

# 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**

Friday, June 8, 1973

Senate called to order by the President.

Prayer by the Rev. Dr. Blair Benner of Waterville.

Reading of the Journal of yesterday.

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

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

In the House May 31, 1973, Passed to be Engrossed as Amended by House Amendment "B" (H-478).

In the Senate June 6, 1973, Passed to be Engrossed as Amended by House Amendment "B" and Senate Amendment "A" (S-215), in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

SCHULTEN of Sagadahoc  
CUMMINGS of Penobscot  
MARCOTTE of York.

**Non-concurrent Matter**

Resolution, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287)

In the Senate June 4, 1973, Passed to be Engrossed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-511), in non-concurrence.

Mr. Hichens of York moved that the Senate Insist and Ask for a Committee of Conference.

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

Mr. SHUTE: Mr. President, I believe this asininity has continued long enough, and I now move this Resolution and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator that that motion would be out of order. The only motions that are in order on a non-concurrent matter are to recede, recede and concur, insist, or adhere.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, I move we recede and concur.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, did I understand the Senator from Franklin to move that we adhere?

The PRESIDENT: The Senator is in error. The Senator from Franklin, Senator Shute, moved that the Senate recede and concur with the House.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, I withdraw that motion.

The PRESIDENT: The Senator from Franklin, Senator Shute, withdraws the motion to recede and concur. The motion before the Senate now is the motion of the Senator from York, Senator Hichens, that the Senate insist and ask for a committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of Cumberland, a division was had. Nine Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

**Non-concurrent Matter**

Bill, "An Act Relating to County Estimates." (H. P. 1330) (L. D. 1764)

In the House May 31, 1973, the Majority report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

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.

Mr. Tanous of Penobscot then moved that the Senate Recede and Concur.

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

Mr. CLIFFORD: Mr. President, a parliamentary inquiry: If we recede and concur, what does this do to the bill? Does it go back to the House or does it stay here for readings?

The PRESIDENT: The Chair would inform the Senator that if the Senate recedes and concurs with the House, the Senate will have been accepting the Majority Ought to Pass Report and it will have passed the bill to be engrossed, in concurrence with the House.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would direct an inquiry through the Chair to the good Senator from Penobscot, Senator Tanous, as to whether his intention is to accept that report or whether his intention is to do something with the bill? This body several days ago, by a fairly substantial vote, voted to accept the Minority Ought Not to Pass Report on this bill.

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

Mr. TANOUS: Mr. President and Members of the Senate: In answer to my good friend, Senator Clifford from Androscoggin, I have had an amendment prepared to answer all of the problems, at least those mentioned in the debate I listened to a few days ago relative to this bill, and I intend to submit the amendment to the bill if we recede and concur.

The PRESIDENT: The Chair would inform the Senator that if his purpose is to offer an amendment to the bill, the proper motion would be that the Senate recede from its former action whereby it accepted the Minority Ought Not to Pass Report.

Mr. TANOUS: I so move, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate recede from

its action whereby it accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: It seems to me that now is the time to discuss the proposed amendment. This bill was very fully debated, the vote was quite heavy against the bill, and I think the Senate should be informed now as to the effect of the amendment.

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

Mr. TANOUS: Mr. President and Members of the Senate: The amendment has been distributed and I am sure that you must have it before you this morning. The filing number is S-221. It may not be in your books, but perhaps it is laying on your desks.

I listened to the problems that were brought up in debate earlier, and they dealt with Section 3a of the bill, dealing with the composition of the county finance committee. I am sure Senator Clifford from Androscoggin, if you will read the particular amendment, perhaps you will agree that these were the problems that were raised, and it seeks to amend the problems as far as the composition of the county finance committee, as well as the membership from each town. It provides for increased membership in those communities that have 10,000 population or more, and this, in substance, provides for the individual who will serve as a municipal officer on the county finance committee.

I might perhaps speak a little further than just the proposed amendment on this bill. Members of the Senate, I have been in this body for three terms. This is my third term. And every year that I have served here, we have always wrestled with our county budgets. I don't think that any one of you can deny this. Our county budget system is perhaps one of the most antiquated systems we have in our form of government.

Now, I was asked to vote on a county budget for my county at a meeting that was held at 1:00

o'clock one day. We had to vote on it at 1:30, and we had a budget of some half a million dollars. The system is just not adequate to meet the demands of twentieth century government, and I just feel that this particular bill will give us the proper vehicle by which we can sit down with the individuals directly responsible — and those are from every single municipality in the county — to go over these budgets and have an opportunity to examine the budgets. This is what this bill tends to do. It tends to bring into twentieth century government at least what we are attempting to do with nineteenth century rules, and I certainly hope that we would examine this very closely and at least support it this morning, so it will give you the weekend to look at it. Then, if you have some objections, let's go over the objections next week. But at least let's keep this bill alive, examine your own county problems in light of this bill, and if you feel that this is an advancement, as far as you are concerned, then let's enact this bill. If not, then let's fully debate it. But I would hope you will keep this alive and permit my amendment to go on the bill. Thank you.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would remind the good Senator from Penobscot, Senator Tanous, that it seems to me in the debate the composition of the finance review board was not the only problem with this bill. There was a severe problem, very questionable, as to the powers outlined in the bill of the county commissioners, or county government, which seemed to put them in competition with municipal government. I think that was another major problem with this bill. I just wanted to remind him of that, and that it took up a good deal of the debate on that bill.

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

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

Among the objections brought up at the last debate was the fact that we didn't allow for population considerations in the appointment of these committee members, and Senator Tanous's proposed amendment would do that.

Another was that the various things that were outlined, which Senator Berry called to our attention, that are the so-called powers of county government. Now, it was news to me, but it has been pretty well verified to me, that the majority of these powers actually exist in the counties today. To be sure, they are not using many of them, but there is very little there that is new. One thing that Senator Berry pointed out particularly was the matter of the method by which they were to borrow money up to half a million dollars, and that also has been cared for by an amendment. It also provides that they were to do it in connection with a certain section of the statute which, in fact, does call for a vote of the people in referendum as to whether or not they will allow the county to borrow this money.

Now, whether we like it or not, counties are getting more and more involved with towns and areas where there are no large municipalities. An example of that is just to think of some of the bills we have considered here already this session, which is to have counties provide for solid waste disposal, for one thing, to have counties provide for participation in county area hospitals, and they do provide police service with their sheriffs in communities which are too small to have police forces. There are an awful lot of duties that go on that the counties provide, and there are more duties that they are going to provide. They are also providing food stamp programs in areas where there are small communities which are too small to handle food stamp programs.

With the event of revenue sharing, there are going to be many other social activities or social welfare programs that are going to have to be sponsored by the counties and, for that reason, we should recognize that the

counties, whether we like it or not, are going to be with us and they are going to be, if anything, stronger. The only thing we can do is to try and get rid of this antiquated system that we have of trying to provide for their budgets. And this is one way in which the communities, which in the end pay the tax, have an opportunity to say something about how the budget is drawn. I hope that you will support the motion of Senator Tanous.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede from its former action whereby it accepted the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

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

#### Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on County Government report out a supplemental bill on county budgets. (H. P. 1578)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that Bill, "An Act Relating to Representation of Boards of School Directors," House Paper 99, Legislative Document 120, be recalled from the Legislative files to the House. (H. P. 1590)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: As many Senators as are in favor that this Order receive passage will please rise and remain standing until counted.

Thereupon, a division was had. 28 Senators having voted in the affirmative, the Joint Order received Passage in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on the Judiciary of the 106th Legislature is directed to report out a bill clarifying the provisions of chapter 265 of the public laws of 1973. (H. P. 1591)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

#### Joint Resolution

##### STATE OF MAINE

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

##### IN MEMORIAM

WHEREAS, the Legislature has learned with regret of the passing on June 5, 1975 of the Honorable Clarence P. Chase of Belgrade; and

WHEREAS, he was a successful and well-liked farmer in adult life who had a deep seated interest in both state and local governments; and

WHEREAS, he served with great care and dedication such interests as selectman, assessor and overseer of the poor in the community of Belgrade and as a member of the 95th Legislature and door-keeper of the House of Representatives for six successive terms; now, therefore, be it

RESOLVED: That the One Hundred and Sixth Legislature of the State of Maine express its most sincere sympathies on the passing of this Honorable colleague and friend of former years and our appreciation on behalf of the People of the State of Maine of him and his loyal and devoted service; and be it further

RESOLVED: That this token of respect and sympathy by his successors in trust be spread upon our journals in perpetuation of his memory and a suitable copy forwarded to the family. (H. P. 1589)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

### Orders

On motion by Mr. Speers of Kennebec,

**ORDERED**, the House concurring, that the Joint Standing Committee on State Government is directed to exercise general oversight over the records of the Legislature to ensure that necessary program services are provided for their efficient management, disposition, preservation and servicing in accordance with the Archives and Records Management Law. (S. P. 659)

Which was Read and Passed.  
Sent down for concurrence.

### Committee Reports House

#### Leave to Withdraw

##### Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court." (H. P. 130) (L. D. 154)

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide Nutritious Meals for Older People." (H. P. 879) (L. D. 1166)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act." (H. P. 1075) (L. D. 1455)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-488).

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 Impose a Surcharge on Fines and Penalties for Operation of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 495) (L. D. 649)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 1575) (L. D. 2004)

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 State Government on Bill, "An Act Relating to Regional Planning." (H. P. 1084) (L. D. 1407)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1573) (L. D. 2003)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-520).

Which report was Read and 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 Judiciary on Bill, "An Act Relating to Possession of Marijuana for Personal Use." (H. P. 1210) (L. D. 1562)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN of Cumberland

Representatives:

PERKINS

of South Portland

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

of Presque Isle  
 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-  
 505).

Signed:

Representative:

McKERNAN of Bangor  
 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 Labor on Bill, "An Act  
 Providing for Protection of  
 Employee Pension Contributions."  
 (H. P. 1401) (L. D. 1843)

Reported that the same Ought  
 to Pass as Amended by Committee  
 Amendment "A" (H-506).

Signed:

Senator:

KELLEY of Aroostook  
 FARLEY of Biddeford  
 McHENRY of Madawaska  
 CHONKO of Topsham  
 ROLLINS of Dixfield  
 BINNETTE of Old Town  
 HOBBS of Saco

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

Signed:

Sensors:

TANOUS of Penobscot  
 HUBER of Knox

Representatives:

GARSOE of Cumberland  
 BROWN of Augusta  
 McNALLY of Ellsworth

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

Which reports were Read.

Mr. Tanous of Penobscot then  
 moved that the Senate Accept the

Minority Ought Not to Pass Report  
 of the Committee.

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

Mr. BRENNAN: Mr. President  
 and Members of the Senate: This  
 concept of vesting in portability of  
 pension funds seems to make an  
 awful lot of sense to me. If some-  
 one works for someone for ten  
 years and contributes to the plan,  
 or even if he doesn't contribute,  
 he contributes indirectly by virtue  
 of his wages; it is figured as a  
 cost of doing business. It seems  
 to make an awful lot of sense,  
 and I was wondering if we could  
 get some explanation from the Sen-  
 ator from Penobscot, Senator  
 Tanous, in regard to this bill and  
 why he is opposed to it.

The PRESIDENT: The Chair  
 recognizes the Senator from Penob-  
 scot, Senator Tanous.

On motion by Mr. Tanous of  
 Penobscot, tabled until later in  
 today's session, pending the motion  
 by that Senator to accept the  
 Minority Ought Not to Pass Report  
 of the Committee.

#### Divided Report

The Majority of the Committee  
 on County Government on Bill, "An  
 Act to Reform County Govern-  
 ment." (H. P. 1385) (L. D. 1802)

Reported that the same Ought  
 Not to Pass.

Signed:

Sensors:

ROBERTS of York  
 PEABODY of Aroostook  
 CLIFFORD  
 of Androscoggin

Representatives:

PONTBRIAND of Auburn  
 DAM of Skowhegan  
 FARRINGTON of China  
 SHELTRA of Biddeford  
 CHURCHILL of Orland  
 TANGUAY of Lewiston  
 DYAR of Strong

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

Signed:

Representatives:

WHITZELL of Gardiner  
 McMAHON of Kennebunk

Comes from the House, the  
 Minority report Read and Accepted



and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-521).

Which reports were Read.

Mr. Roberts of York then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. SHUTE: Mr. President and Members of the Senate: I would oppose that motion, and I would like to hear from the Senators who signed the Majority Report as to just why they believe that L. D. 1802 ought to be dispatched forthwith, why it shouldn't be discussed in here and all of its arguments brought before us. Would you enlighten us about some of the argument that took place during the hearing and some of the reasons why the proponents feel that our current county government is unresponsive to the needs of the people, and why this legislative document was offered for consideration by the legislature?

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

Mr. ROBERTS: Mr. President and Members of the Senate: Although this bill received a good deal of publicity in the papers, as I recall, outside of the sponsor there were only, I think, two other individuals who spoke very briefly for the bill. There were various people there who indicated they were opposed to the bill. There was no very lengthy or illuminating discussion of the bill, other than the explanation of the various sections of it by the sponsor, which took up the majority of the public hearing.

The bill tackles the problem of county budgets, but it goes much further than that. It sets up, in effect, I guess you would call him a county administrator, similar to a town manager. He is hired by a committee made up, originally, I guess — it has now been amended — but in the original bill the counties were divided into five districts, and each district elected a person who in turn became a member of this committee in that

particular county, and they hired this county manager. He was responsible to them in the same manner that a town manager or city manager would be responsible to the selectmen or the city council.

This manager, in turn, not only operated the county, but this bill eliminated all of the present county officeholders. By those, I mean the register of deeds, the register of probate, the treasurer, and the various officers we now elect in the county, other than the sheriff anyway. So they would be eliminated and someone would be put in charge of those offices but they wouldn't be county officers. In other words, your so-called present ballot that you get, where you have anywhere from six to ten county officers on the ballot — you would have the judge of probate, I presume, when he showed up, and if you continue to elect the clerk of courts, then he would show up — but the rest of the people wouldn't be on the ballot at all. You wouldn't have those offices and you wouldn't have county government as it is now.

If you want to eliminate county government, I guess this is a good way to do it, but we felt that it was far too drastic a step. There wasn't that much support for the bill in our committee and we preferred, as a committee, as you gather, a change of the county estimates and home rule in that way, but not to take those same ideas or those same areas and add to them a bill which would virtually eliminate three-quarters of your county officers from the ballot and from existence.

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

Mr. SHUTE: Mr. President and Members of the Senate: I want to thank the good Senator from York, Senator Roberts, for explaining the background on this bill.

As I saw this bill when it first was printed, and I had talked with the sponsor about it, I recognized in it an opportunity to strengthen county government, not to weaken it or to dismantle it, because county government by itself is

managing to do that year by year. It is weakening its own position by being unresponsive, at least in some of the counties.

I see this bill as nothing more or less than an extension of a very efficient city council-city management form of government, providing the many services that a city provides, only providing it on a regional basis. It seems to me that maybe this bill is something that is long before its real time, but one day the State of Maine will be embracing this philosophy, if not now. Just to start us out on the right track, I would like to call for a division on the motion.

The PRESIDENT: A division has been requested. The pending motion before the Senate is the motion of the Senator from York, Senator Roberts, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Reform County Government." As many Senators as are in favor of the motion of the Senator from York, Senator Roberts, to accept the Majority Ought Not to Pass Report 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 seven Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Providing a Tax on Petroleum Products and Refineries to Promote Environmental Protection." (H. P. 819) (L. D. 1149).

Reported that the same Ought to Pass.

Signed:

Sensors:

WYMAN of Washington

FORTIER of Oxford

Representatives:

SUSI of Pittsfield

FINEMORE

of Bridgewater

IMMONEN of West Paris

MERRILL

of Bowdoinham

DRIGOTAS of Auburn

MORTON of Farmington

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

Signed:

Senator:

COX of Penobscot

Representatives:

DOW of West Gardiner

MAXWELL of Jay

COTTRELL of Portland

DAM of Skowhegan

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

Which reports were Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: As I read this bill, it would impose a two-cent per barrel tax upon the refining of petroleum products within the state. It further provides that the real estate taxes, which would normally be collected by the municipality within which a refinery might be located, be collected at the state level, and these funds would be dedicated to the Department of Environmental Protection.

As you know, the Pittston Company has currently pending a site location application to locate a refinery at Eastport, and the results of applying this bill to that proposal are as follows: The two-cent per barrel tax would cost Pittston in excess of \$5,000 per day, or over \$1,850,000 per year. In addition, the real estate tax at Eastport, at the mill rate of \$50 per \$1,000, would cost \$1,150,000. In return, the City of Eastport, under the formula of this bill, would be reimbursed the sum of approximately \$1,600 for the real estate taxes lost.

I point out that the Coastal Conveyance of Oil Law, which was recently upheld and held constitutional, that there already exists, under that law, a \$3½ million oil clean-up fund.

This bill is not only discriminating as to one type of industrial activity, but also it represents a dras-

tic departure from existing tax procedures. It is not needed, nor could it be logically justified. For these reasons, Mr. President and Members of the Senate, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that Bill, "An Act Providing a Tax on Petroleum Products and Refineries to Promote Environmental Protection", be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: Oil is becoming to those of us in the legislature like the tar baby was to B'r'er Rabbit, and I would like to indicate that I believe, with the Coastal Conveyance of Petroleum Act having been declared constitutional, even though there is possibly an appeal to the Supreme Court of the United States, I don't think that we need this type of legislation, which is singling out a specific enterprise for this very cordial treatment.

We have a one-half cent per barrel transfer fee imposed by the Coastal Conveyance of Petroleum Act because it is the incident of over-water transfer of oil that creates the risk. This bill is not similarly grounded and, therefore, I am going to join — and I hope you will — the Senator from Cumberland, Senator Conley, in voting for the indefinite postponement of this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I would invite, first, to the attention of the members of the Senate the tremendous impact and effectiveness of the petroleum lobby. It really is something and I, along with everybody else, am going to watch with a great deal of interest the information that is filed 30 days after we adjourn on the lobbyists' disclosure.

Senator Richardson, who spoke from the heart, I am sure, has completely misunderstood the

legislation, and Senator Conley I am not sure understands it.

The purpose of the legislation is not an anti-pollution measure in any way, shape or manner. The purpose of the legislation is to tax a refinery for the privilege of using the state for its operation. The mechanism for doing this is an excise tax, and it is based on their output. The cost to the refinery is nothing, of course, because their charges are passed on to the ultimate purchaser. Like everything else, the purchaser pays in the end.

The charge is one-tenth of half a cent per gallon, which is really a rather small figure, and it would bring into the State of Maine something close to \$3 million, based on a smaller refinery than the one that would go into Eastport.

It seemed highly in order to me to introduce such legislation prior to the establishment of a refinery in the state, if it was done. I announced my intention of filing this bill last October, long before any refinery had intended to file with DEP, as was subsequently done. My legislation was filed before the Pittston people filed for the Eastport refinery, and their opposition at the hearing was the only opposition to the bill.

It sort of seems to me, considering the fact that, as Senator Richardson said, the chances seem to be reasonably remote that we are going to have a refinery, and that the Coastal Oil Conveyance Law is constitutional as far as the State of Maine is concerned, it seems a little odd that the petroleum interests find it so necessary to work so hard to defeat what has been described as a harmless duplicating bill. I hope you will understand from my explanation that the bill in no way duplicates the Coastal Conveyance Bill.

I share with Senator Richardson his fervent hope that these obstructionists to us maintaining our State of Maine the way we want to maintain it will stop at the State Supreme Court and not go where they promised it would go three years ago, to the Federal Supreme Court. I doubt it. They have obstructed everything the

legislature has attempted to do in cleaning up pollution in the State of Maine insofar as it affects the petroleum industry, and they are going to continue to do it.

It is unfortunate that we are dealing with an industry that is so powerful that they employ every single, with perhaps one exception, outstanding law firm in the City of Portland to represent them in the court case. This is the sort of opposition we have to legislation such as this, and this is why I say I shall look with a great deal of interest, as I know the other members of the Senate will, when the lobbyists file the bills in which they are interested and the retainers with which they were paid for acting in accordance with these interests.

I am disappointed that we will not be enacting this legislation, because I think it is needed for the welfare of the state.

Another point of the petroleum industry's concern with pollution I invite to your attention, and that is that these people are the major opponents to our visual pollution clean-up on the highways. If any of you attended the Natural Resources hearings on signs, the high-rise signs, the logo signs and so forth, we find the Maine Petroleum Industry blocking us at every turn, and it is only the continued interest of a few people who were interested in the legislation at its beginning that has kept any measure of control over that type of visual pollution.

I think that the legislature should give very serious consideration to this type of legislation that is not in itself a keep-out-petroleum act, because we cannot financially put too much of a strain on a refinery that is coming in and handling the sort of products that the refineries are proposing to handle on a volume and dollar basis. It is only fair that such legislation be put on the books before a refinery comes in. It has been carefully thought out, and I regret to see what appears to be a steamroller effect. I saw it at the hearing, I have seen it down at the other end of the corridor, and I am afraid I may see part of it here. I hope

that the Senators will vote on their conscience and on the merits of this legislation, and I hope you vote against the motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I have just looked at this bill for the first time this morning and I am not sure I understand it. I would like to peruse it over the weekend, so I hope someone would table it.

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

On motion by Mr. Wyman of Washington, tabled and Specially Assigned for June 12, 1973, pending the motion by Mr. Conley of Cumberland that the Bill and Accompanying Papers be Indefinitely Postponed.

#### Senate

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

Bill, "An Act to Clarify Tax Exemptions for Pollution Control Facilities." (S. P. 250) (L. D. 701)

#### Leave to Withdraw-

##### Covered by Other Legislation

Mr. Clifford for the Committee on State Government on, Bill, "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine." (S. P. 470) (L. D. 1523)

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

Wich report was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I did not like to have this bill go by without calling the attention of the members of the Senate to it.

The problem of health care and adequate health facilities and services is one of utmost concern to the people of the State of Maine, as it is to the people of the nation, and I commend the good Senator from Cumberland, Senator Conley, for his efforts at putting in a bill

which had as its objective coming to grasp with this problem.

As the members of the Senate know, the Senate did pass an order, or placed on the Legislative Research Table an order which would direct that committee to study this matter. It is a matter by which the people of the State of Maine would be most adequately served, should we be able to come to grips with this problem and come up with some solution to it. I would hope that in the ensuing months we can do just that.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Leave to Withdraw as Covered by Other Legislation Report of the Committee?

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

Sent down for concurrence.

#### Ought to Pass

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Sheltered Group Care Home for Girls." (S. P. 595) (L. D. 1878)

Reported that the same Ought to Pass.

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

#### Ought to Pass—As Amended

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to the Cost of Operation and Venue in the Superior Courts." (S. P. 603) (L. D. 1897)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-219).

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.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Creating Public Defender Services." (S. P. 402) (L. D. 1260)

Reported that the same Ought to Pass in New Draft under New

Title: "An Act Creating the Office of Public Defender" (S. P. 660) (L. D. 2015)

Signed:

Sensors:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN

of Cumberland

Representatives:

PERKINS of So. Portland

McKERNAN of Bangor

KILROY of Portland

WHITE of Guilford

BAKER of Orono

WHEELER of Portland

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

Signed:

Representatives:

CARRIER of Westbrook

HENLEY of Norway

DUNLEAVY

of Presque Isle

GAUTHIER of Sanford

Which reports were Read.

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

Mr. CLIFFORD: Mr. President, I wonder if a member of the Committee could explain the purpose of this bill. My understanding of the way the system works now is that the court pays attorneys to defend cases, but they don't pay them very much, and this would appear to be the creation of an entire new bureaucracy, and it certainly would be questionable whether the system would improve.

As it is done now, there are no salaries to pay, no administration, no retirement benefits. It is done very inexpensively. And it seems to me this would appear to be a system which would create a new bureaucracy at a substantial expense, and certainly with questionable results as to the type of defense now provided to indigent criminals. So I would move that we accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I wanted my good friend from Cumberland, Senator Brennan, to explain the merits of this bill. I have been on my feet quite a lot this morning and I was hoping, where he had signed Ought to Pass, that he might take over and speak a few minutes in defense of this particular bill.

The public defender system is not a new concept. This has been adopted by many, many states, and these states have seen the wisdom, I suppose, of having courts have to appoint different counsel to defend criminals. We are all aware that by virtue of recent rulings within the last two years by the State Supreme Court, as well as the U.S. Supreme Court, that you do have to provide legal counsel for accused individuals, even in misdemeanor cases when the statute calls for a probable jail sentence. So in the last year the appointment of attorneys for indigent people in the various counties has just multiplied. It is unbelievable. In fact, I have cost figures in my file upstairs showing that the 1972 expenditures in the 16 counties in the State of Maine exceed \$400,000 for your several counties.

Your counties support this bill very much, and I don't blame them because it seeks to save them a lot of money. This is a tremendous burden of expense upon your individual counties under the present system where they have to appoint attorneys to defend indigent accuseds.

Now, I don't kid myself. I know that eventually this bill will end up on the Appropriations Table and it may well meet its ultimate demise on the table during the last waning days of the session, but it is something that I wish we would keep alive and really look at very closely in the light of what is going to today in this field of criminal defense as ordered or ruled by the courts, and possibly, just possibly, we might find some money to create a public defender

system, which I feel, as I say, that we should enact.

Now, I would like to answer the specific questions of my good friend, Senator Clifford. You are creating in a sense, not a new department as such, but you are creating a public defender system by this bill.

The new draft was proposed by the Judicial Council of Maine. Peter Murray, the Executive Secretary, prepared the new draft for the Committee. The appointment of one chief defender is called for under the bill. I forget whether it is the Chief Justice, but I think it is the Governor who appoints the chief defender. And he, in turn, can appoint full-time defenders or part-time defenders. The administration, under this particular bill, is pretty much left up to the chief defender.

It was extremely difficult in the original draft; it spelled out too many items which I felt complicated the system, the anticipated system. So the new draft is a simple draft that speaks to the issue, without great complexities, and it provides for at least an answer to what we feel is a serious problem in the State of Maine. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am somewhat reluctant to participate in what is charitably characterized as debate in this body because I don't have my usual Enzo Pinza clear voice. At any rate, I wanted to explain why I voted for this.

I think the practice of criminal law is an area of expertise within the field of law. I really think if we had public defenders that these people would continue their practice to the defense of criminal cases. I think we would get a higher, even quality of criminal defense.

Now oftentimes a judge may appoint someone to a criminal case who spends most of his days in the registry of deeds, doing occasionally, I suppose, personal injury work or something else. But in an era in which many people who practice law practice in one

specific area, like my good friend, the distinguished Senator from Cumberland, Senator Richardson, whose expertise is in personal injury, there are many people like that in the practice of law. If we pass this bill, we will continue with that concept. In the long run, I think it will be cheaper for the state and there will be more justice. For those reasons, I support the bill.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Brennan, has touched on what I think is the essential reason that this Senate ought to, at least today, give approval to this legislation.

Equal justice under the law is something all of us like to talk about, particularly during political campaigns, but really, when you boil it down, the professional criminal element which is successful, that is, when they are not in Thomaston, is perfectly capable of paying for the cost of a highly skilled criminal trial lawyer. As the Senator from Cumberland, Senator Brennan, has pointed out, that does not happen to be my area of claimed expertise, but I am familiar enough with this area to know that a good, top-rate criminal trial lawyer is a pretty expensive species of talent.

The problem is that the poor, or the man who gets entangled with the law and is not a man of some means, frequently ends up with appointed counsel, and it is no secret — and I, therefore, have no hesitancy whatever in saying it on the record — people who are appointed to defend these criminal cases are frequently the less experienced lawyers, both from the standpoint of overall legal experience and experience in the defense of criminal cases. And I think that this bill would provide equal representation under the law, and not make the result in a criminal case so dependent upon the adequacy of counsel or inadequacy of counsel. Therefore, I hope you would at least allow this

bill to proceed to the Appropriations Table.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am very, very pleased to hear the good Senator from Cumberland, Senator Richardson, talk about equal justice under the law, and I am very concerned and very pleased to hear him talk about giving the poor an equal break. I feel that our little tirades here are really not going on deaf ears.

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

Mr. ALDRICH: Mr. President and Members of the Senate: I just looked at this bill now for the first time, and I see a price tag of over \$700,000 on this bill. I honestly feel that equal justice under the law will be better served by the local attorneys in their local areas, rather than have one great public defender system centralized probably in Augusta or some other metropolitan area.

I don't like bureaucracy either, and for that reason this morning I am going to vote with the Senator from Androscoggin, Senator Clifford, on his motion to accept the Minority Ought Not 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 would like to remove the fears of my good friend, Senator Aldrich. Under this bill, as I mentioned, there is tremendous flexibility in that the chief defender probably would appoint individual attorneys in the respective areas where the trials are to be held. That was the reason for the new draft, to add flexibility and mobility throughout the state, so that local counsel may be used, and no necessarily full-time counsel. It at least would add some continuity to the defense of individuals, as was mentioned by Senators Brennan and Richardson of Cumberland. I might add that this is the first time that I have heard two individuals debate favorably on a bill and yet seem to

be opposed to each other. In any event, it was interesting.

I might also add, for whatever it is worth, that both parties have this item included in their platforms. And there is another bill hanging around somewhere in this legislature which deals with the same subject, so I would hope that we could at least keep this one alive until we find out what will happen to the other bill. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: I always like to, sooner or later when we vote on a bill, look at it, and I think it is an awfully good idea if you would look at this one.

The very first section is called "Membership". The membership of the commission in the original bill, I think, indicates quite a bit of the problem connected with it. This is in the original bill, on which I will admit we have a new draft, but I always think that we are going back to what was the concept. There is a group of nine people who are the Defenders Services Commission, and these nine people are appointed by the following nominations — it didn't indicate how many nominations for each one, but I am not going to go through all of them. It starts out with the Maine Bar Association, and it progressively grows worse as we go down to the qualifications of the people who are going to nominate — maybe I had better read them. Well, it starts off that the Maine Bar Association shall nominate people to this membership, then the Maine Trial Lawyers Association, then the Maine Civil Liberties Union, the Board of Directors of the Pine Tree Legal Assistance, Inc., the Judicial Council, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. Well, I am glad that was cleaned out of the new draft.

But, purely from an honest practical standpoint, some of us have labored in the vineyards for many, many sessions trying to get

a statewide public prosecutor system under way, unsuccessfully. Let's shave the right priorities. Why don't we have a statewide prosecutor system and this. If we are not going to have a statewide prosecutor system, let's not have a statewide public defender system.

I think Senator Clifford's comments are pretty well taken. I don't think anybody is unrepresented in court. And, in spite of the objections of Senator Tanous of Penobscot, as to the inexperienced and poor legal counsel from lack of experience, or maybe that was said by somebody else, it doesn't take long for these attorneys to get the experience necessary to be good public defenders. I think we all realize that we have really very good representation on both sides of the case today.

If we are going to spend \$200,000, I'd just as soon spend it, if at the same time we are going to spend the money necessary to have a good effective, coherent, statewide public prosecutor system. I hope you would go along with Senator Clifford on his motion.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Creating Public Defender Services." As many Senators as are in favor of accepting the Minority Ought Not to Pass Report will please say "Yes"; those opposed, "No".

The Chair recognizes the Senator from Franklin, Senator Shute.

On motion by Mr. Shute of Franklin, a division was had. 19 Senators having voted in the affirmative, and eight Senators having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

### Divided Report

The Majority of the Committee on Judiciary on, Bill "An Act Relating to Possession of Firearms by Persons Convicted of Criminal Offenses." (S. P. 507) (L. D. 1596)

Reported that the same Ought Not to Pass.



Signed:  
 Senator: SPEERS of Kennebec  
 Representatives:  
 PERKINS  
                   of South Portland  
 CARRIER of Westbrook  
 KILROY of Portland  
 BAKER of Orrington  
 HENLEY of Norway  
 GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee "A" (S-218).

Signed:  
 Senators: TANOUS of Penobscot  
 BRENNAN of Cumberland  
 Representatives:  
 DUNLEAVY

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

Which reports were Read.

On motion by Mr. Tanous of Penobscot, the Minority Ought to Pass as Amended Report of the Committee Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Second Readers

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

#### House

Bill, "An Act Relating to Physician Assistants." (H. P. 1557) (L. D. 1990)

Bill, "An Act Relating to Property Tax Administration." (H. P. 1563) (L. D. 1997)

(On motion by Mr. Wyman of Washington, temporarily set aside.)

Bill, "An Act Amending the Mountain Resorts Airport Authority." (H. P. 1572) (L. D. 2002)

Bill, "An Act to Correct Errors and Inconsistencies in the Maine Housing Authorities Act." (H. P. 1571) (L. D. 2001)

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

Bill, "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)

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

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

Bill, "An Act Relating to Property Tax Administration." (H. P. 1563) (L. D. 1997)

Pending — Passage to be Engrossed.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-220, was Read.

The PRESIDENT: The Senator has the floor.

Mr. WYMAN: Mr. President and Members of the Senate: As the bill is written, it provides for 15 members to hear municipal valuation appeals. The present law has five members. Two members shall be former city assessors no longer serving in that capacity, who served at least five years previously as city assessors, one member shall be other than a town- city assessor, and two members shall be former town assessors who are no longer serving in that position. It simply keeps the five-man board which we have, and which I understand is working very satisfactory. I talked with the sponsor of this bill this morning, and he is very agreeable to this amendment, so I hope the Senate will adopt it.

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

The motion prevailed.

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

Sent down for concurrence.

### House - As Amended

Bill, "An Act Relating to Seasonal Employment under the Employment Security Law." (H. P. 939) (L. D. 1236)

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

Bill, "An Act Permitting Sale of Liquor at Certain Golf Courses." (H. P. 1180) (L. D. 1519)

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

### Senate

Bill, "An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws." (S. P. 635) (L. D. 2008)

Bill, "An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways." (S. P. 656) (L. D. 2009)

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 657) (L. D. 2010)

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

Sent down for concurrence.

### Senate - As Amended

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

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

Sent down for concurrence.

### Enactors

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

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

An Act Relating to State Employee's Grievance Procedure. (S. P. 644) (L. D. 1979) An Act to Regulate Insurance Premium Finance Companies. (H. P. 399) (L. D. 528)

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

An Act to Establish a Uniform Program for Educational Leave for State Employees. (H. P. 507) (L. D. 672)

An Act to Provide a Minimum Fine for Obstructing Justice. (H. P. 983) (L. D. 1303)

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

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

An Act Relating to Operation of the Halfway House Program. (H. P. 1201) (L. D. 1541)

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

(On motion by Mr. Hichens of York, temporarily set aside.)

An Act Creating York County Commissioner Districts. (H. P. 1545) (L. D. 1976)

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

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

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

Pending — Enactment.

Mr. Hichens of York then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: If I may, I would like to inquire of the Senator from York, Senator Hichens, first, and last, what is the vice of this legislation that prompts his motion?

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed an inquiry through the Chair which the Senator from York, Senator Hichens, may answer if he desires.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: This L. D. actually closes the Children's Psychiatric Hospital

down at Pineland. I do not say that I am against the closing of this hospital, but to allow these youngsters, most of the minors, to be transferred to our State Hospitals, and integrated with the adult patients there I think is against the precepts and policies of the legislature and the people of the State of Maine.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Enactment.

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

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

#### **Emergency**

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

(On motion by Mr. Huber of Knox, tabled and Specially Assigned for June 12, 1973, pending Enactment.)

#### **Orders of the Day**

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

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

Tabled — June 6, 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 Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 7, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

In the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-204).

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

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

Mr. TANOUS: Mr. President, a parliamentary inquiry: the House amended this bill, if I am correct?

The PRESIDENT: The bill was amended in the House by House Amendment "A", H-514.

Mr. TANOUS: We are now in non-concurrence with the House, Mr. President?

The PRESIDENT: The Senator is correct.

Mr. TANOUS: Would the next motion, if one desired to indefinitely postpone House Amendment "A", would that be in order at this time?

The PRESIDENT: The Senate has never adopted House Amendment "A" as yet. The Senate is in non-concurrence with the House.

Mr. TANOUS: Would a motion to recede leave the Senate in the same position as we were in when the bill left here?

The PRESIDENT: On a motion to insist, the bill would leave the Senate in the same condition as it left before.

Mr. TANOUS: I so move, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that the Senate insist. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Aldrich.

Mr. ALDRICH: Mr. President, I move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Oxford, Senator Aldrich, moves that the Senate recede and concur.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: If you recall, last week I amended this bill. There were two sections in the er-

rors and inconsistencies bill, the Fish and Game bill, which I felt did not belong in that particular bill.

First of all, there was one section of the Fish and Game Law which had been enacted by a prior bill, signed by the Governor, dealing with shotgun shells, that would have created a crime, and anyone found guilty of this could have his license suspended at the discretion of the Fish and Game Commissioner. The errors and inconsistencies bill sought to remove this section of the law to another area of the Fish and Game Law, which would have made it a mandatory loss of hunting license for a period of one year. This amendment was put on to do away with that section or, as I recall, Sections 9 and 27, those were the two sections I sought to remove on this bill.

The other section dealt with Sunday hunting on a game preserve. The arguments for permitting Sunday hunting is that this is a private preserve and people pay to gain access to this particular area to do some bird hunting. This seeks to permit bird hunting on Sunday, I guess, in this particular area. I felt in my argument that it was opening the door to Sunday hunting, so I opposed Sunday hunting for that reason and I sought to remove that from the bill as well. If you agree that we should have Sunday hunting, I suggest that you vote with my good friend, Senator Aldrich from Oxford. If you disagree with him, I suggest that you perhaps support my motion subsequent to his. Thank you.

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

Mr. ALDRICH: Mr. President and Members of the Senate: What we are talking about is not Sunday hunting per se. What we are talking about when we consider the House Amendment is to allow commercial shooting areas to operate on Sundays. There is a vast distinction between the two. We are not talking about a day of rest, we are not talking about private ventures being bothered on Sunday, we are not talking about a situation where you are going to

have overall Sunday hunting as such. We are talking only about the proposition where we can have commercial areas which allow hunting to operate on Sunday. I think this is only fair that they are so licensed to do so, and I would hope that you would support my motion to recede and concur with the House.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Beginning as far back as 1965, when I was a member of the then Minority Party in the House of Representatives and we held our caucuses in phone booths, I have been opposed to the practice of including substantive changes in the law in omnibus bills, because these substantive changes in the law are quite frequently very, very controversial, and in 1965 as I say, as a minority member of the House, I was shocked to find included in the omnibus bill a substantial revision in our law governing governmental immunity, a precisely similar bill having been turned down by the legislature, but somehow it appeared in the omnibus bill.

If that is the case here, and I would inquire of the Senators more knowledgeable than I as to whether it is or is not the case, but if it is the case that this bill has not received a public hearing, then I would inquire what is the emergency nature of this legislation that requires the violation of the rule, which I think is a very, very sound rule, and that is that we should not put substantive changes in the law in the omnibus bills that we are permitting various committees to report. I would inquire as to the status of this bill, whether or not it did have a hearing at some point in time, because if it did not, then somebody has to point out an emergency before I am going to vote for it.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Oxford, Senator Aldrich, that the Senate recede and concur with the House. The Chair will order a division.

As many Senators as are in favor of the motion of the Senator from Oxford, Senator Aldrich, that the Senate recede and concur will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist.

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

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

Tabled — June 7, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Brennan of Cumberland to accept the Minority Report.

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

Mr. BERRY: Mr. President and Members of the Senate: I wonder if someone would explain the effect of the new draft on this bill. There was some minor debate earlier on the matter, and the constitutionality of the issue of preference of out-of-state people was brought up. I wonder if some member of the State Government Committee would enlighten the Senate?

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

Mr. SPEERS: Mr. President and Members of the Senate: The bill did have particular problems and received the Majority Ought Not to Pass report from the Committee on State Government. It was amended in the House and is now before us as committee reports. But if we proceeded to accept the Ought to Pass Report, it would then be before us as it is amended.

Even the amendments, however, present considerable problems to

the Department of Personnel for the state government, and they have drafted even more amendments to this particular bill which would correct the problems that they see with the bill as it now stands coming from the House. I understand that the Department has discussed these amendments with the sponsor of this bill, and the sponsor of this particular legislation, to my understanding at least, is amenable to those amendments. The amendment is now ready but I understand, of course, under the rules of the Senate we are unable to put the amendment on this bill at this particular time. Therefore, I would support the motion of the good Senator from Cumberland, Senator Brennan, to accept the Minority Ought to Pass Report so that this bill can then be before us as a second reader on Monday, so that I can then offer the amendment that apparently will correct the problems and satisfy the sponsor of the bill as well.

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

The motion prevailed, and the Bill was Read Once. House Amendment "A" was Read.

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

Mr. BERRY: Mr. President, would the Secretary identify the House Amendment?

The PRESIDENT: House — 418. The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, House Amendment "A" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth 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 7, 1973 by Senator Clifford of Androscoggin.

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

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending the motion by that Senator to accept the Majority Ought Not to Pass Report of the Committee.

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

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

Tabled — June 7, 1973 by Senator Cyr of Aroostook.

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

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

Mr. CYR: Mr. President and Members of the Senate: Before I clean this bill of some of the amendments that we don't want, and accept the negotiated amendment, the compromise amendment which Senator Speers will be presenting to you a little later, I would like, first of all, to compliment both sides for their sincerity and their honesty in trying to arrive at a compromise amendment that would be satisfactory to both sides. I would also like to thank Senator Speers and Senator Richardson for the cooperation and the help that they have given me in this. I would also like to thank Senator Tanous for the legal amendment that he brought in sooner.

You probably noticed this morning that the atmosphere is much more relaxed. At least it is much more relaxed than it would have been if we hadn't arrived at this compromise. I certainly would like to acknowledge the support of all the Senators that gave us the strength to be able to bargain as equals with our opposition in this. If it hadn't been for the strength that you supported me with, naturally we wouldn't have been able to arrive at a satisfactory

compromise. So I am very grateful to you for doing so.

Now, I can report to you that this legislation will work because it has already worked. This is exactly what we have been doing the past two days. The processors versus the agricultural organizations, you might possibly call it the "Taming of the Shrew", I don't know if that would be an applicable analogy, but at least it provided us with the forum to be able to discuss as equals matters that pertain to both sides. And I can tell you that there has been some very heated argumentation, there has been some serious exchange of ideas on both sides, and both sides have had to give a little bit in compromise so that we would arrive at something that would be satisfactory. I think the fact that we have had that will strengthen the program, because now the processors cannot refer to this bill as the producers bill because they also have an input into it, and I am sure that they now realize that it is for the good of both industries to sit down and talk over problems and discuss problems without distressing the other side. This is what we have done in the past two days, and the result is what you are going to have this morning: a compromise amendment which is satisfactory to both sides. The battle is won, and I don't think that you are going to have any more arm twisting on this particular legislation.

Before I turn this over to Senator Speers to introduce his amendment, Mr. President, my motion to indefinitely postpone Senate Amendment "B" is still before the Senate.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be indefinitely postpone?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would like the opportunity to withdraw Senate Amendment "B", if that would be in order.

The PRESIDENT: The Chair understands the Senator from Aroostook, Senator Cyr, withdraws

his motion to indefinitely postpone Senate Amendment "B". Is that correct?

Mr. CYR: Mr. President, I do.

The PRESIDENT: The Chair also understands that the Senator from Kennebec, Senator Speers, now would like to have Senate Amendment "B" withdrawn. Is this the pleasure of the Senate?

Senate Amendment "B" was then withdrawn.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby House Amendment "A" was Adopted and, on further motion by the same Senator, House Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "C", Filing No. S-223, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: I would certainly like to second the comments made by the good Senator from Aroostook, Senator Cyr, and reciprocate his compliments to Senator Richardson, Senator Tanous, and myself, and extend my compliments to him and to the other two Senators for their work on this particular bill as well.

I would like to go even further in agreeing with him that this bill is working to bring the two parties together in discussing common problems, and extend the appreciation of all of the individual Senators who have been working on this bill to the processors and producers and the other individuals working with them as well, because this is where the real hard negotiating and work on this particular bill and on this particular amendment took place. When the good Senator from Aroostook, Senator Cyr, mentions that this is what has been taking place for the last two days it is not an understatement by any means. When he mentions these last two days, it is not two or three hours in those particular days either; these negotiations and discussions have been going on late into the evening, and this particular amendment is what has re-

sulted. I would urge the support of the Senate on this measure in the state in which it now rests.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I think that certainly a great deal has been said about the happy compromise that has been achieved, beginning with the meeting in my office at 4:00 o'clock on June 6th and ended at something in the area of 11:30, and I am not going to belabor that.

I do wish to point out that I hope it will be accepted as a statement of legislative intent that under the provisions of Section 1957 of the L. D., as amended, in order to become a recognized bargaining unit, the association which seeks that status before the bargaining board must represent 51 percent of the producers and have produced at least one-half of the volume of that particular agricultural product for that specific handler or processor. The way that this determination is to be made is on the basis of contract. But the poultry processors particularly are very concerned, and perhaps legitimately so, with the need for elections by secret written ballot, so that one of the amendments, this amendment before you now, will provide that if the board has reasonable cause to question the existence of that 51 percent representation, the board shall require a secret ballot election to certify the percentage of representation. I think it is a very important provision of this amendment.

Secondly, if I may Mr. President, I think that this bill in its present form is going to work, but really the decision as to whether it does or doesn't is not ours to make. It is the decision of those involved to negotiate in good faith toward better prices, better wages, if you will, although that term is perhaps inappropriate for those who produce agricultural products, because particularly in the poultry industry those people in Maine who are involved in the broiler business are in a very, very tough competitive posture with Delaware, Maryland

and Virginia producers of broilers. If either side from here on out engages in reckless or irresponsible conduct, the price is going to be the loss of a significant industry of the State of Maine.

I think the framework that has been set out through the efforts of so many of you, Senate Amendment "C" provides the framework within which the legitimate interests of all involved can be best served. I do want to emphasize that if someone wants to be reckless and irresponsible, it is not going to be very difficult to put a processor out of business or, conversely, to drive more and more independent poultry growers out of business. With that hope, and a sincere commendation to the warring factions in this battle for having worked out this compromise, I want to support Senate Amendment "C".

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "C" be adopted?

The motion prevailed, and the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 7, 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 seventh tabled and specially assigned matter:

Bill, "An Act Relating to Regulation and Inspection of Plumbing."

Tabled — June 7, 1973 by Senator Joly of Kennebec.

Pending Passage to be Engrossed.

Mr. Joly of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-217, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

### Reconsidered Matter

On motion by Mr. Clifford of Androscoggin, the Senate voted to reconsider its action whereby Bill, "An Act Creating Androscoggin County Commissioner Districts", (H. P. 271) (L. D. 378), was Passed to be Engrossed.

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

### Reconsidered Matter

Mr. Hichens moved that the Senate reconsider its action whereby Bill, "An Act Creating Definite Sentencing Limitation in Juvenile Offenses", (S. P. 495) (L. D. 1582), was Passed to be Engrossed.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I oppose that motion. We debated this bill somewhat a few days ago and this Senate supported the bill by some sort of a margin. In effect, what this bill does is give more discretion to judges. It gives them a chance to be more flexible in regard to sentencing.

I think the issue really is: do we have confidence in our judges? Frankly, I work with them, I see them quite often when I am not around here, and I have confidence in our judges that they could use the discretion given in this bill.

To me, it just doesn't make any sense why a 13 year-old, if he is sent to the Boys' Training Center, can be held there for five years. I think if the judge sometimes had the discretion, that he could send him there for 30 days, he would have a lot more to work with, and maybe some kids would be sent out there and they would get sort of a shock treatment. Frankly, this concept of flexibility for the judges makes an awful lot of sense, and that is why this bill



is here. I urge you to vote against reconsideration.

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

Mr. HICHENS: Mr. President and Members of the Senate: We voted on this the other day, and it was accepted by a great majority of one vote. After the vote was taken, I had several Senators come to me and say that they did not quite understand the bill and the motion. That is why I asked to have it reconsidered today.

I am not questioning the competence of the judges in our state, but I do realize the work load that these judges have. And as I spoke to one judge some time ago about a case, he said, "I do not have the time to look into any case before it comes to me on the bench, and I make my decision by the evidence that is given." If this is in fairness to a youngster who is being sentenced for a crime, I do not think so.

I have extreme confidence in the superintendent of the Boys' Training Center especially, and in Miss Murphy as to the evaluation of these youngsters when they are sentenced for indeterminate terms. We find that some of these boys take a long time to acclimate themselves; others take a much shorter time. Whether it takes three months or nine months, I believe that a great majority of these youngsters, when they leave the institution, have been rehabilitated to the extent that they become good citizens. I would hate to see them sent for a certain time, then come out not rehabilitated, and then be resentenced for the same crime or some other crime six months or a year later.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I also concur with the remarks made by Senator Hichens from York. Just last evening I saw for the first time the copy which was sent to the Judiciary Committee from the Superintendent of the Boys Training Center who was opposed to this particular bill. I

made some inquiries of people who live in my senatorial district that work for the Boys Training Center. It was pointed out very clearly that when a boy is brought to the Training Center it takes at least 30 days, sometimes longer, to really get him adjusted to take care of his personal hygiene, his necessities, that really it should be left up to the discretion, as it is at the present time, of the Boys Training Center, that this definitely would interfere very severely with the curriculum of rehabilitation now being offered at the Training Center. In fact, it would impede it to the point where the whole thing would fall apart. I would definitely go along with the motion made by Senator Hichens on this particular bill.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to say that in the five years, some years back, that I spent as municipal judge, the work load there or the case load was nowhere near what it is today. Your district courts are a combination of two courts: one is the traffic court and the other is the juvenile court.

You also have people you send to this school that are not juveniles. At least they can be sent here if they are under 21. These people are sent on indeterminate sentences and, because they are, I think you will find Mr. Hughes, and he has written me in this connection, the Superintendent of South Portland for the last fifteen years, that when they come in on an indeterminate sentence, it depends entirely on them, their attitude and how they get along, as to when they will be released. In the meantime, there is a psychiatrist connected with the school that has a chance to evaluate their home and their environment and the people with whom they have been traveling, their companions. This is not available, unfortunately, at the district court level.

When we talked about having district courts, and I was then in the municipal court system, that was

one of the things that was going to happen, that we were going to have plenty of time, we were going to be able to have psychiatrists and social workers assigned to these district courts, so that the judges would have reports and be able to handle these things in an intelligent manner. Unfortunately, that has never come to pass. The case load has been so tremendous that the judges simply have, if you want to coin the phrase which has been coined before, they have to almost decide by the seat of their pants. I mean, they have very little official and accurate information. They have to pretty much judge people as they see and hear them on the stand, or as they talk with their parents at the juvenile hearings, which are not in open court, and there you have a chance to talk to the parents. However, naturally at a time like that the parents and everyone are on their best behavior, they are putting their best foot forward, and in a few minutes you have to try and decide what is the best for the boy. The court simply can't do it. In all respect to the courts, they would like to do it, and they could do it if they had the help. But I feel that they don't have the help, and that our present system works better, until such time as the courts are furnished with that extra information. I hope you will support the motion to reconsider.

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

Mr. ALDRICH: Mr. President, I would like to pose a question through the Chair to the Senator from Cumberland, Senator Brennan, as to whether or not this bill merely allows a judge to sentence for a definite term rather than mandatory type legislation.

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

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I really want to thank Senator Al-

drich for asking that question, because that is what the bill is all about. All this does is give additional discretion to the judges. It is really an issue: do you have any confidence in the district court judges? If this bill passes, a judge could still send a 13 year-old to the Boys Training Center under conditions that they could keep him until he becomes 18. All this bill does is give additional discretion because different kids appear before the courts all the time and, consequently, if you are going to handle it intelligently you have to tailor the sentencing differently. So to answer your question, it just gives additional discretion, and that is all.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I had not intended to speak on this bill. This bill came out of Judiciary, but I find that a misinterpretation of this bill was just made a moment ago, and I would like to point that out. In this particular case it says that in the event that the act which the juvenile committed would be an offense if committed by an adult, the term shall not exceed the length of the sentence for an adult committing the same offense. I would interpret that to mean that, assuming a youngster is brought in for some offense which the statute does not obligate a period of time of 30 days, that the time shall not exceed 30 days. I just wanted to point that out, and want to reaffirm all of the arguments against this bill that have been made.

Ward Murphy appeared at the public hearing. She made, I thought, a reasonable presentation to the committee of the problems that this would cause. Many, many times a youngster or juvenile, as Senator Roberts from York has mentioned, comes in on a criminal offense, a juvenile offense, involving perhaps intoxication or some other minor charge, and judges in their wisdom don't send these juveniles to training school just on a violation of that type. Ordinarily there are quite a few violations in the past, he has been coddled

along and he has been helped, so there is much more in the background than just this one violation. If he came in and was only treated on this one violation, and given a 30 day sentence at the Stevens Training Center or the South Portland Training Center, you might as well forget it, because in 30 days they are not going to be able to help this youngster. So I would urge that you vote with my good friend, Senator Hichens from York, and I assume he will make a subsequent motion for indefinite postponement. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate reconsider its action on Bill, "An Act Creating Definite Sentencing Limitation in Juvenile Offenses". The Chair will order a division. As many Senators as are in favor of the motion to reconsider will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

On further motion by Mr. Hichens of York, the Bill was Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland, Joint Order, (H. P. 1591).

Pending — Passage.

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

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

Bill, "An Act Providing for Protection of Employee Pension Contributions." (H. P. 1401) (L. D. 1843)

Pending — The motion by Mr. Tanous of Penobscot to accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending the motion by that Senator to accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Sewall of Penobscot,

Adjourned until Monday, June 11, 1973, at ten o'clock in the morning.