

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Tuesday, June 12, 1973

Senate called to order by the President.

Prayer by the Rev. Douglas Morrill of Augusta.

Reading of the Journal of yesterday.

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

Joint Order (S. P. 659) relative to Joint Standing Committee on State Government being directed to exercise general oversight over the records of the Legislature in accordance with the Archives and Records Management Law.

In the Senate June 8, 1973, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Non-concurrent Matter

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

In the Senate June 8, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" and Senate Amendment "C" as Amended by House Amendment "A" Thereto (H-542), in non-concurrence.

On motion by Mr. Cyr of Aroostook, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate June 7, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-192), in non-concurrence.

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

Non-concurrent Matter

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

In the Senate June 8, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-217), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A", as Amended by House Amendment "A" Thereto (H-544), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-547), in non-concurrence.

On motion by Mr. Huber of Knox, tabled and Tomorrow Assigned, pending Consideration.

Joint Order

WHEREAS, the net profit to the State from the sale of beer, liquor and wine is estimated at 19 million, 155 thousand dollars for the coming year; and

WHEREAS, there are certain costs of the liquor business to the State of Maine including, but not limited to, liquor associated auto accidents, homicides, broken homes, welfare, crimes, court and prison cases; and

WHEREAS, identification and assessment of the benefits of the liquor business to the State of Maine including, but not limited to, tax revenues, employment and commerce, is needed and generally considered long overdue; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and instructed to study the costs of the liquor business to the State of Maine including, but not limited to, liquor-associated welfare, crimes, auto accidents, homicides, court cases, broken homes, prison and jail cases. Such study shall also

include a study of the benefits of the liquor business to the State of Maine including, but not limited to, tax revenues, employment and commerce, and the study of any subject or matter adjudged by the committee to be relevant or germane to the subjects of its investigation or helpful to it in the consummation of its work shall be deemed within the scope of the committee's inquiry hereunder; and be it further

ORDERED, that the State Liquor Commission be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with all necessary legislation, and at its discretion submit the same to the next regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said commission as notice of this directive. (H. P. 1598)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, the Messalonskee Eagles have winged their way to their first State victory in baseball since 1909; and

WHEREAS, this courageous nine has risen from an obscure underdog to the prevailing Class B title holder in good sportsmanship and fair play; and

WHEREAS, the pride of their performance extends beyond their home communities of Belgrade, Oakland and Sidney to the far corners of the state; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the

great and sovereign State of Maine salute the members and coach of Messalonskee High School baseball team on their outstanding honor and accomplishment in the field of sports and extend to our new State Champions the best wishes of a proud Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Messalonskee High School in honor of the occasion.

(H. P. 1599)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, track and field, like all great sports, are incomplete until time when it is displayed, judged and acclaimed; and

WHEREAS, the Red Riots of Orono High School, on the basis of an outstanding performance, have won their second consecutive State Class C Championship in track and field; and

WHEREAS, this team has distinguished itself greatly by its willingness to enthusiastically accept challenge and having triumphed, may now experience the joys of attaining a worthwhile goal; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Orono High School track and field team on their outstanding honor and accomplishment in the field of sports and offer the best wishes of a proud Legislature to our State Class C Track Champions for the second year; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Orono High School in honor of the occasion.

(H. P. 1600)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the primary task of a state Legislature is to make laws and the quality of such enactments is a measure of its performance; and

WHEREAS, there is a growing interest in acquiring a more formal training for the task by legislators and administrators alike, particularly in the field of law; and

WHEREAS, if the University - wide services of the University of Maine were expanded to include night courses in law at Augusta, the desired training could be acquired; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Education of the 106th Legislature is authorized and directed to study the feasibility of providing night courses in law to legislators, administrators and other interested persons within the Augusta area and any other area within the State where there is a significant demand for said courses through an expansion of University-wide services to include services of the University of Maine School of Law; and be it further

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

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

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said board and chancellor as notice of this objective. (H. P. 1601)

Comes from the House Read and Passed.

Which was Read.

On motion by Mr. Richardson of Cumberland, Tabled and Specially Assigned for June 14, 1973, pending Passage.

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government report out a bill or bills relating

to the reorganization or restructuring of the Departments of Mental Health and Corrections and Health and Welfare; such legislation to consist of such changes in the statutes as will make the respective departments cabinet level departments; that will make the method of appointments of their heads consistent with other reorganized departments and to take such other form as the Committee may deem necessary in order that the plan of governmental reorganization be completed by this Legislature. (H. P. 1602)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine

House of Representatives

Augusta, Maine 04330

June 11, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1538) (L. D. 1968).

The Speaker appointed the following Conferees:

Mr. MARTIN of Eagle Lake

Mr. ROLDE of York

Mr. HERRICK of Harmony

Respectfully

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered
Placed on File.

State of Maine

House of Representatives

Augusta, Maine 04330

June 11, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the House voted to adhere to its action of June 6 whereby it passed to be engrossed
RESOLUTION, Proposing an

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

Respectfully,
E. LOUISE LINCOLN
Clerk

House of Representatives

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Cox of Penobscot,

WHEREAS, the Legislature is considering six proposals relating to No-fault Automobile Insurance; and

WHEREAS, an actuarial financial review of the impact of such proposals on premiums cannot be completed until July of 1973; and

WHEREAS, evaluation of such information will be necessary at that time before any further determination can be made; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is authorized and directed to study the subject matter and actuarial information to be received concerning Legislative Documents Numbers 1, 1420, 1425, 1770, 1882 and 1879, to determine to what extent, if any, such is needed and in the best interests of the State; and be it further

ORDERED, that the Motor Vehicle Division of the Office of Secretary of State and Insurance Department be directed to provide the committee with such technical advice and assistance as the committee feels necessary or appropriate to carry out the purposes of this Order; and be it further

ORDERED, that the committee report its findings at the First Special Session of the 106th Legislature in 1974; and be it further

ORDERED, that upon passage, a copy of this Order be transmitted forthwith to said agencies as notice of the pending study.

(S. P. 663)

Which was Read.

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

Committee Reports House

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

Bill, "An Act Providing for a No-fault Automobile Liability Insurance Law." (H. P. 1) (L. D. 1)

Bill, "An Act Providing for No-fault Motor Vehicle Insurance." (H. P. 1022) (L. D. 1420)

Bill, "An Act Providing for a Maine Motor Vehicle Injury Compensation Plan and for Motor Vehicle Insurance Reform." (H. P. 1453) (L. D. 1882)

Leave to Withdraw

The Committee on Constitutional State Reapportionment on, Resolution, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts. (H. P. 603) (L. D. 801)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw -

Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Create Community Industrial Buildings in Maine." (H. P. 1217) (L. D. 1572)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Refer to 107th Legislature

The Committee on Liquor Control on, Bill, "An Act Providing for a Study to Determine Costs of the Liquor Business in Maine." (H. P. 955) (L. D. 1265)

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

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

Which report was Read and Accepted and the Bill referred to the

107th Legislature, in concurrence.

Ought to Pass

The Committee on State Government on, Resolve, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta State Hospital to the Augusta Sanitary District. (H. P. 1533) (L. D. 1966)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Labor on, Bill, "An Act to Allow Group Self-Insurance Under Maine's Workmen's Compensation Law." (H. P. 1345) (L. D. 1779)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-524).

The Committee on Labor on, Bill, "An Act to Clarify and Improve the Enforcement of Decisions of the Public Employees Labor Relations Board." (H. P. 1421) (L. D. 1857)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-527).

The Committee on County Government on Resolve, Authorizing the County Commissioners of Sagadahoc County to Pay Certain Claims. (H. P. 1547) (L. D. 1981)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-526).

Come from the House the Bills and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

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

Ought to Pass in New Draft

The Committee on Labor on Bill, "An Act Relating to Compensation under Workmen's Compensation Law." (H. P. 1174) (L. D. 1511)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law" (H. P. 1584) (L. D. 2011)

The Committee on State Government on Bill, "An Act to Establish a State Mortgage Assistance Program." (H. P. 455) (L. D. 604)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1586) (L. D. 2013)

The Committee on Taxation on Bill, "An Act Relating to Property Tax and Rent Relief for Disabled Veterans." (H. P. 632) (L. D. 846)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1587) (L. D. 2014)

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.

The Committee on State Government on Bill, "An Act Relating to the Certification and Regulation of Geologists." (H. P. 608) (L. D. 805)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists" (H. P. 1570) (L. D. 2000).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "A" (H-516), "B" (H-519) and "C" (H-548).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendments "A", "B" and "C" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on County Government on Bill, "An Act Relating to Salaries of Jury Commissioners, County Officers, Court Messenger of Cumberland, Publication of Notices in All Counties" (H. P. 476) (L. D. 623)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments to the County Law Librarian" (H. P. 1565) (L. D. 1999).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "A" (H-502), "B" (H-509), "C" (H-513), "D" (H-515), "F" (H-534) and "G" (H-543).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendments "A", "B", "C", "D", "F" and "G" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Giving Powers of Arrest to State House Security Officer." (H. P. 821) (L. D. 1058)

Reported that the same Ought to Pass.

Signed:

Sensors:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject

matter reported that the same Ought Not to Pass.

Signed:

Representatives:

DUNLEAVY

of Presque Isle
McKERNAN of Bangor
WHEELER of Portland

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Transportation on Bill, "An Act Revising the Motor Vehicle Dealer Licensing Law." (H. P. 478) (L. D. 629)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-529).

Signed:

Sensors:

GREELEY of Waldo
SHUTE of Franklin
CIANCHETTE

of Somerset

Representatives:

FRASER of Mexico
WOOD of Brooks
McNALLY of Ellsworth
McCORMICK of Union
BERRY of Madison
WEBBER of Belfast
DUNN of Poland
JACQUES of Lewiston
KEYTE of Dexter

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

Signed:

Representative:

STROUT of Corinth

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-529) as Amended by House Amendment "A" thereto (H-532).

Which reports were Read.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies." (H. P. 1365) (L. D. 1821)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Orono

COONEY of Sabattus

CROMMETT

of Millinocket

NAJARIAN of Portland

BUSTIN of Augusta

SILVERMAN of Calais

GOODWIN of Bath

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

Signed:

Senator:

WYMAN of Washington

Representatives:

FARNHAM of Hampden

STILLINGS of Berwick

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Creating Emergency Regulatory Controls on Rent Increases for

Residential Property." (H. P. 1316) (L. D. 1726)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

Representatives:

PERKINS of So. Portland

CARRIER of Westbrook

HENLEY of Norway

GAUTHIER of Sanford

BAKER of Orrington

WHITE of Guilford

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-518).

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

WHEELER of Portland

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

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

Senate

Leave to Withdraw

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Commitment of Juveniles to Juvenile Institutions." (S. P. 272) (L. D. 797)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Brennan for the Committee on Judiciary on, Resolve, Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution. (S. P. 93) (L. D. 239)

Reported that the same Ought to Pass.

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

Ought to Pass—As Amended

Mr. Speers for the Committee on Judiciary on, Bill, "An act Providing for Irreconcilable Marital Differences as a Ground for Divorce." (S. P. 69) (L. D. 171)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-230).

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 State Government on, Bill, "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish Committee to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial Budget." (S. P. 611) (L. D. 2021)

Reported pursuant to Joint Order (H. P. 1566) that the same Ought to Pass.

Signed:
Senator:

SPEERS of Kennebec

Representatives:

CURTIS of Orono
GAHAGAN of Caribou
GOODWIN of Bath
NAJARIAN of Portland
FARNHAM of Hampden
COONEY of Sabattus
CROMMETT

of Millinocket

BUSTIN of Augusta

The Minority of the same Committee on the same subject matter reported pursuant to Joint Order (H. P. 1566) that the same Ought Not to Pass.

Signed:
Senator:

WYMAN of Washington

Which reports were Read.

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

Mr. SPEERS: Mr. President, I will be very brief. It comes as no surprise to any of the members of this body as to what is contained

in this particular bill. This is the statutory change necessitated by the legislative reform package that has been hammered out and is still being discussed the last six months of this year.

The good Senator from Androscoggin, Senator Clifford, had to leave early yesterday afternoon when this bill was reported out of committee, but I am assured that he would have signed with the majority members of the committee.

This is probably one of the very few most important bills that is before the legislature or that has come before the legislature this year. It, combined with the constitutional changes that will be forthcoming from the committee, the other half of the legislative reform bill, affect Maine people, the well-being of the people of this state, for decades to come.

The whole thrust of legislative reform is to increase the power of the legislature and, through the legislature as the representatives of the people, to increase the power of the people over its own government and its own destiny. In that light, Mr. President and Members of the body, I move we accept the Majority Ought to Pass Report on this bill.

The **PRESIDENT** pro tem: The Senator from Kennebec, Senator Speers, moves that the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Bill 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 Relating to Tuition Contracts in School Administrative District No. 68." (H. P. 1548) (L. D. 1982)

Which was Read a Second time and Passed to be Engrossed in concurrence.

Bill, "An Act Increasing State, Maine Maritime Academy and

Classified University of Maine Employees' Pay." (H. P. 1580) (L. D. 2006)

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

Under suspension of the rules, sent forthwith to the Engrossing Department.

Bill, "An Act to Adjust Certain Salary Provisions of State Officers and Officials." (H. P. 1581) (L. D. 2007)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-231 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in *n o n - c o n - c u r r e n c e*.

Under suspension of the rules, sent down forthwith for *c o n - c u r r e n c e*.

House - As Amended

Bill, "An Act Relating to Forfeiture of All Property Used in Delivering Illegal Drugs." (H. P. 623) (L. D. 821)

Which was Read a Second Time.

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

Mr. M I N K O W S K Y: Mr. President, I would like to pose a question through the Chair to anybody on the Judiciary Committee: If a mortgage is on a vehicle, has this been clarified in this particular bill? If it is mortgaged property that is picked up in the conveyance of drugs, what is the disposition of that particular matter then?

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Minkowsky, poses a question through the Chair to any member of the Judiciary Committee who may answer if he so chooses.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: We had this bill at the last session and it was defeated because it lacked the necessary safeguards as mentioned by Senator Minkowsky. I am pleased to report that all of the safeguards have been placed in the bill and there are no objections by the banking institutions or any-

one else in that area. I think if you will check the amendment you will find that the necessary protections are in the bill.

The PRESIDENT pro tem: Is it now the pleasure of the Senate that this bill be passed to be engrossed?

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

Bill, "An Act Declaring Maine's Sovereignty for 200 Miles Seaward from its Boundaries." (H. P. 904) (L. D. 1192)

Which was Read a Second Time.

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

Mr. SPEERS: Mr. President, I would like to address a question through the Chair to any member of the committee as to the authority of the State of Maine to extend its boundaries for 200 miles seaward, whether or not this is not a federal prerogative?

The PRESIDENT pro tem: The Senator from Kennebec, Senator Speers, poses a question to any member of the Senate who may answer if he chooses.

The Chair recognizes the Senator from Knox, Senator Huber.

Mr. HUBER: Mr. President, Senator Speers of Kennebec is correct. The 200 mile limit is perhaps the prerogative of the federal government, and this, along with that of other states which have been passing this legislation, is intended to do just that, to encourage everybody to get together and see if we can iron out the particular problems that go with that distance.

Actually this bill goes also to the continental shelf, whichever is the furthest. We recognize the fact that we don't necessarily have jurisdiction at this time. It is hoped that with the northeast states and the rest of them along the coast that we can encourage the federal government to get into this business.

The PRESIDENT pro tem: Is it now the pleasure of the Senate that this bill be passed to be engrossed?

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

Senate

Bill, "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974." (S. P. 664) (L. D. 2020)

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:

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

(On motion by Mr. Huber of Knox, temporarily set aside.)

"An Act to Clarify Title to Roads and Ways." (S. P. 317) (L. D. 983)

"An Act Providing for Suspensions of Domestic Corporations by the Secretary of State." (S. P. 398) (L. D. 400)

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

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

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

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

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

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

(On motion by Mr. Joly of Kennebec, temporarily set aside.)

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

An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators. (H. P. 1562) (L. D. 1996)

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

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 pro tem laid before the Senate the matter set aside at the request of Mr. Huber of Knox:

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

The PRESIDENT pro tem: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: This happens to be one of those bills that occasionally we get tangled up with another document.

L. D. 1972, the creation of the Department of Marine Resources, contains all the subject matter that is in L. D. 834. The Department of Marine Resources Bill is in the legislative process at the present moment, and would be a more proper document than 834 is. We have held it this way in case the Marine Resources Department does not get passed and signed into law. Quite frankly, if the President would entertain a motion to table unassigned, I would hope that some member of the Senate would do just that on L. D. 834.

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

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

The President pro tem laid before the Senate the matter set aside at the request of Mr. Joly of Kennebec:

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

The PRESIDENT pro tem: The Senator has the floor.

Mr. JOLY: Mr. President and Members of the Senate: We debated this recently, so I won't take too much of your time, except to bring out one more point.

The present law says that someone has to be knowingly present. In other words, if a youngster is at a party with quite a group and one or two happen to be smoking marijuana or have some in their possession, this doesn't mean that they know about it, and many times they don't know about it. But I still am naive enough to think that perhaps there are still some parents in Maine that know where their youngsters are, and when they say they are going to go to Tommy Jone's for a party, and the father knows that Tommy Jones has got a little bad reputation for dealing with drugs, he just might say to Tommy "Don't go there." Again, maybe I am naive, but maybe some children still obey their parents. And if there is no obstruction to them going, as there is today, they can go and say "So what if they are smoking? I don't smoke. I don't make use of it and, therefore, I can't get picked up by the police." But they are exposed to it. There is no reason for them not to go, and if they find out once they are there that someone is smoking, or that someone has got it, under the present law some of them may go home or leave, but under this law, if we pass it, there is no reason for them to leave and they might just get tempted into making use of it and another kid has gone onto the drug habit.

For that reason, I would move indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Joly, moves that the bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: As the good Senator said, the bill was debated at some length the other day. I think it is the proper, right, and fair thing to do to remove this violation from the books.

Now, what this present law does is to make someone guilty by virtue of association. Again, I say that this country rejected that concept

of McCarthyism some 20 years ago, and rightly so.

I think, again, where there is a vigorous defense after someone has been arrested for this charge, I don't know anyone that loses. They are usually acquitted because it is very difficult to prove the case. However, the damage is done to the young person. He is arrested and his picture is taken, his fingerprints are taken, a number is hung around his neck, and he is permanently ensconced in Rogues Gallery. What for? You are trying to make him responsible for the sins of his companions. That is absolutely ludicrous in this day and age. I think kids at that age have a difficult time enough trying to take care of themselves.

I think when this Senate voted the last time it voted properly. Even at the committee hearing several police officers agreed that this ought to be removed from the books. If the police are agreeing, and I am agreeing, it seems to me it is a pretty good idea to get it off the books. So I hope you would oppose the motion of the good Senator from Kennebec, Senator Joly.

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

Mr. JOLY: Mr. President, when the vote is taken, I would request a division.

The PRESIDENT pro tem: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: Just as an aside, I would like to mention that nowhere in the criminal statutes is there any other crime that provides a penalty for guilty by association such as this. In reference, for instance, to a minor that has liquor in his possession, and there is an individual with him, certainly there is no crime for an individual being present.

So, as Senator Brennan from Cumberland has mentioned, what we are doing is forcing these individuals to be guilty by association. I have checked with many, many county attorneys in this state and, to their knowledge, they have

never been able to get a conviction under this section of the law and yet, by virtue of this law, it has caused the arrest of many individuals who were publicized in the papers as having been arrested and then subsequently released for lack of evidence against them. I think this is the injustice that this law presently, as it stands, creates.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: It is, of course, a tried and true old legislative bromide for a speaker to get up and say that he had not intended to speak on this bill, and I really had not, but I really must rise to correct what I am sure was an inadvertent statement of fact by the Senator from Penobscot, Senator Tanous, when he says that there is no other area in the law in which you have a similar penalty for, as he used the term, "guilt by association."

Misprision of a felony is a felony in the State of Maine. That involves something short of aiding and abetting in the committing or concealment of a felony. I am sure that the good Senator from Penobscot, Senator Tanous, does not mean to mislead the members of the Senate.

My support for the Senator from Kennebec, Senator Joly, is based on my concept of consistency and some sense of logic in the law. All of the statesmen in this body who wanted to express their disapproval of the laws prohibiting the use of marijuana could have expressed that quite directly and candidly by voting for the legislation which would have removed the criminality provisions relating to marijuana.

So, with respect to this offense we are talking about, during the last debate it was made very clear that there were several convictions — I believe the Senator from Cumberland, Senator Brennan, said that there had been hundreds and hundreds of convictions in this area. If possession and use of marijuana is not to be a misdemeanor, then strike it off the books. If it is, then go ahead and enforce the law.

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

Mr. BRENNAN: Mr. President and Members of the Senate: For the benefit of my good friend, the distinguished Senator from Cumberland, there is a distinction between guilty by association and misprision of a felony.

In regard to misprision of a felony, if you observe a felony take place, under that concept you have some responsibility to bring that to the attention of the authorities. If you don't, that is misprision of a felony. And I think if we let our minds wander down to Washington to some of the very highest offices in this country, we can really think about misprision of a felony. That is different from guilt by association though. That is different from being knowingly present where marijuana is kept. Just being there and knowing that it exists, and it is a misdemeanor, you are guilty. You don't have a responsibility, in reference to knowing that marijuana is kept, to run down to the police and tell them that. But where there is a felony, yes, and if you don't do it then you are guilty of the crime of misprision. However, the crime of misprision, at least in the State of Maine, in recent years is more of an academic one than a real one.

Again, in regard to the remarks about possession of marijuana, that bill was before us the other day. I stated before that I personally am categorically against legalizing marijuana. No one in this body said a word on it. That bill is not before us this morning. This bill that is before us this morning, the issue is: Do you believe in guilt by association? If you do, support the motion of the good Senator from Kennebec, Senator Joly. If you don't oppose his motion.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I would point out to the Senator from Cumberland, Senator Brennan, who perhaps wasn't listening attentively, that the term "guilt by association" was not of-

ferred to this body as an explanation of this law by me. It was instead offered by my good friend, the Senator from Penobscot, Senator Tanous.

If you want to encourage by legislative action the holding of pot parties, then go ahead and vote for this, and the vote the other day was quite indicative of your mood. It is perfectly all right with me. I, for one, am going to join the Senator from Kennebec, Senator Joly. And, Mr. President, I request a roll call.

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

Mr. JOLY: Mr. President and Members of the Senate: There is a key word in here which I think we keep overlooking, and that is the word "knowingly". I think there has been some implication given that some naive youngster is going to get picked up in a police raid who doesn't know anything about what is going on; he was asked by a friend to join him and go to a party, and someone has got marijuana in their possession. He has got to know that the fellow has got it in his possession. He has got to know that the fellow has got it in his possession or know that they are smoking. If they don't know it, then the law does not cover them.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Kennebec, Senator Joly, that L.D. 1987 be indefinitely postponed, and a roll call has been requested. In order for the Chair to order a roll call, it must have the affirmative vote of at least one-fifth of the Senators present and voting. Will all those in favor of having a roll call please stand and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question before the Senate is the motion of the Senator from Kennebec, Senator Joly, that L. D. 1987, An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Hichens, Huber, Joly, Olfene, Richardson.

NAYS: Senators Aldrich, Brennan, Cianchette, Conley, Cox, Cummings, Cyr, Danton, Fortier, Grafam, Greeley, Kelley, Marcotte, Minkowsky, Morrell, Peabody, Roberts, Sewall, Shute, Speers, Tanous, MacLeod.

ABSENT: Senators Anderson, Clifford, Katz, Schulten, Wyman.

A roll call was had. Six Senators having voted in the affirmative, and 22 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

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.

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)

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

Resolve, to Locate the Public Lots in Township 2, Range 6 W.B.K.P., Franklin County. (S. P. 193) (L. D. 538)

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

Mr. RICHARDSON: Mr. President and Members of the Senate: L. D. 538, which was sponsored by the Senator from Franklin, Senator Shute, authorized the Forest Commissioner, or would direct, rather, the Forest Commissioner under existing statutory authority to locate the public lots in Township 2, Range 6.

The Committee on Public Lands feels that this is an important test area, if you will, involving the Chain of Ponds Township, and it is the intent of the legislature in the passage of this resolve that the Forest Commissioner, in locating the lots, proceed in accordance with applicable statutory provisions and, to the extent feasible, insure

that the public lot contains areas suitable for waterfront recreational activities.

With that statement of legislative intent, Mr. President, I would move enactment of this legislation.

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

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

Emergency

An Act to Create a Commission to Prepare Legislation Revising the Trial Court System. (S. P. 457) (L. D. 1473)

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

Emergency

An Act to Establish Title to Island in Maine's Coastal Waters and to Create the Maine Coastal Island Registry. (S. P. 500) (L. D. 1608)

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

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks. (S. P. 476) (L. D. 1537)

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

Orders of the Day

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

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

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

Pending — Enactment.

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

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

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

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

Pending — Enactment.

On motion by Mr. Richardson of Cumberland, retabled until later in today's session, pending Enactment.

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

House Reports — from the Committee on Taxation — Bill, "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection." (H. P. 819) (L. D. 1149) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 8, 1973 by Senator Wyman of Washington.

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone the Bill and Accompanying Papers.

On motion by Mr. Conley of Cumberland, retabled until later in today's session, pending the motion by that Senator to Indefinitely Postpone the Bill and Accompanying Papers.

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

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

Tabled—June 8, 1973 by Senator Huber of Knox.

Pending — Enactment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Knox, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: This is a relatively temporary solution to a small problem, but I am satisfied that this is the best we can do at this time, and I move enactment.

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

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

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

House Reports — from the Committee on Liquor Control—Bill, "An Act Prohibiting Liquor Advertising." (H. P. 1284) (L. D. 1671) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft (H. P. 1577) (L. D. 2005)

Tabled — June 11, 1973 by Senator Olfene of Androscoggin.

Pending — Acceptance of Either Report.

On motion by Mr. Olfene of Androscoggin, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Senate Reports — from the Committee on Judiciary — Bill, "An Act Prohibiting Deceptive Practices by a Private Detective or Watch, Guard or Patrol Agency." (S. P. 540) (L. D. 1692) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-226).

Tabled — June 11, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would oppose that motion. This bill has a simple limited but important purpose. It is designed to prevent deception on a matter that I think is rather serious.

Presently private detective agencies in this state are permitted to use in their title the word "Maine". Some go even further and they use the word "bureau". For example, there is a private detective agency and the name of that agency is "Maine Bureau of Investigation." I wish all private

detectives well, but I do not think this state can stand by and permit a situation like that where citizens can be deceived.

You have a situation with the State Bureau of Investigation, we have the Federal Bureau of Investigation, and if we permit corporations in the law enforcement business to take on all the color, and so forth, of an official public agency, I think we are doing the wrong thing. I think a lot of people, when police come up to them, they get rather nervous. If a detective comes up to them they get rather nervous. If someone comes up and says, "Investigation", I think that is going to tend to shake people up.

I think we have some control over who are our police officers. We have set up some minimal training standards. We are in the process of trying to continue to fund the State Police Academy. In reference to private detectives there are no minimal training standards. Again, I wish that they flourish; that is fine. I will state though that Chief Justice Warren Burger figures that they are one of the greatest threats in this country, the private armies that are developing this way.

What this bill does, in essence, is prohibit the use of the name "Maine" or any other governmental name, or the official sounding word "bureau" by private detectives. It is just so that people won't get faked out. It prohibits them from using deceptive badges or other insignia and equipment traditionally limited to public agencies. It prohibits misleading statements giving the impression that the speaker represents an official agency. It prohibits the use of misleading aliases by private detectives. It prohibits trespassing in violation of property and privacy rights.

This act prohibits, in essence, misleading and deceptive practices. It helps protect personal rights and police integrity. It imposes no hardship on honest men, but requires truth in an area where truth is especially important. In essence, I would characterize this as a truth in law enforcement act.

I know the bill has been well lobbied and I am aware of the history of the Maine Legislature. We often have a battle between the private interests and the public interests. I think clearly the public interest lies in support of this measure. I even talked with the good Attorney General about this bill, and, he told me — he was somewhat more vigorous initially -- that he supported it. That was later modified to say he supported it, in concept, once the lobby started to get to work. This is a bill that is really in the public interest. I think law enforcement, for the most part, should be in the public sector, and I think if we have a chance to do away with deceptive misleading practices we ought to opt for that chance. That chance is here today with passage of this bill. So I hope you will vote against the motion of the good Senator from Penobscot, Senator Tanous, to accept the Majority Ought Not to Pass Report so we can offer a motion to accept the Minority Ought to Pass Report, and I would like a roll call.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to commend the Junior Senator from Cumberland, Senator Brennan, for presenting this bill. The only thing that I think is probably wrong with it is that he hasn't gone far enough, as far as I am concerned. He should really just repeal the entire statute dealing with private detectives. We have enough screwballs running around today, and we license them through municipal governments and through the state. But to allow these fellows, who have absolutely no training whatsoever, to be able to be — well, they call them "peeping Toms", or whatever they are — but I certainly think the citizens of this state and the nation should be protected, and I would urge acceptance of the minority Report.

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

Mr. JOLY: Mr. President and Members of the Senate: I am

really very impressed by the remarks of the good Senator from Cumberland, Senator Brennan, and it just bothers me that this came out as a Majority Ought Not to Pass Report. I wonder if anyone on the Judiciary Committee might give us the other side of this.

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

Mr. TANOUS: Mr. President and Members of the Senate: I don't rise this morning to defend the private investigators as we have permitted them to operate in the State of Maine.

First of all, you have got to recognize that private investigators in the State of Maine are authorized by law. We have got a statute that was enacted in the state, it is on our books, that authorized private investigators to operate. Furthermore, they are regulated. They have a code of ethics and regulations by statute that they must follow.

Now, we enacted legislation giving them the authority to work as private investigators, and there are many areas where their services are needed. And I am sure that the State of Maine would lack if we did away with private investigators, as recommended by Senator Conley from Cumberland. This is beside the fact. We have authorized by statute private investigators in the State of Maine, and this is a major premise. Now, the manner in which they operate, of course, they are regulated by statute again, and they are also regulated in the sense that if they violate the code of ethics or the statute law that their licenses can be suspended by the Governor and the Council. So this is a safeguard that we have enacted into law.

Relative to the use of the name "Maine" as far as their title is concerned, many, many agencies use Maine in their titles. So if you are going to enact legislation that is going to deny them the right to use the name of Maine in the title of their business, then likewise we should perhaps deny everybody else the use of Maine. And there are hundreds of them that use

Maine as far as their titles are concerned.

Now, Senator Brennan of Cumberland mentioned that he wants to stop deceptive practices. Well, this is in itself a crime. Senator Brennan was county attorney for four years in Cumberland County, to my knowledge, and at the public hearing he was asked a question by a member of the committee when he presented this bill of how many prosecutions under this section of the law did he have while he was county attorney, and there wasn't one. There wasn't one individual that appeared at the Judiciary Committee public hearing to complain of deceptive practices in this manner.

There was one proponent, which was Senator Brennan, and he had somebody from the state police with him there, who later admitted that he had not heard of any complaints as well. Following that, the opponents spoke, and they presented the insignia in their work. Now, if the insignias are the deceptive items, I would like to show you some of the insignias they use. First of all, they are sort of a watchguard agency, and they have this as an insignia they use for reward for certain violations they might be involved in as far as protecting property. This is the insignia that they use on their uniforms, and the same on their vehicle, only in a larger size. Now, the name "Maine" does not appear on this; it is abbreviated "M.B.I." Now, if this is deceptive practice, then vote for the bill.

Here is another insignia that they use, and this is another one that they use on the windshield of their cars. Again, it is "M.B.I.", and if this in any way is a deceptive practice, then I would urge you to vote for the bill. If it is not, I would urge you to vote against it.

I have here with me the applications for the licenses which were granted by the state, copies of licenses with the State of Maine has issued for a private detective agency, and there is nothing on this license that appears to be deceptive, to me at least — there might be to some people. And there

are applications as well for their private detective licenses and other material. Now, nowhere was I shown any material at all or any evidence that tended to indicate that there were any deceptive practices conducted by at least one agency that Senator Brennan is concerned about, which is in southern Maine.

Over and above this, Members of the Senate, this particular agency that I guess Senator Brennan is concerned with, which is one in southern Maine, they have invested in their office materials, their name signs, their letterhead paper, their cards and everything else — they operate not only in Maine but offer their services elsewhere as well — and they have approximately \$150,000 invested in their material, office supplies, and other things. So I would urge you to consider this matter closely because, in effect, if you enact this, you will, in essence, force this one company perhaps to become insolvent because they will have to have all their material discarded and redone, and this will cost them in the area of \$150,000. Thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In reference to prosecution, in no way could the most able and effective prosecutor prosecute an organization because the name of that organization was the Maine Bureau of Investigation. It is not a crime. It is not right, it is not proper, it should be changed, and we have a chance here.

I am really glad the good Senator from Penobscot got up on his feet on this, because he reminded me again that the state police were over there supporting this bill. And again, I must say, I and the state police joined together for better law enforcement. The state police's official position is that they are in support of this measure.

In reference to, say, the aliases aspect, if a private detective is going around to ask you some questions, when he knocks at your door as he comes up, I think, as a citizen, you ought to know what his name is, in the event that he

does conduct some deceptive practices, so he can be brought to task.

In regard to the insolvency, I think that is a very spurious argument. Clearly the Maine Legislature can do this. Corporations are set up by statute. The legislature or the government gives them their charters, and whatever they give they can modify to a certain extent. The government represents the people who allow corporations the privilege of operating. Corporations are creatures of the state, not vice-versa, and even if the general power did not exist, as it most assuredly does, then the police power of the state would be sufficient authority for requiring the necessary charter changes.

So, in essence, again this is a bill that is consistent with good law enforcement. It is supported by the most splendid law enforcement agency in this state, the Maine State Police. Again, I would ask you to vote against the motion of the good Senator from Penobscot, Senator Tanous.

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

Mr. HICHENS: Mr. President, I would rise to support the motion to accept the Ought Not to Pass Report. I would remind you that this came out of committee eight in favor of the Ought Not to Pass Report and five for passage of the bill. I had several arguments ready to present, but the good Senator from Penobscot, Senator Tanous, has taken care of all these arguments and has done an excellent job presenting them to you.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I enjoyed the debate here this morning, but I am still a little confused about the deceptive practices we are talking about in using the name "Maine". Perhaps from one point of view you could say that, understand it, and believe it. There is another point of view.

I know a company that I am well acquainted with has had the reason to employ security guards, with good cause, I must say, and I don't see that we, as employers,

have had any deceptive practices or were deceived by who we were employing as to what this is all about. I guess television shows up these private detectives as being snoops and all of that, but I have the highest regard for these security people that we hire to protect our property in times of need, and I really don't understand what this is all about.

If we are going to strike the name "Maine" from this as being deceptive, let's talk about the Maine National Bank, Maine Public Service, Maine Gas, Maine Hardware and Supply. Why should we separate out just one agency and say "You can't use the word Therefore, I am going to support the motion of Senator Tanous.

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

Mr. ALDRICH: Mr. President and Members of the Senate: This bill really does concern me in all earnest, because we spent the session on the Legal Affairs Committee and gave permission in that committee to at least a dozen different organizations to use the word "Maine". And I don't think the use of the word "Maine" in and of itself is deceptive.

I really have to feel that this legislation is discriminatory, especially since we have granted so many different other organizations the permission to use the word "Maine" and on that basis, in all honesty, I would have to support the motion to accept the Majority Ought Not to Pass Report of the committee.

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

Mr. BRENNAN: Just very briefly, Mr. President. There is a distinction between the Maine Banana Company, the Maine Apple Company, and the Maine Hardware Company. There isn't much confusion; you know they are selling bananas, apples, and hardware, and you know it is private enterprise. But when you get into a situation of the "Maine Bureau of Investigation", that has all the color of title of an official state agency, and I don't think the people should be deceived.

In response to the remarks of the good Senator from Somerset, Senator Cianchette, if this bill passes, private detective agencies and security agencies will be permitted to continue to flourish until their heart's content, but they will not be able to flourish until their heart's content by taking on the color of an official state agency. That is the gist of this bill. That is what it is directed at: to take out the deceptive practice of using the name of a state, town, county, or municipality so people think they are dealing with an official state organization. Private detectives and security agencies can go on forever, even if this bill should pass.

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

Mr. TANOUS: Mr. President and Members of the Senate: Just one final word before we vote. First of all, the Maine State Police are not in full support of this. There was one state trooper that appeared at the public hearing, and he was not speaking for the entire department, so I disagree with Senator Brennan on that. He also acknowledged that he had not received any reports of misrepresentation.

My feeling is that at the public hearing, had there been a lot of deception and misrepresentation in this area, why weren't these people at the public hearing to say so? This is all. I feel that Senator Brennan of Cumberland failed to build his case at the public hearing, and for that reason I vote "Not Guilty". Thank you.

The PRESIDENT pro tem: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee, and a roll call has been requested. In order for the Chair to order a roll call, it must have the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is

ordered. The question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Prohibiting Deceptive Practices by a Private Detective or Watch, Guard or Patrol Agency." A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Berry, Cianchette, Cox, Cummings, Danton, Fortier, Graffam, Hichens, Huber, Joly, Marcotte, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Shute, Tanous.

NAYS: Senators Brennan, Conley, Cyr, Greeley, Kelley, Speers.

ABSENT: Senators Anderson, Clifford, Katz, Sewall, Wyman, MacLeod.

A roll call was had. 21 Senators having voted in the affirmative, and six Senators having voted in the negative, with six Senators being absent, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004)

Tabled—June 11, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Regional Planning." (H. P. 1573) (L. D. 2003)

Tabled — June 11, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(House Amendment "A" H-520)

(Senate Amendment "A" S-222)

Mr. Speers of Kennebec then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-232, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Pending — Enactment.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

The President pro tem 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 11, 1973 by Senator Danton of York.

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone Senate Amendment "A" (S-225)

On motion by Mr. Cianchette of Somerset, retabled and Tomorrow Assigned, pending the motion by that Senator to Indefinitely Postpone Senate Amendment "A".

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

Joint Order (S. P. 659) relative to Joint Standing Committee on State Government being directed to exercise general oversight over the records of the Legislature in accordance with the Archives and Records Management Law.

Pending — Consideration.

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

Mr. SPEERS: Mr. President and Members of the Senate; I feel an explanation is in order for this Joint Order. The Legislature passed, not in this session, but has passed the Archives and Management Law, having to do with the

preservation of state government records. We have also passed, earlier in this session, legislation which would allow the archives to have the control over the judicial records of the state, and there has been a committee set up to establish procedures to determine what records should be kept and how they should be preserved.

At one of these meetings, it was suggested that there should also be some committee established to determine how the legislative records of the state are to be kept and what records of the legislature should be preserved, for example, the committee hearings. A wealth of information is passed on to the committee members during any one given session, and yet all of this information is abandoned and destroyed at the end of the session, and there are no procedures that are set up to preserve any of the testimony that is presented to any of the committees during a session.

I have no particular hang-up over designating the Committee on State Government to be that particular committee to work out some procedures and some ideas as to which records should be preserved and how they should be preserved, but I do feel that this is of extreme importance to the state and to the future of the state. Many of these ideas that we have been discussing in this session have been discussed before, and not just in the last few years, but have been discussed before maybe 20, 30, 50 and maybe even 100 years ago, and yet there are no records to which any of us can refer to to find out what was done about some of these ideas in the past. I think it is of extreme importance that we do have some sort of procedure established to determine what records are to be kept and what to do with this particular Joint Order at this point. I don't think that it was sufficiently explained in the other body, which indefinitely postponed this order, and perhaps it was the broad language that was used in the Joint Order that gave rise to perhaps some suspicions; I don't know. I would move to recede and concur with the House, with the caveat that we do recognize this problem and, hopefully, if the legislative re-

form package does go through, the Committee on State Government will be charged with this responsibility of coming up with some procedures to retain this information that is being poured daily into the legislature and at the end of the six months is being poured out into the dumps of the State of Maine.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Speers, moves that the Senate recede and concur with the House whereby this Joint Order was indefinitely postponed. Is this the pleasure of the Senate? The motion prevailed.

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

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

Pending — Enactment.

The PRESIDENT pro tem: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: As you all know, this is the so-called Part I appropriations bill. It carries a price tag of some \$221 million. Your Appropriations Committee has studied this measure since the session first convened some five or six months ago. We feel that it is a very responsible piece of legislation. It will continue the present level of state services. It will pay state employees. It will continue the operations of the various state institutions, correctional, corrective, state educational institutions.

We feel that this bill should not be held any longer, for whatever reason that one may have to procrastinate. The state has the money to pay for this Part I Budget. The hour is late and the temperature is high. I was assured last week that if we were to table this bill for approximately five or six more days that the Minority Party would give us the necessary votes to pass this legislation. Therefore, Mr. President, I move that when the vote is taken it be

taken by roll call and that this matter be dispensed with forthwith.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I recall, and as I read the papers some months ago when we were all running for these august offices, I thought most of us ran pretty much on a platform that we are going to do something about tax reform, something to relieve the burden of property taxes that now exist in this state, and some of the inequities that exist in reference to property tax.

I think if we pass Part I now, it would be very easy to pick up our tools and go home. I know some say there is no tie-in between tax reform and Part I, but I am not in agreement with them. I think psychologically there is a connection. I think if it only serves to focus attention on doing something about tax reform this session, I am prepared to stay here all summer to try to do something about tax reform.

I would strongly urge the Senate not to vote for enactment now, because if we do it is going to be awful easy just to go home and be a do-nothing legislature in reference to tax reform. We have got an opportunity this session, and I think we ought to capitalize on that opportunity. So, again, I would strongly urge the Senators to vote against enactment at this time. I haven't seen any good reason why we have to enact it today. I think everybody here knows we can enact it in about two minutes if we want to. As I understand it, it is not really needed until July 1st. I was in the legislature some terms ago when we enacted the Part I Budget, I believe, on July 4th or 5th. I have no real concern that this will be enacted sometime in late June. It may be today; I hope not. I hope that you vote against it so we can keep the pressure on to do something about tax reform this session.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President and Members of the Senate: I guess I am old-fashioned, but I kind of believe in keeping commitments that have been made. Last Tuesday we were guaranteed by the Minority Party that we would have 22 votes today if we tabled it until today. So we went along; this is about the fourth tabling measure.

The Senator from Cumberland, Senator Brenman, is well aware that late yesterday afternoon in the office of the Governor the Joint Legislative Leadership of both parties pledged that we would have a tax relief, tax reform measure before this body in the House of Representatives by next Wednesday for consideration, debate and vote. I fail to understand why the Part I Budget is to be used as a club over Republican heads or Democrat heads as far as voting for a tax relief package. There will be one put before the legislature, and the Senator from Cumberland was at the meeting yesterday when this pledge was made that we would direct the Taxation Committee to consider all the measures currently before the legislature and come out with a tax reform package. How that will fare when we tack onto it the tax that you are going to need to fund any responsible program, I don't know. But I fail to see why the delay of the passage of the Part I Budget is going to help enact a tax relief measure. I fail to see the connection.

We are talking here, as the Senator from Penobscot, Senator Sewall, said, for state employees pay, meals for institutional inmates, school subsidies, and all of the other things that go to make up a Part I Budget. And I think that playing games, as evidently are being played here this morning, after what was said to us last Wednesday or Thursday when we tabled this bill until today, when we were guaranteed the votes, is breaking faith not only with the Senate, with the Legislature, but the people of this state. It is delaying the legislature.

The weather is hot, the hour is late, as the Senator from Penob-

scot, Senator Sewall, pointed out and I think that this should be enacted this morning. I would hope that every Senator here would vote for this budget as it came out of committee, and I would remind the member of the Minority Party that is on that committee that this came out with a unanimous Ought to Pass Report. There has been no debate saying that this is nothing but a good document, so if it is a good document, and an essential document, let's enact it this morning.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would just like to reiterate a couple of things that were said this morning. One, an agreement was made last week to run this today and to dispose of it. Two, it is important to keep the shop open, and that is what this legislation deals with. Three, as a member of the Appropriations Committee, I pledge to you that my resolve to vote for meaningful tax reform, if that is what comes out for consideration, will not be drained one iota by passing this legislation this morning.

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

Mr. CONLEY: Mr. President and Members of the Senate: As the Minority member of the Appropriations Committee, I agree wholeheartedly with everything that the Senator from Penobscot, Senator MacLeod, and also the Senator from Penobscot, Senator Sewall, have said in regard to the Part I Budget. There is not a Senator in this Chamber that is opposed to the Part I Budget, none of us. We all feel that it has been an excellent job, particularly those of us who have served on the committee.

But let me remind the Members of the Senate that the Appropriations Committee has been meeting on this budget for the last five and a half months, and what disturbs me, as one member of this legislature, is that when we start talking about important

things such as tax reform, or any other meaningful significant piece of legislation, that in the past sessions that I have been here it always seems we get into the hot days of June when all of a sudden they start dribbling out of committee, either the Taxation Committee or some other committee, these measures, and everybody is all hot and flustered and wants to get out of here.

The Minority Party is not in any way opposed to the Part I Budget. I do concur with some of the remarks made by the good Senator from Cumberland Senator Brennan, though, when he says that to pass Part I right now does take sort of the pressure off, that no one is really going to have any real exuberance for really studying or trying to pass a tax reform package.

I don't wish to take issue with the two members of the Majority Party on the Appropriations Committee; we worked very harmoniously all winter long, spring, and part of the summer, but the fact of the matter is we can pass Part I, June 30th, and it can't go into effect until the following day. If we passed it two weeks ago it would have made no difference. We are not in any way holding up state expenditures one way or another, but if we are going to really talk about bringing back home a package that is going to be good for our communities in respect to some decent tax reform, there is no reason why we can't sit down and debate these measures and try to look at them as they are presented to us.

I am not in any way upset or up tight about why this package should be delivered today. Senator Sewall, the good Senator from Penobscot, has done a very diligent job throughout the entire five months, and I can sense that it is sort of an area of pride with him, in a sense, that he has had a unanimous committee report. It has been a hard worked out budget, and no one finds disagreement with that. And I am not disagreeing with it. I would support Part I any time that there is a tax reform package before us that can be

debated. That is the only reason I cannot vote for the Part I package today.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to clear the record a little bit. I am a member of the Minority Party, and I attended a caucus where we discussed our action on this particular bill. There was no mention made, that I know of, that we would table this thing until next Tuesday and we would be voting for it. This is far remote from me, strange to me, and I don't know anything about that. I am a member of that party, so it must be particular members of the party that made that commitment, not me, and I don't believe the Minority Leader made such a commitment as that.

Number two, I would like to have an explanation from someone, and perhaps the Senator from Penobscot, Senator MacLeod, would explain to this body just why the Leadership of the Majority Party are apparently so uptight about getting this passed. Is this going to take effect before the 1st of July? Do we need that money? Is there any difference in the expenditures of this money whether we pass this bill today or whether we pass it in the late 20's of this month? I would like to have an answer to that, if I could. Then if that answer isn't satisfactory, then why is it necessary to get that budget out today?

Number four, we have understood that there will be a bill before us in these bodies about property tax reform. I don't know what kind of a bill that is going to be. The bill could be perfectly not acceptable to me and to the majority of the members of this legislature. It is no guarantee that we are going to have property tax reform to say we are going to have a bill. I would like to see a good bill. I would like to be able to support a good bill.

My purposes are very clear why I am not going to vote in favor of passage of this bill today. It is because I would like to see this thing put in package form, and I

would like to understand what this tax reform is all about before I am asked to vote on this Part I Budget. I believe it is a responsible thing to do, and I would like to support the Senators. If this is a club, then it is a club of the making of the Majority Party, not mine. One of the most important decisions this legislature can make this time is property tax reform. If we can keep that in the spotlight by holding up this particular budget at this time, then by glory that is what I am going to do.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I want to agree it is hot; I would have to concur with the good Senator from Penobscot, Senator MacLeod. I want to say I have a great deal of respect for the good Senator from Penobscot, Senator MacLeod. However, he made a statement that the Minority Party agreed. I guess I was elected as Minority Leader, and I would ask him to really check his recollection if I ever agreed to try to provide the votes, if I had the votes, for this. I think his recollection may be a little fuzzy on that. As the good Senator from Somerset, Senator Cianchette, said, we had a caucus, and the 11 Democratic Senators were unanimous that the agreement pretty much was that they would not support it, at least until Tuesday, and then if somebody else was ticked off with somebody else and went off on their own and made a decision, then that was their business.

Senator MacLeod has characterized this as playing games. As far as I am concerned, if you want to characterize a serious effort for tax reform, which I think the people of the State of Maine are screaming for, if you want to characterize that as playing games, of course, you are welcome to. But I think a serious effort has to be made now that we have an opportunity.

Again, I would strongly urge everyone to vote against tax reform until we have a chance to see the whole picture, and I don't see how it jeopardizes anything in any way. As Senator Conley, my-

self, and others have pointed out, we can enact this by June 30th if we get the job done. We can enact it in a very short time.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: At absolutely no risk of adding any enlightenment to this rather partisan debate, I would like to point out to the Senator from Cumberland, Senator Brennan, that there are many of us who react very negatively to being clubbed or bludgeoned into a course of conduct, even though we had previously decided a long time ago to take that course of action.

I share with Senator Morrell of Cumberland an absolute commitment to go out of this session voting for a tax reform package, and I will stay here until next January in session with the good Senator from Cumberland, Senator Brennan, in order to accomplish that. I am willing to put that statement on the record and I am willing to stand by it.

I have not been, as I am sure many of you have not, entirely pleased with the rather leisurely pace with which we are moving in the direction of tax reform, and that our pace up to now may insure that we are going to be here well into the month of July in order to put together a tax reform package. Having lived through a couple of these myself, I know that is quite possible and I am perfectly happy to do it. But I think that the use of the Part I Budget as a club or a threat is a very, very poor tactic and, if there is a psychological connection, the connection is to simply continue this charade of "No, we are not going to give you the votes for the Part I until you do something else," and that is going to develop into a stand-off, both unenlightening and undignified.

I hope that the members of this Senate wouldn't allow partisan political nit-picking to stand in the way of the Part I Budget, and would turn to the real serious question, which is doing something about tax reform which the Senator

from Cumberland, Senator Brennan, professes so much interest for and commitment to.

The PRESIDENT pro tem: The pending question before the Senate is the enactment of L. D. 1949. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the enactment of L. D. 1949, An Act Making Current Service Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Joly, Marcotte, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Conley, Cyr, Danton, Fortier, Kelley.

ABSENT: Senators Anderson, Clifford, Katz, Wyman.

A roll call was had. 21 Senators having voted in the affirmative, an eight Senators having voted in the negative, with four Senators being absent, the Bill Failed of Enactment.

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

Mr. SEWALL: Mr. President, having voted on the majority side, I move that the Senate reconsider its action on this matter.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Sewall, moves that the Senate reconsider its action whereby this bill failed of enactment.

The Chair recognizes the Senator from Penobscot, Senor MacLeod.

Mr. MacLEOD: Mr. President and Members of the Senate: I would just like to state in the Sen-

ate, and for the record, that by this recent vote if the members of the Minority Party feel that this will advance the cause of tax reform, they are wrong. The weather is hot and the hour is late, and this is no time to fool around with this important package.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would like to state for the record that there is no fooling around with this important package. Again, we are dead serious about tax reform, and tax reform this session.

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

Thereupon on motion by Mr. Sewall of Penobscot, tabled pending the motion of that Senator to Reconsider.

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

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

Pending — Enactment.

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

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

Bill, "An Act Providing for Tax on Petroleum Products and Refineries to Promote Environmental Protection." (H. P. 819) (L. D. 1149)

Pending — The motion by that Senator to Indefinitely Postpone the Bill and all accompanying papers.

Thereupon, on motion by Mr. Richardson of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland to Indefinitely Postpone the Bill and accompanying papers.

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

Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004)

Pending — Passage to be engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Sewall of
Adjourned until 9:30 tomorrow
morning.