sense of fear and trepidation do I enter this debate because I think this, of all bills that have come before this session of the legislature, has given me the most difficulty in understanding it. I have talked with poultry producers, egg producers, and other members of the agricultural community about it, and it is an understatement to say that opinion is divided on this legislation.

I know that those who are the proponents of this legislation are concerned with what they feel is the inordinate number of times this matter has been tabled. It has been tabled and tabled and tabled. But in all seriousness, Mr. President and Members of the Senate, I have now looked at this amendment for the first time for the sum total of about two minutes, and I can't possibly make a decision, at least an informed decision, on the amendment and, with apologies to

those who are the proponents of this legislation and feel that it has been delayed, I certainly would like to have an opportunity to review this bill carefully. I find in my L. D. no section dealing with unfair practices. This is an entire new section on page four of the Senate Amendment. I guess what I am really trying to say is that unless and until I can make an informed judgment on this amendment, I hate to be forced to do so, and I would hope that someone would table this bill until tomorrow.

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

Thereupon, on motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending the motion of the Senator from Aroostook, Senator Cyr, to Indefinitely Postpone Senate Amendment "B".

The President laid before the Senate the eighth 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 5, 1973 by Senator Cox of Penobscot.

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 ninth 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 5, 1973, by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and Specially Assigned for June 12, 1973, pending Enactment.

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

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

Pending — Enactment.

On further motion by the same Senator, retabled and Specially Assigned for June 12, 1973, pending Enactment.

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

Bill, "An Act to Extend the Deadline for Mandatory Shoreland Zoning." (H. P. 1538) (L. D. 1968)

Pending — Passage to be Engrossed.

Mr. Schulten of Sagadahoc then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-215, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SCHULTEN: Mr. President and Members of the Senate: The purpose of this amendment primarily is to segregate the Department of Environmental Protection and the Land Use Regulation Commission from co-equal jurisdiction throughout the state zoning on the shoreline zoning. It retains the State Planning Commission as a coordinating effort, but it would set up the State Planning to deal with the Department of Environmental Protection on the organized territories and the Land Use Regulation on the unorganized territories. It also shows that the Department of Environmental Protection by December of this year shall adopt the minimum guidelines for the benefit of the municipalities that will have the jobs of zoning the shoreland come 1974, July 1st.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the first tabled and unassigned matter:

Joint Order — Relative to Studies and Examinations by the Joint Standing Committees on Education, Health and Institutional Services and Transportation. (H. P. 657)

Tabled — February 20, 1973 by Senator Berry of Cumberland.

Pending — Passage.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the second tabled and unassigned matter:

Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (H. P. 341) (L. D. 456)

Tabled — May 16, 1973 by Senator Berry of Cumberland,

Pending — Passage to be Engrossed. Committee Amendment "A" (H-326)

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the third tabled and unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 417) (L. D. 1378)

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

Pending — Passage to be Engrossed.

Committee Amendment "A" (S-127)

Senate Amendment "B" (S-147)

Senate Amendment "C" (S-181)

Mr. Katz of Kennebec presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-206, was Read and Adopted.

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

Senate Amendment "E", Filing No. S-214, was Read and Adopted.

Thereupon, on motion by Mr. Berry of Cumberland, the Bill was retabled, pending Passage to be Engrossed.

#### Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its prior action whereby Bill, "An Act to Amend the Land Use Regulation Commission Law" (H. P. 627) (L. D. 851) was Passed to be Engrossed.

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

On motion by Mr. Berry of Cumberland,

Adjourned until 9:00 o'clock tomorrow morning.