

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

Thursday, June 7, 1973

Senate called to order by the President.

Prayer by Rev. Roy Barnes of Lincoln.

Reading of the Journal of yesterday.

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

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

In the Senate June 4, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-204).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" as Amended by House Amendment "A" Thereto (H-514), in non-concurrence.

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

Joint Order

WHEREAS, on the evening of June 5, 1973, the 106th legislative family assembled for an evening of delightful relaxation, courtesy of Republican Senators; and

WHEREAS, there is a need in every legislative session for informal gatherings of Legislators and staff, as opposed to more formal meetings and sessions, to promote good will among members and to allow all to know one another better; and

WHEREAS, the magnificence of this setting, warmth of good fellowship, competitive athletics, combined to guarantee a memorable respite from legislative duties; now, therefore, be it

ORDERED, the Senate concurring, that the enthusiastic thanks of the members of the 106th Legislature be tendered to our hosts, Republicans, Senators or otherwise, and especially to our dear friends from Belgrade, Mr. and Mrs. Herman Sahagian, for their warm and gracious hospitality in making their magnificent lake-shore facilities available for our use and enjoyment; and be it further

ORDERED, that thanks be given to our Divine Creator for favoring all our hopes and prayers that it would not rain; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Honorable Herman Sahagian in token of the sentiments expressed herein. (H. P. 1579)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BERRY: Mr. President, I want to express to the members of the Senate the thanks that many of us have received for their part in the festivities the night before last. I think everybody had an excellent time, and the hospitality of the host was much appreciated by everybody.

The PRESIDENT: Is it now the pleasure of the Senate that this Order received passage?

Thereupon, the Joint Order received Passage in concurrence.

Orders

On motion by Mr. Conley of Cumberland,

ORDERED, the House concurring, that a special commission shall be constituted and appointed to study the subject area of Legislative Document 1523, "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine," which was introduced before the 106th Legislature, and to report the results and recommendations of said study to the regular session of the 107th Legislature. Such commission shall employ such counsel as may be required to perform the necessary research and drafting and shall perform such other duties as the commission may require. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public.

The membership of the commission shall consist of 16 persons: Two members of the Senate, appointed by the President of the Senate; 3 members of the House, appointed by the Speaker of the House; and 11 members from the public, appointed by the Governor.

Provided, however, that the Governor shall appoint as 6 public members those persons nominated by the Maine Hospital Association, a Maine-domiciled mutual life insurance company providing health insurance to residents of Maine, Maine Medical Association, Comprehensive Health Planning Agency of the Department of Health and Welfare, Maine Blue Cross and Blue Shield and Medical Care Development, Inc., and each of the aforementioned organizations shall be entitled to nominate one individual.

The said commission shall be appointed promptly upon enactment hereof and the Governor shall notify all members of the time and place of the first meeting. At that time, the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings.

The commission shall contract such counsel as is deemed necessary, who shall be a resident of this State, who shall have the responsibility for legal research, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in connection with attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

There is allocated from the Legislative Account the sum of \$15,000 for the fiscal year ending June 30, 1974 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, 1975. (S. P. 658)

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 State Government on Bill, "An Act Establishing the Profession and Regulation of Soil Scientists in Maine." (H. P. 280) (L. D. 430)

Reported that the same be granted Leave to Withdraw, as 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 Labor on Bill, "An Act Relating to Seasonal Employment under the Employment Security Law." (H. P. 939) (L. D. 1236)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-498).

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 Public Lands on Bill, "An Act Repealing the Mountain Resorts Airport Authority Act." (H. P. 273) (L. D. 395)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Amending the Mountain Resorts Airport Authority Act" (H. P. 1572) (L. D. 2002)

The Committee on State Government on Bill, "An Act to Correct Errors and Inconsistencies in the Maine Housing Authorities Act." (H. P. 1352) (L. D. 1784)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1571) (L. D. 2001)

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

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

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Permitting Sale of Liquor at Certain Golf Courses." (H. P. 1180) (L. D. 1519)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
FORTIER of Oxford

Representatives:

RICKER of Lewiston
FARNHAM of Hampden
FAUCHER of Solon
TANGUAY of Lewiston
CHICK of Sanford
IMMONEN of West Paris

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-507).

Signed:

Senator:

OLFENE of Androscoggin

Representatives:

STILLINGS of Berwick
CRESSEY
of North Berwick
KELLEHER of Bangor
GENEST of Waterville

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

Which reports were Read.

On motion by Mr. Olfene of Androscoggin, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Sale Price of Liquor." (H. P. 1120) (L. D. 1458)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin
SCHULTEN of Sagadahoc
FORTIER of Oxford

Representatives:

STILLINGS of Berwick
IMMONEN of West Paris
CRESSEY

of North Berwick
CHICK of Sanford
FARNHAM of Hampden
FAUCHER of Solon

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

Signed:

Representatives:

RICKER of Lewiston
TANGUAY of Lewiston
GENEST of Waterville
KELLEHER of Bangor

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

Which reports were Read.

Thereupon, on motion by Mr. Berry of Cumberland, the Bill and accompanying papers were Indefinitely Postponed in concurrence.

Senate

Leave to Withdraw

Mr. Cianchette for the Committee on Transportation on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Four Million Two Hundred Thousand Dollars on Behalf of the State of Maine to Resurface Certain Highways." (S. P. 551) (L. D. 1718)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Greeley for the Committee on Transportation on Bill, "An Act to Authorize Bond Issue in the Amount of \$19,800,000 to Build State Highways." (S. P. 187) (L. D. 494)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-216).

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

Ought to Pass in New Draft

Mr. Speers for the Committee on State Government on Bill, "An Act to Reestablish the Maine Commission on Drug Abuse." (S. P. 230) (L. D. 665)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing on Alternative Sentencing for Violators of Drug Laws." (S. P. 635) (L. D. 2008)

Which report was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I feel that this particular piece of legislation should not go by without calling the Senate's attention to what I think is one of the more major pieces of legislation that will be coming before this body this year.

Senator Tanous introduced a bill which would have re-established the Commission on Drug Abuse. Senator Brennan from Cumberland introduced a bill which dealt with alternative sentencing for drug abuse offenders. The Committee on State Government, working through the staff which the legislature, in its great wisdom, saw fit at the beginning of this session to provide for itself, put these two bills together and came out with a new draft which would combine the Maine Commission on Drug Abuse and the Division of Alcoholism Services, which is now a part of the Department of Health and Welfare, the Bureau of Rehabilitation. By so doing, we are creating a new office of Alcoholism and Drug Abuse Prevention within the Department of Health and Welfare.

By putting these two similar problems together, we are merging three citizen panels, with a total membership of 56 people, into one

advisory council with a membership of 17. We are abolishing the titles of Director of the Division of Alcoholism and Executive Director in the Maine Commission on Drug Abuse, and replacing both of these with one director for the new office.

It is contemplated that by putting these two together and combining the efforts under one office at a high level within the Department of Health and Welfare that the potential for federal funds to attack these two problems will be greatly increased.

As I mentioned, we have included within this new draft the provisions by the good Senator from Cumberland, Senator Brennan, for alternative sentencing for violators of drug laws. By that, we mean that at the discretion of the court these individuals may be sentenced to drug abuse treatment centers instead of to long jail sentences.

These are the primary provisions of this particular bill and, Mr. President, I could not speak highly enough of the legislative staff that worked on this new draft. It demonstrates once again the great worth to the legislature, and ultimately to the people of the State of Maine, that the legislature has brought about by hiring the staff members who are able to spend their full time working on matters such as this.

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

Mr. TANOUS: Mr. President and Members of the Senate: I wish to commend Senator Speers from Kennebec and the Committee on State Government for coming out with such a comprehensive bill which, in my opinion, certainly is an answer to the problems that we presently have in the area of trying to solve the problem of drugs and alcoholism. They certainly should be commended for the tremendous amount of effort put into this bill. Thank you.

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

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

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways." (S. P. 370) (L. D. 1096)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 656) (L. D. 2009)

Mr. Cianchette for the Committee on Transportation on Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 160) (L. D. 415)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 657) (L. D. 2010)

Which reports were Read and Accepted, the Bills in New Draft 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 Expanding and Clarifying the Functions and Purposes of the Panel of Mediators." (H. P. 1562) (L. D. 1996)

Bill, "An Act to Provide for Municipal Rent Control." (H. P. 1378) (L. D. 1834)

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

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

House — As Amended

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

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

(On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Passage to be Engrossed.)

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)

Bill, "An Act Creating Androscoggin County Commissioner Districts." (H. P. 271) (L. D. 378)

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

Senate

Bill, "An Act Creating Definite Sentencing Limitation in Juvenile Offenses." (S. P. 495) (L. D. 1582)

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

Sent down for concurrence.

Enactors

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

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

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

An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act. (S. P. 403) (L. D. 1231)

An Act Relating to Legislative Service Under State Retirement System. (H. P. 49) (L. D. 56)

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

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

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

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

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

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

An Act Relating to Contributions by Participating Local Districts

under Retirement Law for Former Employees. (H. P. 952) (L. D. 1249)

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

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

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

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

An Act Authorizing the Department of Health and Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe. (H. P. 1543) (L. D. 1971)

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

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

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.

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

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

Emergency

An Act Relating to Group Life Insurance for Judges and Justices of the Courts. (H. P. 371) (L. D. 500)

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

Emergency

An Act Establishing the Aroostook-Prestile Treatment District. (H. P. 1276) (L. D. 1748)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the

Secretary presented to the Governor for his approval.

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction. (H. P. 1391) (L. D. 1800)

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

Orders of the Day

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

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Physicians Assistants." (H. P. 829) (L. D. 1088) Majority Report — Ought to Pass in New Draft Under Same Title (H. P. 1557) (L. D. 1990); Minority Report — Ought Not to Pass.

Tabled — June 5, 1973 by Senator Clifford of Androscoggin.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, the Majority 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 President laid before the Senate the second tabled and specially assigned matter:

House Reports — from the Committee on Judiciary — 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 5, 1973 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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 Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I wonder if the Secretary would read the Committee Report and any

reference in the papers to any amendments?

The PRESIDENT: The Secretary will give the Committee Report.

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senators Clifford of Androscoggin, Speers of Kennebec, and Wyman of Washington; Representatives Najarian of Portland, Curtis of Orono, Stillings of Berwick, Crommett of Millinocket, Goodwin of Bath, Cooney of Sabattus, and Bustin of Augusta. The Minority Ought to Pass Report was signed by Representatives Farnham and Gahagan.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would just like to point out that there is apparently a typographical reference error on this particular bill. It is not a bill from the Judiciary Committee.

The PRESIDENT: The bill came out of the State Government Committee. In answer to the Senator from Cumberland, Senator Berry, there is a House Amendment "A", Filing No. H-418, on the bill as passed by the House of Representatives.

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

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Brennan of Cumberland that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

House Report — from the Committee on Judiciary — Bill, "An Act Relating to Immunity of Persons or Hospitals Refusing to Perform or Assist in Abortions." (H. P. 740) (L. D. 953) Ought to Pass in New Draft under New Title of: "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)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read.

On motion by Mr. Berry of Cumberland, House Amendment "A" was Indefinitely Postponed in non-concurrence and the Bill Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Taxation — Bill, "An Act Relating to Property Tax Administration." (H. P. 100) (L. D. 137) Majority Report — Ought to Pass in New Draft (H. P. 1563) (L. D. 1997); Minority Report — Ought Not to Pass.

Tabled — June 6, 1973 by Senator Hichens of York.

Pending — Acceptance of Either Report.

Thereupon, the Majority 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 President laid before the Senate the fifth tabled and specially assigned matter:

Senate Reports — from the Committee on Judiciary — Bill, "An Act to Regulate Prejudgment Attachment and Seizure of Property." (S. P. 477) (L. D. 1538) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 6, 1973 by Senator Brennan of Cumberland.

Pending — Motion of Senator Tanous of Penobscot to accept the Majority Report.

On motion by Mr. Clifford of Androscoggin, retabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

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

Tabled — June 6, 1973 by Senator Joly of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Joly of Kennebec, retabled until later in today's session and, on subsequent motion by the same Senator, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 6, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

Mr. Richardson of Cumberland then moved the pending question.

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

(See action later in today's session.)

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

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

Tabled — June 6, 1973 by Senator Tanous of Penobscot.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "B" (S-213).

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

Mr. SPEERS: Mr. President and Members of the Senate: Yesterday I made reference to the efforts on behalf of many to try and come up with some solution to this particular bill that would at least satisfy or bring the two sides closer together in what many were considering to be definite problems and real hardships in the bill as it presently stands.

Yesterday afternoon, after offering this amendment, many of us met in the offices of the good Senator from Cumberland, Senator Richardson, who took a very active interest in this particular bill and in the amendments that were offered to it, in an attempt to thoroughly understand the problems that had been raised and in an attempt to arrive at some kind of compromise and agreement on behalf of the two sides as to what might be done with this bill, and with the amendments, so that we could come up with a bill that all of us, I hope, could support very enthusiastically.

I would like to commend the good Senator from Cumberland, Senator Richardson, and the good Senator from Aroostook, Senator Cyr, who was at that meeting as well, for their interest and for the lengthy discussion that took place. I feel it was quite a productive session, and I am very hopeful that we can come up with an amendment which will satisfy all parties to this bill. I think that was the result of that meeting. Unfortunately, that amendment cannot be ready this quickly for this morning's session, but I am quite confident that we will produce the amendment which all sides will be able to enthusiastically support.

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

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

The President laid before the Senate the ninth 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 6, 1973 by Senator Cox of Penobscot.

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

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

Mr. BRENNAN: Mr. President, an inquiry: is Committee Amendment "A" on the bill now?

The PRESIDENT: The Chair would answer in the affirmative, Committee Amendment "A" has been adopted.

Mr. BRENNAN: Mr. President, under suspension of the rules, I would move we reconsider our action whereby the Senate adopted Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that, under suspension of the rules, the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed. (Committee Amendment "A" (H-471).)

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

The President laid before the Senate the matter tabled earlier in today's session at the request of Mr. Wyman of Washington:

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

Pending — Passage to be Engrossed.

Mr. Anderson of Hancock then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that Bill, "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax," be indefinitely postponed.

The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: I am in full accord with the remarks made yesterday by the Senator from Oxford, Senator Fortier, regarding exemption of gas for cooking and heating. If we don't stop continually whittling away our tax program, we will soon be faced with a major tax that will stagger the imagination.

I use gas in my own home and I am perfectly willing to pay the tax. My neighbor doesn't use gas, and should he be required to help make up this \$500,000 deficit? I don't think so. So, I ask my colleagues to go along with me this morning on my motion to indefinitely postpone this measure. We have got to stop this continual erosion of our tax program. Mr. President, when the vote is taken, I move it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I am reluctant to get up in opposition to my good friend, the Senator from Hancock, Senator Anderson, but I think this is a most discriminatory law that we have at the present time, where people who heat their homes with oil do not have to pay a tax, yet people who heat their homes with gas do.

As I was talking with the Senator from Oxford, Senator Fortier, yesterday, he said well probably the best thing to do would be to make the people who buy oil pay the tax rather than exempt those who burn gas from paying the tax. Perhaps this is the way that we should handle this, but this is a very discriminatory thing.

I did not argue it two years ago because I at that time used gas for heating my home. Having moved to another home where I burn oil now, I do not have to pay a tax, but I still am in great

sympathy with those people that do. Even though the state may lose \$500,000, I think it is just as well it go to those people as it is when we give \$500,000 to the horse racing people to help them out.

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

Mr. WYMAN: Mr. President and Members of the Senate: We talk about the income tax being a fair tax because it lays the burden on those who earn larger incomes. At one time gas was sort of a luxury to use in the home and very few people used it. Now a great many of the lower income people do use it and, along with the same thinking under which we have a progressive income tax, it seems to me that so many people use gas now for heating that it too should be exempted along with oil and wood. I oppose the motion of the good Senator from Hancock, Senator Anderson.

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

Mr. FORTIER: Mr. President and Members of the Senate: I appreciate that there is not a single tax that we can discuss here but what is not going to hurt somebody. I also appreciate that there may be certain inequities in this tax, but I would like to point out that the cure for all our ills is not always to take the tax off from the individual that is paying a fair tax in order to equalize him with some one who is getting away with something. I really believe that eventually the better solution, if we could ever get it through the legislature, would be to assess a tax on all methods of heating our homes, but to cause another injustice in order to try and correct an injustice which now exists does not seem to be the way. This is the way we are eroding our tax base. This is the way we are increasing all our taxes. This is one of the many reasons why people have had it on taxes.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Exempting Gas for Cooking and Heating in Homes

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax", 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, Berry, Cianchette, Cyr, Fortier, Graffam, Huber, Katz, Marcotte, Morrell, Roberts, Schulten, Shute, MacLeod.

NAYS: Senators Brennan, Clifford, Conley, Danton, Greeley, Hichens, Joly, Kelley, Minkowsky, Olfene, Peabody, Richardson, Sewall, Speers, Tanous, Wyman.

ABSENT: Senators Cox, Cummings.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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

Papers From the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation of the 106th Legislature report out a bill entitled "An Act to Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues." (H. P. 1582)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Election Laws shall report out an emergency bill requiring all persons, corporations, public and private utilities, associations and political committees accepting or expending money to promote or defeat any referendum question to report all such contributions and expenditures at the end of each month, commencing in July, 1973, to the Secretary of State. Such report shall be of substantially the same form and content as that required by federal candidates by federal law, and as this Legislature has recently voted to require of gubernatorial candidates. (H. P. 1583)

Comes from the House, Read and Passed.

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

On motion by Mr. Sewall of Penobscot the Senate voted to take from the Special Appropriations Table, An Act Providing Additional Funds for Maine State American Revolution Bicentennial Commission. (H. P. 484) (L. D. 628)

Pending — Enactment.

The **PRESIDENT**: The Senator has the floor.

Mr. **SEWALL**: Mr. President and Members of the Senate: I have been advised by the Legislative Finance Office that there is no cost

on this legislative document. Therefore, Mr. President, I move the pending 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Authorizing Use of Maine Turnpike by Legislators. (H. P. 1281) (L. D. 1668)

Pending — Enactment.

The **PRESIDENT**: The Senator has the floor.

Mr. **SEWALL**: Mr. President and Members of the Senate: Again, I confused a statement made by the Legislative Finance Office on my journal today, which indicated that there was no cost on this legislative document. Therefore, Mr. President, I move the pending 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.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.