

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 15, 1973

Senate called to order by the President.

Prayer by Mrs. Rachel Whittier of Farmingdale.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Bill, "An Act to Improve the Lobster Fisheries." (S. P. 638) (L. D. 1973)

In the Senate May 30, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-559) as Amended by House Amendment "A" Therefo (H-569), in non-concurrence.

On motion by Mr. Huber of Knox, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate June 13, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (524), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-572), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the environment of the State of Maine is of primary importance to the citizens of Maine; and

WHEREAS, various laws have been passed to protect the environment, which may have overlapping and conflicting provisions; and

WHEREAS, a study should be instituted to the end that the citizens of Maine have their environment protected to the greatest possible degree without precluding reasonable and compatible development; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature

on Natural Resources be authorized and directed to study the environmental laws of this State. Said study committee shall be authorized and empowered: To employ a director, legal counsel and such other consultative and clerical services as may be needed to carry out the study; to obtain such office space, supplies and equipment as may be needed in connection with its work; and to seek and accept funds from the Federal Government and private foundations to enable it to complete its work; and be it further

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

ORDERED, that there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$50,000 to carry out the purposes of this study. Any unexpended balances shall not lapse but shall be carried forward as a continuing account until the purpose of this study has been accomplished; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with all necessary legislation, and submit the same to the Legislature on or before January 1, 1975; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said bureau as notice of this directive. (H. P. 1608)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, a computerized summary of the status of legislation has been available this year for the use and convenience of State Government; and

WHEREAS, this service has been made available by the University of Maine at Orono through its Of-

fice of Institutional Research and the Computer Center; and

WHEREAS, a massive amount of work, over and above the call of duty, has been rendered by the Director of said office, Paul Dunham and his staff in making this valuable tool available; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine appreciate the computerized service in summary form on the status of legislation and the spirit of cooperation by which it has been provided and therefore express our gratitude to Chancellor McNeil, President Libby, Director Dunham and the entire University community for their valued contribution and assistance in improving those tools available to government and in particular to the Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Chancellor McNeil, President Libby and Director Dunham in token of the sentiments expressed herein. (H. P. 1618)

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 14, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885)

Mrs. BERRY of Madison

Mr. KELLEHER of Bangor

Respectfully,

Signed:

Mr. GOOD of Westfield

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 14, 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 12 whereby it accepted the Ought Not to Pass Report of the Judiciary Committee on Bill "An Act Relating to Possession of Firearms by Persons Convicted of Criminal Offenses" (S. P. 507) (L. D. 1596)

Respectfully,

Signed:

E. LOUISE LINCOLN

Clerk

House of Representatives

Which was Read and Ordered Placed on File.

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on Liquor Control

June 13, 1973

Honorable Kenneth P. MacLeod

President of the Senate

Senate Chamber

State House

Augusta, Maine 04330

Dear Senator MacLeod:

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

Total number of bills received

39

Ought to Pass

7

Ought Not to Pass

6

Ought to Pass as Amended

1

Ought to Pass in New Draft

0

Divided Reports

12

Leave to Withdraw

12

Referred to Another Committee

0

Referred to 107th Legislature

1

Sincerely,

Signed:

RICHARD B. OLFENE

Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on Marine Resources

June 14, 1973

Honorable Kenneth P. MacLeod

President of the Senate

State House

Augusta, Maine 04330

Dear President MacLeod:

The Committee on Marine Resources is pleased to report to you the completion of the business placed before it by the 106th Legislature.

Total Number of Bills Received

57

Unanimous Reports

53

Leave to Withdraw

12

Ought Not to Pass

17

Ought to Pass

16

Ought to Pass as Amended

7

Ought to Pass in New Draft

4

Refer to 107th Legislature or

Special Session of 106th

1

Divided Reports

4

Respectfully submitted,

Signed:

PAUL R. HUBER

Chairman

Which was Read and Ordered
Placed on File.

STATE OF MAINE

One Hundred and Sixth Legislature
Committee on Education

June 15, 1973

The Honorable Kenneth P. MacLeod

President of the Senate of Maine

Senate Chamber

State House

Augusta, Maine 04330

Dear Sir:

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

Total Number of Bills Received including

3 referrals and 1 recommitted

89

Ought to Pass

23

Ought Not to Pass

17

Ought to Pass as Amended

16

Ought to Pass in New Draft

7

Divided Reports

17

Leave to Withdraw

9

Respectfully,

Signed:

BENNETT D. KATZ

Senate Chairman

Which was Read and Ordered
Placed on File.

Senate Papers

Joint Resolution

Mr. Richardson of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

IN MEMORIAM

WHEREAS, the Legislature has learned with profound sorrow of the death on June 12th, 1973 of Col. Malcolm L. Stoddard of Hallowell; and

WHEREAS, Col. Stoddard served with much distinction as Director of the Veterans Administration Center at Togus from 1933 to 1959; and

WHEREAS, he worked diligently before that period and after in the best interests of Maine Veterans of Foreign Wars and Conflict; and

WHEREAS, he was an experienced and much sought counselor to the American Legion, Veterans of Foreign Wars and the Disabled American Veterans of which he served and a recognized authority on Veterans Affairs; and

WHEREAS, even in retirement, Col. Stoddard became instrumental in establishing the Maine Veterans Memorial Cemetery; now, therefore, be it

RESOLVED: That we, the Members of the 106th Legislature, now assembled, pause to honor the memory of and pay this tribute to the late Col. Malcolm L. Stoddard and to express our deepest sympathy to the bereaved family with the assurance that we are sharing their personal loss; and be it further

RESOLVED: That a copy of this Joint Resolution suitably engrossed and attested by our presiding officers be sent forthwith by the Secretary of State to the family in lasting token of our esteem. (S. P. 669)

Which was Read.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Yesterday, June 14th, funeral services were held at the Veterans Administration Chapel at Togus for a man who in his time was the

recognized authority on veterans affairs and problems both within and without the State of Maine. Malcolm Stoddard gave fifty years of his life in dedication to assisting veterans of both World Wars and the veterans of the Korean Conflict.

His standing was such that whenever reports began drifting out of our nation's capitol that the Togus facility was to be closed, he successfully combatted any efforts in that direction.

In short, he was a constant, sincere confidant of the three major veterans organizations in Maine, he worked constantly and consistently for the creation of the Maine Veterans Memorial Cemetery and, subsequently, for the establishment of the chapel which is now located there. His passing on Tuesday of this week ends the era of the gentleman often referred to as Mr. Veteran.

Mr. President, I move the question.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted?

The motion prevailed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

Covered by Other Legislation

The Committee on State Government on Bill, "An Act to Repeal the Maine Industrial Building Authority." (H. P. 2) (L. D. 2)

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

The Committee on State Government on Bill, "An Act to Repeal the Maine Recreation Authority." (H. P. 8) (L. D. 8)

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

The Committee on State Government on Bill, "An Act Relating to Guarantees by the Maine Industrial Building Authority." (H. P. 820) (L. D. 1084)

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

The Committee on Judiciary on Bill, "An Act Relating to Discrimination Against Persons

Who Refuse to Perform or Assist Abortions." (H. P. 739) (L. D. 952)

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

The Committee on Judiciary on Bill, "An Act Prohibiting the Use and Sale of Human Fetus for Experimentation." (H. P. 681) (L. D. 888)

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

The Committee on Judiciary on Bill, "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician." (H. P. 680) (L. D. 887)

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

The Committee on Judiciary on Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosures." (H. P. 1300) (L. D. 1736)

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

The Committee on Judiciary on Bill, "An Act to Prevent Criminal Abortion Practices." (H. P. 1373) (L. D. 1824)

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 in New Draft

The Committee on Judiciary on Bill, "An Act Relating to Criminal Penalties for the Sale of Cannabis." (H. P. 1342) (L. D. 1762)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Criminal Penalties for the Possession, Manufacture and Cultivation of Cannabis, Mescaline and Peyote." (H. P. 1604) (L. D. 2025)

The Committee on Labor on Bill, "An Act Regulating Agricultural Labor Practices." (H. P. 1346) (L. D. 1811)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1606) (L. D. 2027)

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

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Regulating Abortion Procedures." (H. P. 1195) (L. D. 1529)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TANOUS of Penobscot
BRENNAN

of Cumberland

Representatives:

KILROY of Portland
CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
WHEELER of Portland
DUNLEAVY

of Presque Isle

WHITE of Guilford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1615) (L. D. 2035)

Signed:

Sensor:

SPEERS of Kennebec

Representatives:

BAKER of Orrington
McKERNAN of Bangor
PERKINS

of South Portland

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 Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Establish a State Housing

Assistance Program." (H. P. 1133) (L. D. 1468)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Providing Housing for Maine's Elderly." (H. P. 1609) (L. D. 2028)

Signed:

Sensor:

SPEERS of Kennebec

Representatives:

CURTIS of Orono
GAHAGAN of Caribou
GOODWIN of Bath
NAJARIAN of Portland
COONEY of Sabattus
BUSTIN of Augusta
SILVERMAN of Calais
CROMMETT

of Millinocket

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

Signed:

Sensors:

WYMAN of Washington
CLIFFORD

of Androscoggin

Representatives:

FARNHAM of Hampden
STILLINGS of Berwick

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Establish a State Housing Rehabilitation Program." (H. P. 503) (L. D. 656)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1612) (L. D. 2029)

Signed:

Sensors:

SPEERS of Kennebec
CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus
GOODWIN of Bath
BUSTIN of Augusta
NAJARIAN of Portland

STILLINGS of Berwick
SILVERMAN of Calais
GAHAGAN of Caribou
CROMMETT

of Millinocket
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
CURTIS of Orono

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

Which reports were Read.

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

Committee of Conference Report

The Committee of Conference on
the disagreeing action of the two
branches of the Legislature, on
Bill, "An Act Authorizing the
Commissioner of Agriculture to
Investigate Certain Farming
Practices" (H. P. 1497) (L. D.
1924)

have had the same under
consideration, and ask leave to
report: that the House recede from
passing the Bill to be engrossed,
adopt Conference Committee
Amendment "A" (H-565) submitted
herewith and pass the Bill to be
engrossed as amended by Con-
ference Committee Amendment
"A" (H-565);

that the Senate recede from
accepting the Minority 'Ought Not
to Pass' Report, adopt Conference
Committee Amendment "A" (H-
565) submitted herewith and pass
the Bill to be engrossed as
amended by Conference Committee
Amendment "A" (H-565).

On the Part of the House:
EVANS of Freedom
COONEY of Sabattus
ALBERT of Limestone

On the Part of the Senate:
HICHENS of York
CYR of Aroostook
ANDERSON of Hancock

Comes from the House, the
report Read and Accepted and the
Bill Passed to be Engrossed as
Amended by Conference Commit-
tee Amendment "A" (H-565).

Which reports was Read and
Accepted in concurrence and the
Bill Passed to be Engrossed as
Amended by Conference Commit-
tee Amendment "A".

Committee of Conference Report

The Committee of Conference on
the disagreeing action of the two
branches of the Legislature, on Bill
"An Act Prohibiting the
Acceptance of Money for Enroll-
ment of Voters" (H. P. 1270) (L.
D. 1645)

have had the same under
consideration, and ask leave to
report: that the House recede from
Enactment, that it recede from
passing the Bill to be engrossed
as amended by Committee Amend-
ment "A" (H-345), recede from
adopting Committee Amendment
"A", indefinitely postpone Commit-
tee Amendment "A", adopt Con-
ference Committee Amendment
"A" (H-564) submitted herewith
and pass the Bill to be engrossed
as amended by Conference
Committee Amendment "A".

that the Senate recede from
passing the Bill to be engrossed
as amended by Committee Amend-
ment "A" (H-345), recede from
adopting Committee Amendment
"A", indefinitely postpone Commit-
tee Amendment "A", adopt Con-
ference Committee Amendment
"A" (H-564) and pass the Bill to
be engrossed as amended by Con-
ference Committee Amendment
"A".

On the Part of the House:

ROSS of Bath
ROLDE of York
BOUDREAU of Portland

On the Part of the Senate:

BRENNAN of Cumberland
MORRELL

of Cumberland
SHUTE of Franklin

Comes from the House, the
report Read and Accepted and the
Bill Passed to be Engrossed as
Amended by Conference Commit-
tee Amendment "A" (H-564).

Which report was Read and
Accepted in concurrence and the
Bill Passed to be Engrossed as

Amended by Conference Committee Amendment "A".

Second Readers

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

House

Bill, "An Act Appropriating Additional Funds to Various Departments for the Fiscal Year Ending June 30, 1973." (H. P. 1603) (L. D. 2024)

Bill, "An Act Changing the Dates for Registration of Automobiles." (H. P. 1597) (L. D. 2023)

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

House — As Amended

Bill, "An Act Increasing the Gasoline Tax." (H. P. 647) (L. D. 863)

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

Senate

Bill, "An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes." (S. P. 667) (L. D. 2033)

(See action later in today's session)

Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster." (S. P. 237) (L. D. 688)

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

Sent down for concurrence.

Enactors

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

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

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

An Act Appropriating Funds for Sheltered Group Care Home for Girls. (S. P. 595) (L. D. 1878)

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

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)

(On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Enactment.)

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

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

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

An Act Giving Powers of Arrest to State House Security Officer. (H. P. 821) (L. D. 1058)

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

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

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

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

An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies. (H. P. 1365) (L. D. 1821)

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

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

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

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

An Act Relating to Property Tax and Rent Relief for Disabled Persons. (H. P. 1587) (L. D. 2014)

(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 laid before the Senate the matter set aside at the request of Mr. Berry of Cumberland:

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

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: This bill, you will recall, we discussed earlier in the session. I think that, briefly to refresh the members' memories, that the bill, which provides for a dedicated 10 percent of the fines collected by the court system to be expended for the maintenance of the Police Academy in Waterville, is a principle that is a little against the procedures that have usually been followed and endorsed by the legislature. I think it should be underscored that I am sure every member of this body is very much in favor of what has been going on up there, and wish to commend the people who have done such a tremendous job. I am sure that their good work will be continued.

I think that their good work, however, should be continued as is the work of all Maine bureaus and departments, and that is under the direction and with the appropriations of the State Legislature.

The precedent of dedicating dedicated revenues is unique, and the legislature historically has not been in favor of even dedicated revenues. One of the points we might keep in mind here is that we would be cutting the monies which go to counties if this bill were to pass. The counties now share in the surplus from the court system, and this would be that much less they would get. I must not appear too much hypocritical in this respect because I am always delighted to be able to cut funds for the counties, but I would point out to those of you who are county government lovers that this is going to hurt your county.

I think the method of financing is the problem here, without any

question. Now, I wish you would understand the financial situation of the Academy. It is extremely important in making a decision. The Academy now has funds for the next eighteen months of the biennium. They are funded from July 1, 1973 to December 31, 1974 right now. I would suggest that in the interim between now and the special session that the Legislative Finance Office make an investigation of the necessary funds to keep them going for the last six months of the biennium, and that we introduce a bill which would then fully establish this school as an agency of the state.

As I pointed out in the previous debate, the legislature has not appropriated five cents for this operation. I don't say this in any way is criticism; I think it is a tremendous accomplishment that what we have all seen happen up there has happened without the approval of the legislature. There may be a little dire warning in this to some of us as to what can happen, in spite of the legislature, because, as I also indicated earlier, the Legislative Research committee disapproved of the going ahead of the institute from the angle of appropriating money or giving them a blessing on acquiring the buildings without its approval. But, regardless, the results and the aims were so good that one cannot quarrel with the accomplishment.

I think that is about the story. I would expect that Senator Tanous of Penobscot would call your attention to the last sentence of the bill, which says "All monies so credited to the Department of Public Safety shall be credited, apportioned and expended as provided by the legislature." This does not put them in the general services budget. It gives them a budget just like the Fish and Game Department, which is dedicated revenue, and the legislature, for all intents and purposes, just rubber-stamps it. If we are going to do it, and I hope we do, I would support a proper appropriation at the special session, because it should be treated just like any other part of state government.

I would reluctantly move, with all these understandings and

commitments on my part, that the bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill, An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy, be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: You may recollect originally when this bill came before this body I had reservations about it. Fortunately, during the interim period of time I have done some research on this particular matter. I concur with one aspect, which is the deletion of funds from county government to implement part of this particular legislation. I think it is one of the finest things ever happened. At ten percent, I believe, to run this particular academy is an essential part of the fantastic and phenomenal job these people have been doing.

Further research indicated that there is existing legislation on the books at the present time which really makes this particular authority work very, very constructively. I would like to point out to the members of the Senate that it is Chapter 25, Subsection 2801, Part 8, entitled Maine Police Academy; Chapter 341, 2801 it says: "The Maine Law Enforcement and Criminal Justice Academy. There is created a law enforcement and criminal justice training facility to be known as 'The Maine Law Enforcement and Criminal Justice Academy' which shall be established at some convenient and suitable place in the Augusta area as the board of trustees, hereinafter established, may determine." So we do have statutory law on the books at the present time which covers this particular type of facility except, true enough, it has not been funded by the State of Maine because federal funds at the time took care of the purchasing and financing of the existing buildings.

In another section, it clearly specifies its authority and who shall have the authority. "The

Commissioner of Public Safety shall supervise the training programs of the academy, employ, subject to the Personnel Law, all personnel which may be reasonably required to carry out the purposes of the academy, lease, rent or acquire adequate facilities at a location determined by the board of trustees to conduct the academy's training programs, accept such federal funds or grants as may be available to carry out or implement its purposes. The board of trustees shall establish reasonable fees for attendance to defray part of the costs of operating the academy." And so forth and so on, the reasons for the entire operation.

I think the municipalities in the State of Maine will find themselves in a very serious bind if, with one hand, they must have statutory law which says the police officers must be trained for at least an eight-week period, and then end up paying anywhere from \$1200 to \$1500 per person to go to the academy, in addition to the cost to the replacement officer that must be on duty while the other individual is at the academy.

I hope in time that the federal government will pick up additional revenues. I understand there is a bill before Congress at the present time for \$1 billion which will help finance projects of this nature throughout the United States. I sincerely would hope the Senate would vote against the motion to indefinitely postpone this bill, and when the vote is taken, Mr. President, I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: Being from Waterville, I feel I must speak to this. I think the good Senator from Cumberland, Senator Berry, has made it quite clear that the funding is taken care of until a year from December. We will be meeting in special session next January, and I would be confident that this group and the other group would go ahead with this and, if further federal monies are not forthcoming, that something will be

done to take care of this.

It is a wonderful institution, it is long needed, it is doing a great job and I, for one, do support the motion to indefinitely postpone.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Berry, Conley, Cox, Cummings, Fortier, Graffam, Greeley, Huber, Joly, Katz, Morrell, Olfene, Richardson, Roberts, Schulten, Sewall, Shute, Speers, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Kelley, Minkowsky, Peabody, Tanous, Wyman.

ABSENT: Senators Anderson, Cyr, Danton, Hichens, Marcotte.

Mr. Speers of Kennebec was granted permission to change his vote from Yea to Nay.

A roll call was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, with five Senators being absent, the motion prevailed.

Sent down for concurrence.

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)

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

Emergency

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)

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

Emergency

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

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

Emergency

An Act Relating to Tuition Contracts in School Administrative District No. 68. (H. P. 1548) (L. D. 1982)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby it Passed to be Engrossed Bill, "An

Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes." (S. P. 667) (L. D. 2033)

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

Order

Out of order and under suspension of the rules, Mr. Katz of Kennebec presented the following Order and moved its passage:

WHEREAS, on June 30, 1973, Winthrop C. Libby, the eleventh President of the University of Maine at Orono-Bangor, will retire from office; and

WHEREAS, President Libby has made a unique contribution throughout a lifetime dedicated to the service of the people of Maine and has maintained a major interest in bringing about desirable social and economic change within the State through education, research and the involvement of the University community in public service; and

WHEREAS, he has effectively served with wisdom, compassion and understanding as President of Maine's major campus at a time when the nation was unsuccessfully grappling with the emerging problems of activism and dissent; and

WHEREAS, he has uniquely bridged the gap of generations by earning the full confidence, not only of Maine students and the entire educational community, but of the citizens of Maine as well, to the extent of having their utmost gratitude, admiration and respect; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the 106th Legislature of the State of Maine extend our heartiest congratulations to Winthrop C. Libby upon the occasion of his retirement and for a career at the University which has happily touched on the lives of thousands and thousands of Maine people and we offer the sincere thanks of the Legislature on behalf of the people of Maine; and be it further

ORDERED, along with our sincere best wishes to him and his

dear wife for many years of happiness in retirement, that a suitable copy of this Order be prepared and presented to this honored couple in token of the sentiments expressed herein. (S. P. 670)

Which was Read and Passed.
Sent down for concurrence.

Orders of the Day

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

House Report — from the Committee on Education — Bill, "An Act Authorizing Plus New England Services of Maine, Inc., to Confer Associate Degrees." (H. P. 907) (L. D. 1195) Ought to Pass Report.

Tabled — June 13, 1973 by Senator Katz of Kennebec.

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

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

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

Tabled — June 13, 1973 by Senator Merrell of Cumberland.

Pending — Consideration.

In the Senate — Passed to be Engrossed.

In the House — Passed to be Engrossed as amended by House Amendment "A" (H-533) in non-concurrence.

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

Mr. FORTIER: Mr. President and Members of the Senate: I am totally in accord with the intent of this bill, but on closer perusal I find there is a lot of doubt as to whether it will really accomplish what it was intended to. The purpose of the bill, of course, was to restrict the interest on loans of over \$2,000. Now, together with some ambiguities in the bill, and further complications by the amendment that was put on, we find that there would be practically

no limit as to the indebtedness of an individual that could be classified and interpreted as being under \$2,000.

Due to the fact that there is already a bill on the Legislative Research Table, also the fact that it is very probable that the Spinogle Committee will probably go over this same ground, I do not believe that it would be practical for us to confuse the issue any longer, and I move indefinite postponement of this bill.

The PRESIDENT: The Chair would inform the Senator from Oxford, Senator Fortier, that the Senate is in non-concurrence with the House. The Senate passed this bill to be engrossed and, if the Senator wanted to adhere to that action, the proper motion would be to adhere.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: This bill deals with an abuse that is taking place in this state in regard to industrial banks. I think the Referee in Bankruptcy made a ruling some months ago that the industrial banks, in effect, were responsible for pretty much bilking borrowers of this state out of some \$5 million. This bill is designed to correct that.

This bill is designed to assure that the interest rate is no more than 16 percent on loans over \$2,000, and that is for the entire loan. The bill also is designed to prevent splitting up loans between husbands and wives or to make separate loans on separate days in order to get around the intent of this bill.

This again is a very pro-consumer measure as it stands, and I very much oppose the motion to indefinitely postpone. We have debated this bill on several previous occasions, it is a terribly sound consumer measure and, as far as I am concerned, I think

that we should be consistent with our previous action.

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

Mr. COX: Mr. President, I rise in support of the motion of the Senator from Oxford, Senator Fortier. This bill may be designed for industrial loan companies, but it affects all lending institutions. If I choose to have multiple loans at the bank for a boat, for one thing, and a personal loan for some other purpose, under this bill they would have to be combined. Then the interest rates may vary, because one is secured and the other is not.

We tried to get an amendment to make this acceptable to all parties and we were unable to do so, so I think it should be indefinitely postponed.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: Again, I appreciate it may offend the sensibilities of banks, but again it is a very reasonable rate of 16 percent. It really is an anti-usury type measure and, again, I hope you would vote against the motion to adhere. I would ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate adhere.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President, again I will repeat, I am very much in accord with the intent of the sponsor of this bill but, as he said, the intent was to restrict the interest on loans of over \$2,000. Now, if you will read the bill, together with the amendment, you will find that there is exempted from this \$2,000 motor vehicle sales and home improvement loans. Then the amendment goes on to say that any loan secured by bona

vide purchase money security interest in specified property shall not be considered as a separate loan. In other words, you could have a \$3,000 loan on your car, you could have a \$5,000 loan for home improvement, you could have an \$1,800 loan on a boat, you could have a \$700 loan on a television, you could have another loan on your washing machine, on your drier, on your dishwasher, on all the rest of your furniture; you could have \$15,000 worth of loans and they would all be considered under \$2,000 and pay the maximum rate.

I am in total sympathy with the sponsors, but I do not believe this bill accomplishes it.

The PRESIDENT: 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 less than one-fifth having arisen, a roll call is not ordered.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I move we recede and concur, and ask for a roll call again.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that the Senate recede and concur with the House and requests a roll call. As many Senators as are in favor of ordering a roll call will please rise and remain standing until counted.

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Brennan, 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. Six Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion did not prevail.

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

Mr. BERRY: Mr. President, I move reconsideration, and hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it failed to recede and concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would ask for a roll call.

The PRESIDENT: 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 of the Senators present having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it failed to recede and concur with the House on Bill, "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000." A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Cianchette, Clifford, Conley, Kelley, Minkowsky, Richardson, Shute.

NAYS: Senators Aldrich, Berry, Cox, Cummings, Fortier, Graffam, Greeley, Huber, Joly, Katz, Morrell, Olfene, Peabody, Roberts, Schulten, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Anderson, Cyr, Danton, Hichens, Marcotte, Sewall.

A roll call was had. 8 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

Bill, "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law." (H. P. 1361) (L. D. 1817)

Tabled — June 14, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(House Amendment "A" (H-561).

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

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

An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act. (S. P. 427) (L. D. 1287)

Tabled — June 14, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

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

Tabled — June 14, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

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

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

Bill, "An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law." (H. P. 1584) (L. D. 2011)

Tabled — June 14, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, 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 to Amend the Land Use Regulation Commission Law." (H. P. 627) (L. D. 851)

Tabled — June 14, 1973 by Senator Morrell of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-225).

On motion by Mr. Berry of Cumberland, Senate Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "C", Filing No. S-239, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: Senate Amendment "C" does what Senator Cianchette yesterday said had been agreed upon as an understanding on the bill, and it provides that LURC shall assist these communities that become deorganized in preparing a Land Use Plan.

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

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

Sent down for concurrence.

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

Mr. BERRY: Mr. President, I request the Senate be at ease.

(Senate at Ease)

Called to order by the President.

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

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

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

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-127)

(Senate Amendment "B" (S-147)

(Senate Amendment "C" (S-181)

(Senate Amendment "D" (S-206)

(Senate Amendment "E" (S-214)

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to

reconsider its action whereby it Adopted Senate Amendment "B" and, on subsequent motion by the same Senator, Senate Amendment "B" was Indefinitely Postponed.

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

Senate Amendment "F", Filing No. S-235, was Read and Adopted.

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

Senate Amendment "G", Filing No. S-241, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: I want to repeat my offer made earlier, a couple of weeks ago, that I will be very glad to explain in depth the significance of any of these amendments upon request by individual members.

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

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, t a b l e d , pending Passage to be Engrossed.

Papers from the House

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

House Paper

Bill, "An Act Increasing Indebtedness of Berwick Sewer District." (H. P. 1616) (L. D. 2036)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed in concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until Monday, June 18, 1973, at 10:00 in the morning.