

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Wednesday, February 20, 1974

Senate called to order by the President.

Prayer by the Honorable John H. Cox of Bangor:

Let us pray. Heavenly Father, we thank Thee for the opportunity to serve Thy people. Grant us, O Lord, the wisdom to act wisely on the pressing matters before us. Help us to legislate well, regardless of petty differences and partisan stands, for the good of all of Thy people, in Thy name. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair is very pleased to welcome to the Senate Chamber this morning Maine's 1974 Junior Miss, Pauline Cloutier, the daughter of Dr. and Mrs. Wilfred Cloutier of Lewiston. She is accompanied by her official chaperone, Miss Sheila Cooper, and her mother, Mrs. Cloutier, who are seated in the gallery. The Chair would like to ask the Sergeant-at-Arms to escort Miss Cloutier to the rostrum for any remarks she might care to make.

Thereupon, the Sergeant-at-Arms escorted Miss Cloutier to the rostrum where she addressed the Senate as follows:

Miss CLOUTIER: Thank you very much. I am most grateful for this great honor you have given me here today. I will do my best to represent the State of Maine in Mobile, Alabama in May, and I will try my best to be deserving of the title of Maine's Junior Miss. Thank you.

Thereupon, the Sergeant-at-Arms escorted Miss Cloutier from the rostrum to the rear of the Chamber amid the applause of the Senate, the members rising.

Communications

State of Maine

One Hundred and Sixth Legislature
COMMITTEE ON STATE
GOVERNMENT

Feb. 19, 1974

The Honorable Harry N. Starbranch
Secretary of the Senate
State House
Augusta, Maine

Dear Sir:

I have been requested by the Maine Chiefs of Police Association to transmit to the Legislature three resolutions passed by the Association at its winter meeting held in Waterville on February 15 and 16. I enclose the resolutions herewith.

Sincerely,

Jerrold B. Speers
Senator

JBS:TS

Enc. (3)

Which was Read.

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

Mr. SPEERS: Mr. President, I had the honor to speak before the Association of the Maine Chiefs of Police last Saturday evening, and was presented at that time with three resolutions and requested to transmit them to the legislature. I believe they have been distributed and should be on your desks this morning, and I commend them to your attention.

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

Mr. CONLEY: Mr. President, I would like to call the attention of the members of the Senate to one of the resolutions on the desks of the Senators this morning relative to the areas that the good Senator from Kennebec, Senator Speers, has referred to.

As everyone recalls, back during the regular session of the 106th we did pass L. D. 76, which was an act repealing public intoxication as a crime, and all I can say is that I am disturbed at the language of the resolution that is before us because I personally became involved, along with many other members of the legislature and a great number of public citizens throughout the state, who spent many hours of their time relative to this subject. And when the public hearing on this bill was heard before the Judiciary Committee, I would remind the members of the Senate that the hearing was held in Room 115 before an overflowing crowd.

Now, it disturbs me terribly when I read "We believe that L. D. 76 was totally ill-conceived, hastily drawn and, as such, is unrealistic, unworkable and unenforceable as presently written."

This disturbs me because I don't believe that the police of this state have given one moment's time to the problem of alcoholism and are primarily relying on the old adage of throwing them in jail, and that's it. Now, they soften their resolution up when in the opening line they recognize that alcoholism is a serious illness. Well, I would like to know what they have done about it if they consider it such a serious illness, other than the fact of transporting them to the bastille and then into the courts the following morning.

I am disturbed because of the fact that many police chiefs in this state appeared before the Judiciary Committee last year in support of L. D. 76 and are concerned enough about the problem that they are willing to do something about it and work with the problems of alcoholism within their communities, and see the bastille as no solution to the problem.

I am concerned also that the Department of Health and Welfare have been dragging their cans over the last year since this legislature adjourned in trying with some of the monies that were appropriated to help subsidize some of these detoxification centers in the state.

Now, my position is that I think the chiefs of police should get together and, instead of worrying about the effect of this law, try to implement and try to work and assist with some of the social service agencies that are about in the state, to at least let this law go into effect and to assist in trying to reduce the serious problem we have.

I would only remind the legislature that at the time the public hearing was held last year the Maine Police Chiefs Association did not appear before the Judiciary Committee, but did inform the Committee that they were opposed to the present language of L. D. 76 and of the fact that they felt it offered no alternatives to the present situation. I feel that those alternatives are there.

Secondly, I would only say that over 500 people appeared at that public hearing in support of the bill. And if this was hastily drawn and ill-conceived, I would only remind the legislature that the subcommittee on the treatment of alcoholism did not draft this legislation,

but it is the uniform act that has been adopted by the Commissioners on Uniform Acts throughout the fifty states. There were many opportunities for people who were opposed or who felt that L. D. 76 was going to create a burden on society, they had their opportunity to come before the Judiciary Committee or talk to other members of the legislature and let their position be known. I know that I received over 500 letters in support of L. D. 76 at the time it was presented to the legislature, and I am sure that many members of this legislature received many letters from their constituents in its behalf. So I would hope that the legislature, in reading this resolution as presented by the Maine Police Chiefs, would give serious thought to allowing the law to continue as it is. It goes into effect on July 1st of this year. The Appropriations Committee is going to again consider the amount of money that we have placed in the budget in trying to help subsidize additional centers in the state, and I think if the law is allowed to go into effect that we will be able to help cut down or eliminate, at least try to eliminate, the problem as it exists today.

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

Mr. SPEERS: Mr. President, I would like to thank the good Senator from Cumberland, Senator Conley, for his well-known reaction to the law enforcement officials in the state. Since they are not here to comment on their actions for themselves, I feel constrained at least to point out one or two facts.

The good Senator has mentioned that their reaction in the past to drunkenness has been to throw the individuals into jail, and I simply would like to point out that this has not been the reaction on the part of the law enforcement officials in this state, but has rather been the reaction on the part of this legislature and the part of public policy and part of the statutory laws of this state in the past, until L. D. 76 was passed last year, and the law enforcement officials have simply been carrying out their duties, which they are sworn to do under the Constitution. So if there is to be anyone to blame for the past, it is us and not the police officers of the State of Maine.

I would also like to point out that it is very specifically written in this resolution that the Chiefs of Police Association recognizes that alcoholism is a serious illness which requires professional medical treatment and, therefore, is not opposed to the moral and philosophical justification which proponents have used in striving for the enactment of the Uniform Alcoholism and Intoxication Treatment Act.

I think the problems that they are pointing out, however, are well recognized. The good Senator from Cumberland, Senator Conley, well recognizes those problems as well when he states that the Department of Health and Welfare has been a little lax in trying to solve some of the problems in providing for these treatment centers to which the police can transfer individuals whom they pick up on the street for intoxication.

Now, I don't think that the Chiefs of Police Association should be faulted for pointing out some of the problems that they foresee to be coming about once this act takes effect in June. What they are saying is that the state is not now prepared for this act, that we do not now have the treatment facilities which are necessary for the working of this act. I am very pleased to note that the good Senator has mentioned that there will be funds forthcoming to try and speed along the creation of some of these centers, so perhaps by July 1st we will have some place for the police to transfer these individuals.

I think far too often there have been instances in our society when the legislature acts and the people who are very directly affected by these acts remain silent, at least as far as communicating their problems to the legislature is concerned, and therefore, they run into problems and they sit there and complain about them and complain about the legislature for creating these problems, but simply don't transfer or transmit these problems to the legislature, so there is a communication gap and you have on the one hand one group of individuals complaining about something, and on the other hand the legislature sitting in ignorance as to those problems being created.

I would like to commend the Police

Association for at least letting us know their feelings on this matter and at least telling us that they feel there are problems ahead in the future, and perhaps we can get busy right here and now and, as the good Senator suggested, they are trying to spur on the Department of Health and Welfare so that we can solve some of these problems before they are created. I am thankful to the Chiefs of Police Association for at least having the interest to point out that there may be some problems here in the future.

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

Mr. CONLEY: Mr. President, I thank the good Senator from Kennebec, Senator Speers, for his remarks. I know that he is one of those among us who is concerned with the problem. But what disturbs me primarily is that since L. D. 76 was passed — and we were not the first state to adopt this uniform act — what comes to my mind is the fact that I have not heard where one police department in this state, and primarily let me say the Maine Police Chiefs Association, has gathered together to try to get before other states which have implemented the act to see how they are handling the problem.

Now, I admit that there is probably a revenue problem, that additional revenue is needed in certain areas of the state, but what I know to be fact is that the police for years have apprehended someone, we will say in Cumberland County, in the Town of Bridgton, would drive by the individual's home and go 45 miles to the Cumberland County Jail to incarcerate the individual for public intoxication, when he could have been dropped off at his home by the arresting officer. I don't think that is good common sense.

Secondly, I have seen abuse after abuse where an officer who is not properly trained, because of the fact that somebody has had just a little bit too much of John Jamison and probably has given a little foul mouth back to the officer, has taken it as a personal attack upon himself and his integrity and so forth, and all that nonsense, and the individual again has ended up in the bastille.

To me, I think it is an educational program that has to start, and it has to start with everyone, with the public citizen, with the police, with some of the hospitals which are getting their arms up in the air over L. D. 76 and are afraid that it may become a dumping grounds. And one other example is that I think there is total confusion as to the fact of what an alcoholic is, but the police primarily are recognizing the Saturday night drunk as the individual who has a very serious alcoholic problem and can't do anything about it, when we know, in all seriousness, that the individual just had one too many and could very easily be taken home.

So I hope before this session is ended that again there will be no ideas of anyone trying to repeal 76 or trying to stop its implementation because, again, I feel that the law should stay as it is and that everyone should get together and try to get it working. I think that is the main thing.

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

Mr. BERRY: Mr. President, I would like to address a few remarks to the second of the resolutions presented by the Chiefs of Police Association, and this has to do with the funding of their program.

I think all members of the Senate will recall that we took a fairly cautious approach to the funding of the police academy, not with any thought that the program itself was not meritorious, but the question of where the program was going to go eventually. You may recall my words that at first blush in the 105th Legislature, when they came before the Legislative Research Committee, I made the comment that it appeared they would end up very quickly with a larger enrollment than the University of Maine at the time I went to it. After a study by the Appropriations Committee, it was determined by the legislature that this was a very worthwhile program and that it should be funded.

The academy requested in their budget \$211,000, and the Governor's Office has cut it to \$150,000, or set it at \$150,000, and this is the cut referred to in their resolution where they say the budget of the Maine Criminal Justice

Academy for the first six months has been reduced by 28 percent.

The thrust of my comments is this: that we see here, not only in this resolution but also in the matter that Senator Conley has expressed concern about, which was reflecting the concern of the police chiefs that the program was not properly set up, we see here the chase for the dollar, and this is only going to increase. We did start a program that has tremendous financial commitments for the academy itself, and they refer to other programs in here which they feel justifiably require funding. I think it is very important that all of us, and the members of the academy and its supporters, realize that there is going to be a tremendous amount of pressure for the priority of the dollar, which very shortly I think we are going to find practically non-existent.

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

Mr. JOLY: Mr. President and Members of the Senate: It is quite appropriate that this appears before us today because yesterday afternoon the Legal Affairs Committee, by direction of this body and the other one, started its study on rural crime. We started by having the officials of the Maine Law Enforcement Agency appear before the Legal Affairs Committee and tell us what they have been doing. I was quite surprised, interested and pleased to find out about this organization, which I knew nothing about previous to yesterday.

I would like to point out some of the interesting things that came to our attention yesterday. For instance, and I haven't got the exact figures, but they told us there was something like 1.2 law enforcement officials per thousand population in the State of Maine, as compared to over 2. for an average in the country. We have about 130, and this includes the sixteen counties and the State Police, so you can subtract seventeen from 130, and you have about 110 law enforcement agencies in the State of Maine that make reports yearly. Now, you can imagine how many this leaves. And this includes those that have one full-time policeman or more. You know, many of our smaller areas have

just a constable or a deputy sheriff that perhaps works in the next town twenty miles away and is not around during the daytime.

We need a lot more interest on the part of the people to put money up at the town level in their town budgets to get together, join together, several towns and have a full-time enforcement person who, in turn, can be in communication with the State Police and with the sheriffs of each county. If we are ever going to attack rural crime and cut it down, we are going to have to do this. We have a great deal of sparsely populated areas in the state and these people are just not getting the law enforcement protection that they should be getting.

I certainly believe that the police academy is one way that we are going to help this by training people. It has done a great deal of good. This Enforcement Agency is doing a lot of good, and we are going to find out more, as our committee probably will be having some hearings. I sympathize entirely with this request that this budget cut be reestablished.

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

Mr. HENLEY: Mr. President and Members of the Senate: I feel I should say a few words on this for a brief reason which I will state. I believe I was the only objector in the other body when this bill passed. I listened to the pros and cons of this bill in Judiciary, and I came to the conclusion, in spite of my conservative personal ideas on the subject, that such a bill and such a law was probably in order and should be enacted. I believe that the record will show my chief objection was that it was so easy for us to sit here or stand here and write these laws as a concept, which is probably true and right, but not supplying the details of implementation. I insisted that we were putting the cart before the horse, and I still say so. I insisted that the concept probably in the long run was right but that we should prepare the grounds for it, because we did not have the facilities in a state which was 90 percent rural.

The concept was working beautifully in Cumberland County, and my friend, Senator Conley from Cumberland, was of course very much for the bill, and I can sympathize for the people in

Cumberland County and possibly with some of the other counties in the nucleus where they did have and have been working for years on the concept of receptive facilities and rehabilitation for intoxicated people. But as Senator Joly states, with so many of our rural areas where we just do not have the personnel or facilities, those things have got to be built up. Either we have got to have financial help or we have got to have organizational guidance. We have very definite problems, as this resolution states, throughout our state in the rural areas.

Now, it is so easy to say that a policeman, whether he be a full-time man, a night watchman or whatever, can pick up a drunk in public and take him to his home. That is no new concept. That has been done for a hundred years in a lot of our rural areas with certain types of intoxicated people. But what do you do when you get this intoxicated gentleman home and his wife slams the door and says "When he is sober you bring him back. I don't want him now. I don't want him in the house?" You take him to a hospital and there are no arrangements to handle him. So what does the poor policeman do?

I assure you, members of the Senate, that this law has created and is creating a tremendous problem. It just is not being implemented and it cannot be until the ground is fertile and the facilities are arranged for it. I see this resolution of these police chiefs as just the cream off the top. I have had contact with all police enforcement officials in my area, in my district, including some from Cumberland County in the rural areas, objecting to the fact that they cannot properly do their job under this law until they have the facilities to do it. So in full acceptance of the law, and the fact that we are coming to this as there are many states doing it, I say that a delay of the full implementation in rural areas is very worthwhile until we get prepared for it. That is about all I asked for in my objection last year, and I think that request is still valid.

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

Mr. SPEERS: Mr. President and Members of the Senate: I apologize for

speaking at length over really what are simply communications before this body. I am glad I don't get these every day. I would like to point out, however, that there is no bill before this body at the present time which would eliminate the effective date of the act, 76. But I would also like to point out that there is a budget document before this body, or will be, regarding the funding of the Criminal Justice Academy for the first six months of 1975. This was a result of the work of the Committee on State Government, which recommended that the state take over the funding of this particular academy.

I would like also to point out that I think it is clearly established public policy, established by this legislature, that the police officers of this state receive adequate training for their jobs. Four specific times the legislature has been asked to require that there be training of its police officers. The police chiefs are required to undergo the training, the municipal police officers are required to undergo the training, and the last time we also required that the sheriffs and deputies undergo the training at the police academy. Just in this session alone we have required a penalty provision for municipalities which refuse to send their police officers to the training academy. I think it is very clear public policy that we want to get away from the situation whereby the individual who has nothing better to do walks in and is handed a badge and a gun and is sworn in, and then they say "All right, you are a police chief."

Perhaps this is the condition that has been the case in the past that maybe justifies some of the reaction of the good Senator from Cumberland, Senator Conley, to our local police forces. But I think if we are to get away from this kind of situation, as it is clearly the policy of this legislature over a number of years in the past, that we are going to have to provide the financial support for the academy to provide the kind of training that we obviously wish to have our police officers have.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to

clear the atmosphere here this morning. I don't want anyone to think that I hate cops. I find it very difficult to love them, but it is only because of the fact that I think, as the good Senator from Kennebec has expressed in his wise words, we have lacked the training facilities. Perhaps we need a few more psychiatric members on the staff of some of our training programs. But I would like the members of the Senate to know that the Appropriations Committee did in our off-hours a week or two ago travel up to Waterville to view the present Criminal Justice Academy and spent several hours looking over their entire program. I can only tell the members of the Senate that I think the committee was deeply impressed by what they saw, and I am quite sure that the appropriation that is going to be considered will be an ample appropriation to continue the program.

The PRESIDENT: Is the Senate ready to place this communication on file? Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon the Communication and accompanying papers were Ordered Placed on File.

State of Maine
House Of Representatives
Augusta, Maine 04330

February 19, 1974

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

The House 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 Lowering the Maximum Age of Juvenile Offenders, (S. P. 713) (L. D. 2125).

The Speaker appointed the following conferees to the Committee of Conference:

Rep. PERKINS of South Portland
Rep. MARTIN of Eagle Lake
Rep. DONAGHY of Lubec

Respectfully,
E. LOUISE LINCOLN, CLERK
House of Representatives

Which was Read and Ordered Placed on File.

Committee Reports**House****Leave to Withdraw****Covered by Other Legislation**

The Committee on State Government on, Bill, "An Act Relating to a Maine Resident's Preference in State Employment." (H. P. 1738) (L. D. 2184)

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 Natural Resources on, Bill, "An Act to Clarify the Mining Laws." (H. P. 1889) (L. D. 2399)

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

The Committee on Business Legislation on, Bill, "An Act Relating to State Examination of Certain Financial Institutions." (H. P. 1890) (L. D. 2400)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature." (H. P. 1927) (L. D. 2462)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: I would not attempt to impede the progress of this bill this morning, but I just stepped outside in the corridor and told the first eight House members I met that you have a problem where you need additional secretarial assistance, and the answer of all eight of them was uniform, that they were unaware of the problem.

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

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

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act to Regulate Procedures for Obtaining Short-term Permits for Farm Motor Trucks." (H. P. 1790) (L. D. 2262)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks." (H. P. 1970) (L. D. 2510).

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I wonder if somebody from the committee would discuss the bill. I just happened to read the first line of it: "When a truck is already registered, the owner may receive a short-term permit allowing him to haul loads of larger tonnage for a limited period of 8 months or less." I wonder if someone would explain that little jewel to us.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed an inquiry through the Chair which any member of the committee may answer if he so desires.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would be glad to try to answer that question. The law is now set up for registering trucks that allows a truck owner to buy a license, for example, of 18,000 pounds. Now, a truck may be capable of hauling more than that, but there is a certain fee for 18,000 pounds. You are allowed under the law, to use that truck with that 18,000 pound license during the months of December, January and February, when the roads are frozen, but if you care to stay within the law and haul

loads exceeding those limits you may, under the law, on application to the Motor Vehicle Department purchase what they call a booster license for that vehicle for periods of time of one month up to eight months so you may legally haul loads on that truck and pay for only those periods of time you are using this truck in hauling these heavy loads other than December, January and February.

This bill allows that you may pick up this booster license from the agents designated by the Secretary of State other than the Motor Vehicle Department. I guess it is the intent that the Skowhegan police barracks and the Houlton police barracks would be able to issue these so-called booster licenses. Up until a couple of years ago, this was always handled by the state police officers, and I understand there are some bookkeeping problems and other problems with the state police officers getting into the business of selling licenses, so the law was changed so the state police officers no longer sell booster licenses. Now there seems to be an inadequate supply of people giving service to the people of the State of Maine in these booster licenses, therefore, this would allow the Secretary of State to designate maybe some town manager someplace, under his guidance and rules, and also the Skowhegan and Houlton police barracks. I hope that is a satisfactory answer to the question.

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

Mr. BERRY: Mr. President and Members of the Senate: This is a new draft of a bill, and what attracted my curiosity was the title of the original bill. The original bill was 2262, and the title is: "An Act to Regulate Procedures for Obtaining Short-term Permits for Farm Motor Trucks." I would like to ask the Senator on the Transportation Committee, anybody on the Transportation Committee, if the new draft of this bill which said "short-term permits for farm motor trucks", now having a title "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks", the first sentence of which reads "The owner may receive a short-term permit allowing him to haul loads of larger

tonnage", and incidentally insert a question: what is the limit of the larger tonnage? — would these trucks under the new redraft be construction trucks, for instance, that would be hauling on the highway system of the state?

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would again try to attempt to answer his questions. Number one, the title of the bill was changed because the sponsor of the bill serves on the Transportation Committee and indicated to the committee that the bill was drawn in error. She said she assumed that Sam Slosberg felt that her interest was in farm motor vehicles and, therefore, the title came out, but that was not her interest at all. It was an opportunity for truck owners who buy these booster permits to buy booster licenses, and her original intent was not to limit it to farm trucks.

The other question is certainly, yes, all commercial vehicles that are licensed in excess of 18,000 pounds are eligible under law to buy short-term booster permits. Maybe this is confusing, that the boosters may be bought only to the allowable limits of what trucks may be registered for under the standard registration procedures. There is not an extra weight limit. I think it is 32,000 pounds on a two-axle vehicle and 48,000 pounds on a three-axle vehicle. You don't buy boosters in excess of what the law allows. It is only that you may register a truck for a given period of time during the year that you may be using that truck, and that applies to all commercial vehicles. No special groups are designated at all. It is all commercial vehicles.

The PRESIDENT: Is the Senate ready for the question?

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

The Committee on Judiciary on, Bill, 'An Act Relating to the Installation of a Uniform Crime-reporting System.' (H. P. 1869) (L. D. 2368)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1971) (L. D. 2511)

The Committee on Education on, Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 25." (H. P. 1909) (L. D. 2445)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Increasing Borrowing Capacity of School Administrative Districts No. 25 and 42." (H. P. 1974) (L. D. 2515)

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 Marine Resources on, Resolve, Authorizing the Department of Marine Resources to Determine Disposition of the Statue, "The Maine Lobsterman." (H. P. 1712) (L. D. 2105)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Statute, "The Maine Lobsterman," (H. P. 1969) (L. D. 2509).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-694).

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

Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish

the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators Shall be Taken Before the Chief Justice of the Supreme Judicial Court. (H. P. 1678) (L. D. 2071)

Reported that the same Ought to Pass in New Draft under New Title: Resolution, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives to One Hundred Thirty-two, and Reapportionment of the House of Representatives before the General Election of 1976; to Provide for Further Reduction of the Number of Representatives to Ninety-nine, and Reapportionment of the House of Representatives and the Senate before the General Election of 1984; to Provide for Annual Sessions of the Legislature and to Limit the Matters which may be Considered in the Second Regular Session; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (H. P. 1972) (L. D. 2513)

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD of Androscoggin

Representatives:

CURTIS of Orono

FARNHAM of Hampden

GAHAGAN of Caribou

GOODWIN of Bath

NAJARIAN of Portland

COONEY of Sabattus

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:

SIL ERMAN of Calais
BUSTIN of Augusta
STILLINGS of Berwick

Comes from the House, the Majority report Read and Accepted and the Resolution failed of Passage to be Engrossed.

Which reports were Read.

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

Mr. KATZ: Mr. President and Members of the Senate: I wish I had a dollar for every time I have voted for the items within this grand package, and I wish I had a dollar for ever legislative session that our hopes were raised and then dashed. The fact is this morning though that when single member districts went down the drain all chances for a legislative package went down the drain too. I guess because I have been involved so many times, and don't really desire to regurgitate the whole thing all over again, with a sinking heart I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves item 6-9, Legislative Document 2071, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I don't think that anyone in this body has any illusions as to the chance of passage of this particular package. I think the Senate, however, has indicated its feelings on this matter in the past and, if I judge the feelings of this body correctly, I don't believe that those feelings have changed one minute particle since the end of the session last June.

I don't believe that by passing this matter in the Senate we would be rehashing the old problems because I firmly believe that once it goes back down to the other body in non-concurrence that, true to form, we will not see this bill before us again this session. I would not like to see this body, however, bow in its will to the deliberations of that other body because I don't believe that the Senate of the State of Maine in any way feels the same way about this package that the other body does feel. I would, therefore, oppose the motion for indefinite

postponement on that basis, and hope that the Senate would stand firm in its feelings of the need for legislative reform for the people of the State of Maine.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would concur with the good Senator from Kennebec, Senator Speers. I think it is important for the Senate to once again affirm its determination that government should be modernized, especially the legislative branch of government which represents the people most directly, so that the legislative branch of government will be able to modernize itself and cope with the growing executive and bureaucratic branch of the government. I think that is really what the issue is here, and I think it is important that the Senate reaffirm its position in favor of that much needed reform. Thank you, Mr. President.

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

Mr. BERRY: Mr. President and Members of the Senate: One of the curious qualities of floor leaders is their ability to pursue worthwhile objectives and then, when reality closes in, such chaps as Senator Brennan from Cumberland and myself all of a sudden can become very practical.

We have gone beyond the point of any possibility of enacting this legislation and, in the interest of legislative progress, I would urge everybody to join Senator Katz's motion. I would reaffirm my support for this, but the time is past when it is a practical reality.

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

Mr. SPEERS: Mr. President and Members of the Senate: With reluctance, I rise to disagree with the majority floor leader on this issue. I don't feel that the Senate by taking affirmative action on this matter is going to delay this session one moment. Certainly this particular matter is not the last matter before us and once we dispose of this we are not going to be adjourning without day, and it will go

back down to the other body and they can do what they wish with it.

I think that I would agree with the Senator from Androscoggin, that it is most important for this body to affirm its belief that the legislative branch of government must reform itself if we are to meet the ever-increasing demands upon us in order to better represent the people of this state. I think the realities of this particular package are known, but I think it is also important for this body, being the upper branch of the legislature, being the Senate of this state, to reaffirm its very strong belief that the legislature must reform itself to meet realities of today.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Legislative Document 2071, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that this resolution be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion did not prevail.

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

Senate Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Property Tax Exemption of Health Care Institutions." (S. P. 894) (L. D. 2496)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 910) (L. D. 2519)

Signed:

Senators:

WYMAN of Washington

FORTIER of Oxford

Representatives:

FINEMORE of Bridgewater

DAM of Skowhegan

MAXWELL of Jay

MERRILL of Bowdoinham

IMMONEN of West Paris

SUSI of Pittsfield

MORTON of Farmington

DRIGOTAS of Auburn

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

Signed:

Representative:

COTTRELL of Portland

Which reports were Read.

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

Second Readers

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

House

Bill, "An Act Increasing Indebtedness of Stonington Water Company." (H. P. 1910) (L. D. 2446)

Bill, "An Act to Amend the Charter of Augusta Sanitary District." (H. P. 1967) (L. D. 2506)

Bill, "An Act Relating to the Expunging of Certain Records of Arrest." (H. P. 1957) (L. D. 2492)

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

Senate

Bill, "An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service." (S. P. 909) (L. D. 2516)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Prohibiting Swimming or Bathing in Mt. Zircon Reservoir, Blanchard Reservoir and the Distribution or Pettengill Reservoir all in Rumford, Oxford County." (S. P. 844) (L. D. 2385)

Bill, "An Act Relating to Duties of the Attorney General." (S. P. 780) (L. D. 2236)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills

reporting as truly and strictly engrossed the following:

An Act Providing for Restricted Motor Vehicle Operator's License. (H. P. 1755) (L. D. 2214)

An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game. (H. P. 1868) (L. D. 2367)

An Act to Revise the Membership of the Land Use Regulation Commission. (H. P. 1937) (L. D. 2471)

An Act Relating to Failure to File Annual Reports of Corporations. (H. P. 1959) (L. D. 2493)

An Act Clarifying the Provisions of the Waste Water Construction Grant Program and Waste Water Pollution Control Planning Program. (H. P. 1960) (L. D. 2499)

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

Resolve, to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals. (H. P. 1899) (L. D. 2407)

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

Emergencies

An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County and Somerset County. (H. P. 1687) (L. D. 2080)

An Act to Clarify Certain Property Tax Statutes. (H. P. 1796) (L. D. 2276)

These being emergency measures and having received the affirmative votes of 26 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education." (H. P. 1945) (L. D. 2479)

Tabled — February 15, 1974 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec,

retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Senate Report — from the Committee on Public Utilities — Resolve, Authorizing the Town of Bingham to Remove Sand Bars at Confluence of Austin Stream and Kennebec River. (S. P. 720) (L. D. 2132) Ought to Pass as Amended by Committee Amendment "A" (S-337)

Tabled — February 15, 1974 by Senator Berry of Cumberland.

Pending — Motion of Senator Cummings of Penobscot to accept the report.

The Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A" was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: It is with a great deal of reluctance that I rise to ask a question through the Chair of the Senator from Franklin, Senator Shute, if he has seen a copy of the opinion of the Attorney General addressed to the Chairman of the Committee on Public Utilities, dated February 13? I was just this moment handed a copy, and I have not read down through it, but I understand that the thrust of the opinion is that the act as written is now unconstitutional, and I am wondering if the good Senator has seen that and whether or not he agrees with the thrust of that opinion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair which the Senator from Franklin may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: This document has been in the Senate Chambers now for over a week, perhaps two weeks, and perhaps this is the time to give a full explanation.

First of all, to answer Senator Speers question with regard to the opinion from the Attorney General's office, my answer is yes, I have seen the opinion, and I am unconvinced by his opinion that this bill, L. D. 2132, is not needed by the Town of Bingham. His explanation of the law as it relates to the Bingham situation, in my opinion at least, bears no resemblance. In his opinion, for instance, was cited a situation in court case law where the Town of Scarborough passed an ordinance prohibiting anyone, other than the citizens of the Town of Scarborough and innkeepers and hotel owners, from digging claims in that town.

In L. D. 2132 we are talking about life and property in the Town of Bingham, people who pay taxes to that town. To give you some history and background on this, Austin Stream is a stream of some 12 miles in length and falls over 700 feet in that 12 miles. So over the years this created a natural gorge coming down into Bingham in a flat land area, which is Bingham and Moscow, which, as you know, lie at the foot of 120-foot high Wyman dam and a lake that is 18 miles long in back of it. So water has always been a problem at Bingham, and Austin Stream hasn't helped it any over the years. Through the years Bingham has appropriated money to dredge or stabilize the stream bed, if you will, of Austin Stream to prevent it from overflowing. They have done this by the means of using old ox carts in the old days at low water time and scooping out the stream bed and building high banks on either side, and constructing what they call bunters, that is, a crib work of logs and putting big stones in there to prevent flooding when the ice comes down the stream in the springtime. This has been a necessity and they have done this over the years.

In 1954 the Town appropriated \$10,000 at its town meeting to do what they hoped would be a permanent job. Well, this \$10,000 lasted for 20 years, or until the 1970 Legislature, the 104th, passed the law which prevented bulldozing in streams, and gave the enforcement of this law to the Inland Fish and Game Department. Consequently, since 1970 Bingham has been prevented from stabilizing the stream bed and preventing flooding.

This stream drains 91 square miles, and it is important to the taxpayers and the homeowners who live along this stream to see that this water goes in a flume-like area and doesn't build up in eddies with the sand bars and with the obstructions that come down the stream in its natural flow. What happens, and what has happened since 1970 when the town was prevented from doing any work in this stream, is that the stream has built up obstructions, and what happens at this time of year is that the water and ice cakes adhere to the sand at the bottom of the stream bed and build up, so that when the spring freshet comes this anchor ice holds and builds the rest of the ice in back of it and the water, trying to find some way to get around this obstruction, creeps over the surrounding area, and just last December, without any ice in this stream, they suffered again some severe flooding of the low lands. For instance, it wiped out a whole area where the water system goes across the river, goes across Austin Stream, and they have already had to appropriate money in a special meeting to fill in this area with gravel and restore the banks.

Since 1970 the officials of Bingham have been in conversation with Mr. Marsh and his people at the Inland Fish and Game Department, and they have asked them for permission to dredge this stream to prevent further flooding. Last summer they were granted permission for 100 feet, no more, in the area around where Route 201 crosses the stream. Now, for those of you who have been through Bingham and traveled Route 201 to the Canadian border, up through Jackman, you are familiar with this and know that the bridge is just beyond the business section in Bingham. And down below, as it sweeps towards its confluence with the Kennebec River, there are houses built on a flood plain. These homes were built many years ago and, of course, in the old days we didn't have the problem of cutting off timber in the high ground country in back of Bingham, which helped induce the flooding over the years. So the Town of Bingham has made an attempt since 1970 to try to do something to stabilize this area, but 100 feet on either side of Route 201 has not been the answer.

As a consequence, the selectmen in Bingham and in Moscow, the adjoining town, came to me last fall and asked me if I would submit a bill to the special session of the legislature to permit them to bulldoze or to stabilize this stream, if you will, from an area at the confluence of the Kennebec River up for 1,200 feet. It was my understanding that this was all that they wanted, but at the hearing, this hearing with Bingham people and Moscow people attending, the hearing before the Public Utilities Committee, lasted for over three hours, if you will, and they presented all kinds of documents and pictures showing the damage that the floods in this stream area have created over the years. They convinced the Public Utilities Committee that there was a need for more than 1,200 feet, so they amended it, and this is what the amendment calls for 4,300 feet, which would take them about three-quarters of a mile from the confluence of the Kennebec River upstream.

Now, the Town of Bingham isn't trying to bulldoze the State of Maine into changing a law or circumventing a law. They are just seeking protection for the taxpayers in the community. I believe that this legislature is the place to seek exemptions from such restrictive laws. This is what the bulldozing law has done to the people of Bingham, and they have had meetings as recently as February 5th, with 23 persons attending at the invitation of the planning board, whose chairman is in this Senate Chamber at the moment; the members of the board of selectmen; the State Civil Defense Director; the Corps of Engineers, United States Army; U.S. Soil and Water Conservation people the Maine Soil and Water Conservation; the Somerset County Soil and Water Conservation Service; Maine Department of Transportation, who is concerned about the condition of the bridge over 201 that crosses Austin Stream; people from the Scott Paper Company who own land adjacent to the stream and just above the bridge; the Kennebec Valley Conservation Association; the Maine Fish and Game Department, with several representatives from the biologists division and from the warden division; the Bingham and Moscow Chamber of Commerce; the planning

board; the selectmen; and representatives from the news media.

It was agreed at this meeting that Bingham should follow a system of planning for the permanent solution to their problem, and a discussion centered around the building of a high dam which was at one time proposed by the Army Corps of Engineers at a point some six miles above Bingham at a deadwater. Now, erection of a dam of this nature would flood over some 400 acres of land, and this area would encompass some valuable deer wintering yards, and it was the objection of everybody there that this solution was not the correct one; that following a system that was devised by the log driving companies years ago in building what they call open-gated dams on the tributaries to Austin Stream would perhaps solve their problem. It was proposed that it would take up to three years in order to accomplish the planning which the soil and water people, both at the state level and federal level, and the Army Corps of Engineers would help Bingham complete. If this bill is passed, L.D. 2132, Bingham will make application — and they have been encouraged to do so by the federal people and the state people — for \$43,000, which would help them in the planning the long-range planning for the solution to their problems and for the stream stabilization.

This does call for an exemption to the bulldozing law, but we say that Bingham is an exception in this case, and these people have come to us, to this legislature, asking for this exception, and this is why this document is before you with a committee amendment asking for the additional footage on the stream, 4,300 feet, and for a three-year period.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wish to thank the good Senator from Franklin, Senator Shute, for an excellent explanation of this particular bill. I have, as I mentioned, not had an opportunity to

read the Attorney General's opinion, and it may very well be, because of the problems that obviously do exist for a considerable number of people in the Town of Bingham, that perhaps we should take the chance on the opinion and go ahead and pass this bill anyway. But I did want to understand whether or not the opinion which does state that the act would be unconstitutional had been taken into consideration, and I thank the Senator for his explanation.

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

Mr. TANOUS: Mr. President and Members of the Senate: I am familiar with Senator Shute's problem on the Bingham Bill, so-called. We have a dredging bill in the Judiciary Committee presently which has been given a hearing and we intend to report the bill out of committee very shortly.

As I said, I am familiar with the problem that Senator Shute has mentioned in the Town of Bingham and, as the result of a request from Senator Shute to include an amendment on that dredging bill, our clerk, Craig Nelson, who was formerly a member of the Attorney General's office, did some research on the resolve that Senator Shute has filed, and he disagrees with the Attorney General and feels that the resolve is constitutional. So I would certainly support the resolve of Senator Shute. There is a serious question in my mind, I think, that the original law is unconstitutional because it deprives the people of Bingham of the right to protect their property. Certainly this is an inherent constitutional right which, in my opinion, overrides any statute mentioned.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The Attorney General's objections go to whether or not the legislature can exempt a municipality from the requirements of a general law by special legislation. The same rule of law applies to county government, and I think, if you would look on your calendar at Item 8-7, we in this very body this morning exempted Kennebec County and Somerset County

from the restrictions of Title 30 and allowed them to get into the solid waste collection and disposal business. So it seems to me the same would apply here, and I see no reason why we could not exempt by special legislation the Town of Bingham from resolving their problem which is peculiar to them. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: I concur heartily with the good Senator from Franklin, Senator Shute. This came before our Committee on Public Utilities and we turned out a unanimous ought to pass report on it. I also have before me the ruling of the Attorney General's office.

In the first place, the ruling was made by a young attorney who I think is not too familiar with our conditions here, but in his ruling he also cited several other cases, one of which interested me very much. I will read just the first paragraph of this:

"Only in cases when the legislature has created a statutory exemption for a genuine class of persons, which discrimination has a rational basis reasonably related to the purposes of the statute, has the court found no violation of the equal protection clause." They claim that this is class legislation. Well, according to this ruling here, which was done on the court case of State versus Leavitt in the case of clamdigging in the Town of Scarborough, the objections were sustained. And I think possibly this same case here applies in the case of Bingham.

The bulldozing law is only a small paragraph, and all it says is that it will be illegal to put a bulldozer in a stream or a river in the State of Maine. It is general, there is no appeal to it, and the enforcement of it has been put in the hands of Fish and Game. But there are no directives and no guidelines whatsoever for the Commissioner to follow. In fact, I have a similar case to Bingham which will be coming a little later, so I am quite familiar with the case and the problem and, in discussing it with the Commissioner, he cited me another case in which he allowed his

office to issue a permit to remove logs from the bed of a river, and he is being brought to court on that case. He is being brought to court by conservation groups. And it is this fear which is behind his judgment on all of these permits relating to the bulldozing law.

Now, in the bulldozing law there is no appeal built into it, which is a very bad feature, and all the law says is that there shall be no bulldozing of streams and rivers. So what permit can the Commissioner issue? Actually he is going against the statute by issuing permits. So it is this fear of this court case which has been in back of his mind all along. But at the same time it is not fair to have a law which will apply throughout the whole state of Maine and there is no exception to it. Now, in this case here it is a question of life and the saving of properties, and I think they are entitled to having this exemption built into it. I think we should look a little further into this bulldozing law itself and try to work into it some kind of an appeal with an appeals board so that if you have a good case you can bring it before the body that will judge it on its merits and not just on a generality. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: As a member of the Public Utilities Committee, I felt and still feel that unless this stream is bulldozed periodically it creates a safety hazard. In fact, it jeopardizes life, limb and property. I would also say that Austin Stream is just a passageway for fish and not spawning beds. I heartily concur with the remarks of my good seatmate, Senator Shute.

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

Thereupon, Committee Amendment "A" was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Correct Errors and

Inconsistencies in the Education Laws." (S. P. 895) (L. D. 2488)

Tabled—February 19, 1974 by Senator Berry of Cumberland.

Pending—Consideration.

(In Senate—Passed to be Engrossed.)

(In House—Passed to be Engrossed as Amended by House Amendment "A" (H-682) in non-concurrence.)

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending further Consideration.

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

Bill, "An Act Relating to School Buses." (S. P. 722) (L. D. 2134)

Tabled—February 19, 1974 by Senator Berry of Cumberland.

Pending—Passage to be Engrossed.

(Committee Amendment "A" (S-349).

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-356, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The purpose of the amendment is to correct a situation which would develop in communities where we have transit bus companies operating at the present time. I would read to you the exemption in the Federal Department of Transportation National Highway Traffic Safety Administration law, and I am quoting: "The law does not include vehicles that only carry school children along with other passengers as part of the operations of a common carrier."

I would now read to you from the State Motor Vehicle laws, Subchapter 12 under School Buses, the exemption, and the law says: "Other than buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission."

Now, the purpose of the amendment is to put this into the bill that we are talking about. The bill would require and the amendment would eliminate the need for painting the buses used from a bus transportation system licensed under the P.U.C. for carrying children and other passengers to school and on

regularly operated authorized routes. The facts are that we would have considerable confusion where these buses operate with everybody stopping all the time going in either direction along regularly traveled roads. The safety record of these buses operating, as they have been for years, is absolutely impeccable. There have been no accidents connected with them.

The expenses involved to the communities would be significant. There would be buses required to be painted and have lights on them which would ordinarily be used on the regularly licensed routes, and this would confuse people when they are not being used for carrying school children. I would suggest that in communities where they now operate under contract with bus systems where all buses are painted yellow, frequently communities need additional buses for special purposes, and if the local bus system cannot provide them, then the community would be denied the use of this.

Now, I emphasize that we are only talking about buses which are used on licensed public utility routes. We are not talking about vagabond or isolated bus operations. I consider this and I am sure the amendment is only applicable to the situations that I am mentioning. This is spelled right out in the proposed amendment. I would urge your careful consideration and your support for the adoption.

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

Mr. SHUTE: Mr. President, our Chairman, Senator Greeley, is not with us today and, as I understand it, this is one of the first times that he has been absent in a long time, but only because of the illness of his wife, and I think we ought to have the benefit of his expertise on transportation matters and school bus affairs. I think it would be acceptable if this were tabled by someone for one legislative day until we had his thinking on this amendment.

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

Thereupon, on motion by Mr. Joly of Kennebec, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974." (S. P. 834) (L. D. 2366)

Tabled — February 19, 1974 by Senator Berry of Cumberland.

pending — Motion by the same Senator to reconsider action whereby Bill Failed of Enactment.

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

Mr. SEWALL: Mr. President and Members of the Senate: This item, as I am sure you all are aware, has generated considerable debate in this body. So much so, in fact that as Chairman of the Appropriations Committee I have appointed a subcommittee of three knowledgeable and responsible members of the Appropriations Committee to do a rather in-depth study of the entire office of Civil Defense and, hopefully, they will report back to the full committee sometime during the early part of next week. We are aware that there are many pros and cons having to do with this allocation. The good Senator from Oxford, Senator Henley, is very knowledgeable in this area, and we have listened to his logic against funding this emergency appropriation. So I would hope that somebody or the good majority leader would table this matter unassigned until such time as we can get this report back.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled, pending the motion by that same Senator to Reconsider.

Mr. Joly of Kennebec was granted unanimous consent to address the Senate:

Mr. JOLY: Mr. President and Members of the Senate: I meant to get up yesterday and say something but the good Senator from Penobscot beat me to it with adjournment.

I would just like to bring your attention to a couple of items that have come to

my attention last week-end regarding the equal rights amendment. The first one was that one of our registration chairmen has posed a problem of some of the ladies who would like to register under their maiden names. If this goes through, it is going to be a little more difficult for our good candidates for Governor because their postage price is going to increase for they are going to have to send a lot more mailings out.

The second thing that has come up is that the airlines have for many years had specifications of standards for stewardesses. This is being challenged now, and I just might say to any of you who are flying in the next few months that if a Mama Cass leans over with your martini just remember what we did.

Papers from the House

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

Enactors

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

Emergency

An Act Authorizing the Secretary of State to Extend Expiration Date of all Motor Vehicle Registration under Emergency Conditions. (S. P. 906) (L. D. 2507)

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.

Reconsidered Matter

On motion by Mr. Speers of Kennebec the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Hospitalization of the Mentally Ill", (S. P. 908) (L. D. 2512) was Passed to be Engrossed.

On further motion by the same Senator, tabled and Specially Assigned for February 25, 1974, pending Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, Adjourned until 1 o'clock tomorrow afternoon.