

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

SENATE

Tuesday, March 12, 1974

Senate called to order by the President.

Prayer by Father Jules Guy of Augusta:

Lord, the elected officers of the State of Maine have worked long and hard during this special legislative session. Many decisions have been made. Many more will be made. Grant them, Lord, the wisdom and the insight to decide what will be best, what will be in the best interest of the people they serve. Guide them in the decisions which remain to be made. These decisions will not only affect the present but will mark the course which the state will follow for years to come. To go forward is always a gamble since it leads to the untried and uncharted, but to go forward makes us reconsider structures and programs, re-examine positions and play the role of the prophet who looks to the future. Lord, this is the task of the Senate. May their decisions fulfill the hopes of all the people of Maine, and we ask you, Lord, to continue to bless all their efforts. Amen.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

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

In the Senate February 27, 1974, Passed to be Engrossed as Amended by Committee Amendment "A" (S-349) and Senate Amendment "B" (S-366).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-349) and House Amendment "A" (H-741), in non-concurrence.

On motion by Mr. Berry of Cumberland, tabled and Specially Assigned for March 14, 1974, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Amend the Industrialized Housing Law." (S. P. 927) (L. D. 2558)

In the Senate March 7, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-746), in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the history of interscholastic athletics was rocked on March 9, 1974 at the Youth Center, as the Lewiston Blue Devils reasserted superiority in Maine tournament hockey; and

WHEREAS, the skill and intrepidity of this club in terminating the Panther dynasty since 1968 has commanded the admonition and applause of countless followers; and

WHEREAS, this achievement records special honors to Coach Donia Girard, Jr., and the giant Blue Devils of Lewiston Comprehensive High School and paves the way for even greater achievement at the New England High School playoffs; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the great and sovereign State of Maine, now assembled in special legislative session, take this opportunity to proclaim the City of Lewiston as the High School Hockey Capital of Maine for 1974 and recognize and honor this outstanding hockey club, its coach and its enthusiastic supporters for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state at the New England Tournament; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the Principal and Coach of Lewiston Comprehensive High School in token of the sentiments expressed herein. (H. P. 2029)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28 to read as follows:

28. Measures rejected at regular session. No measure which has been introduced and finally rejected in the regular biennial session shall be introduced at any special session of the same Legislature except by vote of two-thirds of both Houses. (H. P. 2006)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-734).

Which was Read.

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

Joint Resolution
STATE OF MAINE

IN THE YEAR OF OUR LORD ONE
THOUSAND NINE HUNDRED AND
SEVENTY-FOUR

RESOLVE TO EXTEND
WELCOMETO
CAPTAIN PHILLIPE CLOCHARD,
HIS VESSEL, THE B.S.L. RHONE,
AND CREW TO THE
STATE OF MAINE

WHEREAS, France is a remarkable land with remarkable people, a leader for centuries in art, literature, social manners, fashion and the refined enjoyment of living; and

WHEREAS, the Batiment de Soutien Logistique, RHONE, a 300-foot logistical support ship of our far distant neighbor to the east is currently on maneuvers in the North Atlantic; and

WHEREAS, the B.S.L. RHONE, under the command of Captain Phillipe Clochard, 10 officers and a crew of 125 petty officers and enlisted men, will reach Portland on Thursday, March 14, 1974 at 9:00 a.m. for an unofficial visit and brief rest period; and

WHEREAS, as a courtesy to the people of Maine, this magnificent vessel will be open for public viewing on Saturday and Sunday, March 16th and 17th from 2:00 p.m. to 4:30 p.m. at the Maine State Pier on Commercial Street; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives in the first special session of the One Hundred and Sixth Legislature of this great and sovereign State of Maine, join to greet Captain Clochard and the members of his crew and to extend to them a sincere legislative welcome, as well as that of the citizens of our State, and in extending our hand in welcome, we are looking forward to this brief visit with Captain Clochard and his crew and sincerely hope they will have a pleasant visit with us here in the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution be prepared and duly authenticated by the Secretary of State for presentation to Captain Clochard and his crew in honor of the occasion and that said copies of this resolution be transmitted to the local representative of the Commandant of the First U.S. Naval District for delivery to the RHONE. (H. P. 2030)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Committee Reports
House

Ought to Pass in New Draft

The Committee on Business Legislation on,

Bill, "An Act Relating to Minimum Warranty Standard for Mobile Homes." (H. P. 1729) (L. D. 2173)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2019) (L. D. 2562).

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

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

Divided Report

Seven members of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Equal Rights. (H. P. 1840) (L. D. 2332)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec
CLIFFORD of Androscoggin

Representatives:

FARNHAM of Hampden
CROMMETT of Millinocket
BUSTIN of Augusta
NAJARIAN of Portland
COONEY of Sabattus

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex. (H. P. 2018) (L. D. 2561)

Signed:

Senator:

WYMAN of Washington

Representatives:

CURTIS of Orono
STILLINGS of Berwick
GAHAGAN of Caribou
SILVERMAN of Calais

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (H-737).

Signed:

Representative:

GOODWIN of Bath

Comes from the House, Report "B" Read and Accepted and the Resolution in New Draft Passed to be Engrossed.

Which reports were Read.

Mr. Wyman of Washington then moved that the Senate Accept the Ought to Pass in New Draft Report "B" of the Committee.

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

Mr. MINKOWSKY: Mr. President, I am a little confused about these three different reports and I was wondering possibly if somebody from the State Government Committee could explain each and every one of these divided reports. I am more concerned with Report "C", and I am wondering if this is not the report that would send this particular measure to the people of the State of Maine in referendum so they may vote on this.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed an inquiry through the Chair which any Senator may answer.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the good Senator from Androscoggin, Senator Minkowsky, is correct. Report "C" is the report that would pass the bill that was introduced into this session and is the exact wording of the Federal Equal Rights Amendment that was passed by this body earlier in this session. It is amended, however, to provide as well for an effective date on that particular amendment to be two years after the ratification of the amendment by the people. It also provides for a precise wording that is to be placed on the ballot, should this amendment go to the people.

Report "B" from the State Government Committee is an Ought to Pass in New Draft. This would also place the question of an equal rights amendment before the people, however, the amendment is to the Maine Constitution and would not therefore necessarily be precisely the same wording as the amendment that we passed to the Federal Constitution. Report "B" places that wording in the appropriate section of the Maine Constitution, and also changes the wording a little bit of the amendment itself, primarily to fit into the Maine Constitution.

Report "A", however, is very clear and very simple "Ought Not to Pass." I would urge the Senate to reject the motion of the good Senator from Washington, Senator Wyman, and I would then propose the motion to accept Report "A", Ought Not to Pass.

My feelings on this particular matter have been arrived at after very careful and very hard consideration. I think it obvious, after the presentation that I made earlier on the Equal Rights Amendment to the Federal Constitution, that I am very much in favor of the type of equal rights amendment that the bill proposes to the State Constitution. I would not, however, say the same for the motives of those who introduced this particular bill. And after very long and careful consideration, I arrived at the

conclusion that this bill was introduced in this special session for one reason and one reason alone, and that was to provide for a referendum on the Federal Constitution of the United States on the question of the Equal Rights Amendment.

The testimony before the Committee notwithstanding, I believe that if this bill passed this legislature, if a referendum were held this fall, that it would be presented to the people as a referendum on the Equal Rights Amendment to the Federal Constitution, which we, as the legislature of the State of Maine, had the constitutional opportunity and duty to pass upon, and which we did perform that duty during this special session. This bill would be presented to the people as a referendum on that action, and I don't think there is really anyone here who would deny that fact. So we basically get down to the question of should there be a referendum on the action that we took earlier in this session on the ratification of the Equal Rights Amendment?

The Federal Constitution provides very clearly, in very plain language, how that Constitution is to be amended, and it very clearly and very plainly indicates that it shall not be amended by a referendum of the people, but that it shall be amended by a vote of three-fourths of the legislatures of the various states. I think that what is being questioned with this bill before us today is really the method of amending the Federal Constitution, and if the proponents of this particular bill wish to change the method of amending the Federal Constitution, then I suggest that that in itself takes an amendment to the Federal Constitution. That is how this should be approached.

So, Mr. President, I signed an Ought Not to Pass Report because the Federal Constitution requires the legislatures of the various states, and no one else, to pass upon amendments to the Federal Constitution, and I would urge this Senate to reject the motion of the good Senator from Washington so that we can go along with the support of the Federal Constitution that an Ought Not to Pass Report would indicate.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I must oppose the motion of Senator Speers from Kennebec. If this were presented to us in an effort to go against the decision of this legislature, I would be the first one to oppose it.

The bill, as reported out under Report "B", calls for an amendment to the State Constitution. This is an expression of equality for both sexes which the legislature previously has put in the statute books. If the principle involved here is important enough to put in the Federal Constitution, certainly it is important enough to put in the State Constitution.

I think we should clearly understand that this is not an attempt to go against what this legislature did before in the ratification of the Federal Constitutional Amendment. I hope you would support the motion of Senator Wyman.

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

Mr. CLIFFORD: Mr. President, I signed Report "A", Ought Not to Pass. I attended the hearing on the resolution to amend the State Constitution, and every proponent, or nearly every proponent who spoke in favor, had a button or a sign that said "Stop ERA." I think it was fairly clear that their purpose was to secure an advisory referendum on the amendment to the Federal Constitution. And it is fairly clear that if the amendment to the State Constitution is defeated that they will bring the matter back to the 107th Legislature and say that the people have voted against it and, therefore, the legislature should turn around and change its mind.

But this is not an advisory referendum that we are considering. It is an amendment to the State Constitution, and the wording of the original amendment as proposed, which is the Report "C" amendment, was exactly the same as the amendment to the Federal Constitution. Now, when this legislature took up the amendment to the Federal Constitution, the legislature had no choice as to the wording. It could not

amend the wording and had to accept or reject the exact wording as is.

The people who spoke in favor of Report "C" were the same ones who spoke out most loudly against the amendment to the Federal Constitution, saying that it was subject to interpretations which could lead to rigidity and inflexibility in the application of our laws. So some members of the Committee thought they would change the wording from "equal rights under the law" to "equal protection of the laws," which would be less rigid and less inflexible. However, the majority of the Committee, looking at both Report "C" and Report "B", concluded that Report "C" was something we did not need because the Federal Constitution would most likely soon be amended, and Report "B" is not needed because we have similar language already in our State Constitution. Therefore, the majority felt that since this is not an advisory referendum, since it is a resolution proposing an amendment to the State Constitution, that the best method of disposing of this matter would be that it should not pass.

That is, I hope, an explanation of some of the reasoning behind this. The majority felt it ought not to pass. Report "B" really is not needed because we have similar language in our State Constitution already. And Report "C" contains language which many of us had questions about at the time the Federal Constitution was amended, but we had no choice as to amending the amendment to the Federal Constitution. Therefore, I hope you would reject the motion of the good Senator, Senator Wyman, and that you would ultimately accept Report "A", Ought Not to Pass. Thank you, Mr. President.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I voted for ratification of the Equal Rights Amendment to the Federal Constitution and did so, along with the majority of you, because I felt it was a matter of simple justice, as Dwight Eisenhower suggested.

I fail to see the sinister implications that the Senator from Kennebec, Senator Speers, seems to imply exist here. We are talking about an amendment to the Constitution of the State of Maine. Establish procedures in our own Constitution require that the people be given an opportunity to vote on it. That being true, I can't see any reason why we want to deny Maine people an opportunity to cast a vote on an amendment to their Constitution which will set out, in fact, an equal rights amendment similar to that in the federal law.

Mr. President, for that reason, I am going to vote to support this legislation and hope that you will join me. I request that when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I am curious as to the good Senator from Cumberland in his comments that he intends to support this legislation, very similar legislation to that being presented earlier as the amendment to the Federal Constitution. The exact wording of the Federal Constitution is in Report "C", whereas the wording has been changed in Report "B" to more aptly fit the State Constitution, but also has been changed one little bit, as the good Senator from Androscoggin, Senator Clifford, has pointed out, to take care of some of the problems.

I might mention to the Senate that in Committee I originally intended to sign Report "B", Ought to Pass in New Draft, and I came to the conclusion that, the wording having been changed, it might very well be a little bit inconsistent with my position earlier in this session in arguing so strongly for the amendment to the Federal Constitution. The wording in Report "B" is not the same as the wording in the Federal Constitution and, after really agonizing over this matter for quite some time, I came to the conclusion that it should either be the exact wording of the Federal Constitution or it should be an Ought Not to Pass.

I disagree with the good Senator from Cumberland, Senator Berry, when he says let us clearly understand that this is an amendment to the State Constitution. Technically that is very true but, Mr. President and Members of the Senate, let us also clearly understand one more thing. Let us all clearly understand that this is an attempt to go against the action of the legislature earlier in this session in ratifying the amendment to the Federal Constitution.

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

Mr. BERRY: Mr. President and Members of the Senate: In the light of all that is understandable, I would ask the good Senator from Kennebec, Senator Speers, how the two measures are exactly the same? The resolution to the Federal Constitution said that this would be ratifying a change to the Federal Constitution, and all you need to do is read 2561 and it is an amendment to the State Constitution. They are certainly not the same thing.

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

Mr. SPEERS: Mr. President, in the light of all that is understandable, I would like to ask another question of anyone who happened to attend the hearing before the Committee on State Government on this particular matter, where every single individual who testified in favor of this particular bill was opposed to the very language in the particular bill, absolutely opposed to the adoption of this amendment to the State or Federal or any other Constitution. They opposed this legislation, and the purpose of it being here today is to oppose the ratification of this legislation of the amendment to the Federal Constitution.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept Report "B" of the Committee on State Government in concurrence. A roll call has been requested and, under the Constitution, in order for the Chair to order a roll call, it requires the

affirmative vote of 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 Washington, Senator Wyman, that the Senate accept Report "B", the Ought to Pass in New Draft Report of the Committee on State Government in concurrence. A "Yes" vote will be in favor of accepting Report "B"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: — Berry, Cyr, Graffam, Greeley, Haskell, Henley, Hichens, Joly, Katz, Minkowsky, Olfene, Richardson, Roberts, Sewall, Tanous, Wyman, MacLeod.

NAYS: — Anderson, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Fortier, Huber, Marcotte, Morrell, Shute, Speers.

ABSENT: — Kelley, Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with two Senators being absent, Report "B" was Accepted in concurrence, the Resolution in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on,

Bill, "An Act Authorizing Municipalities with Public Auditoriums to Have a Liquor License." (H. P. 1711) (L. D. 2104)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT Authorizing Municipal Auditoriums to Have a Liquor License" (H. P. 2013) (L. D. 2553)

Signed:

Senators:

OLFENE of Androscoggin

Representatives:

KELLEHER of Bangor

FAUCHER of Solon

STILLINGS of Berwick

IMMONEN of West Paris

CHICK of Sanford

CRESSEY of North Berwick

GENEST of Waterville

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

FARNHAM of Hampden

TANGUAY of Lewiston

RICKER of Lewiston

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

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee in non-concurrence.

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

Mr. OLFENE: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from York, Senator Hichens, and would like to briefly explain to you a bit about this bill. It is basically clear, I think, in the title in the new redraft, "An Act Authorizing Municipal Auditoriums to Have a Liquor License".

What we have found has been happening at these new or presently operated auditoriums that are cropping up around the state is that on certain events liquor is allowed to be brought into these auditoriums by, generally speaking, in some cases the general public and in some other cases under the catering law.

Let me remind you that what we have in Maine, and we think we are proud of it — I think certainly I am — is the fact of the control we have been able to maintain in our liquor set-up. This bill actually is not in any way, shape or manner promoting additional use of alcoholic beverage. What this is doing is bringing it under control by allowing the municipal auditorium or the municipality to hold a liquor license for the purpose of dispensing the alcoholic beverage in their auditorium.

Now, we have tried in the Committee and we think we have come out with a very acceptable bill that does have control to the extent that this is a local option bill. If this bill is approved, then

there has to be a public hearing just like any other liquor applicant would have to go through. There can be no liquor, malt beverage, or wine served on the premises or in the rooms during an event that is primarily geared to the minors.

Let me just in layman's language, because I have been involved in some of these things, tell you exactly how this now is working and what might help in the future. Some of you may say the catering law takes care of this. Well, really it doesn't, and let me tell you why it doesn't. Some of these functions that are held in these municipal auditoriums or in these civic buildings, etc., are small in number. Maybe they are a luncheon affair, maybe they are encouraging business to come in and use this facility, maybe they are having a luncheon meeting or a small business meeting of some sort, and it is almost impossible to get a caterer to come in and cater for the liquor end of the operation. They may come in and cater for the food but that food caterer may not hold a liquor license.

Now, what this is doing is allowing the community to encourage business in the use of these buildings by having control and the privilege to serve alcoholic beverage under a license which, again I repeat, is a local option in the community and also would not be served if there is primarily minors in the room or premises involved. I see nothing harmful in this, to the contrary, or I would not have signed the report as I did. I think we worked out a good bill that is under control of the Commission. They have to make application or notification to the Commission 24 hours in advance of the function, and I believe this is a step in the direction of better control within the state. Therefore, I would urge you to not support the motion of the good Senator from York, but go along with the other body and accept the Majority Ought to Pass Report.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would refer back to the statements just made by the good Senator regarding controls and our control commission. If we did have a

good control commission, I might not be so afraid of this bill, but sad to say, the present commission we have is not a control commission; it is a promotion commission.

You had a good example of that in the Town of Brunswick earlier this winter when the town council prohibited a license for a club which was near a religious building. The commission came in and granted the license to the club, overriding the council's recommendations. Even today there is a hearing being held in the Town of Parsonsfield, where the town council rejected a license for a bowling alley, and it is the opinion that the commission will go in there today and grant the license to the bowling alley, overriding the town council's decision. We have seen that happen roundabout our state, and this public hearing and the vote of the town is disregarded by the present commission. While we have that in effect we are running into troubles.

I do not believe that we need to have the sale of liquor at our municipal auditoriums. I know it was initiated because of the Civic Center up here in Augusta, which is a unique situation because it has so many various hearing rooms, but the great majority of our municipal auditoriums are just one big room with perhaps one little part set aside to serve food when they do have these functions where there are banquets and so forth. They are mostly frequented by young people, mostly for athletic events, and once we pass this law we are going to open it up wide open for these different functions. I feel today that we should kill this bill and prevent the further liberalization of our liquor laws in the State of Maine.

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

Mr. KATZ: Mr. President, speaking on liquor legislation is a unique experience for me, but the Civic Center is in Augusta where I have watched to see how the present law works, and it really doesn't work very well. If there is a direct responsible approach to serving liquor in the Civic Center, it is not apparent to me. When I first heard about this bill, and it appeared for the first

time that we would have some control over the serving of liquor in the Civic Center, it appeared that it was a good bill and I would support it.

I share in some of the concerns of the Senator from York, Senator Hichens, about the proliferation of the serving of liquor in the State of Maine, but when I have seen how the system works at the Civic Center under the existing law, and anticipate how it would work under the passage of this bill, I am supportive of this bill and ask for your support also.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I guess in concept I don't disagree with the bill itself because I have no objection to liquor being served at a public building, but I guess I really object primarily to the fact that the municipality is getting involved in the sale of liquor, getting into the liquor business. I have always looked at the free enterprises system in the general area where these buildings are located as being the people that should be involved in the dispensing of liquor, and not the municipality itself. On that particular basis, Mr. President, I think I will vote for the Minority Report.

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

Mr. OLFENE: I just remind you, Senators, and Senator Minkowsky particularly, that remember this is a local option. If the community wishes to have this — we are not legislating something that is a mandatory thing — we are giving them the right. We just did this on another bill that we just had a roll call on.

Now, I just caution you by reminding you again that this is nothing more than a control bill. This is not going to create any more alcoholic beverage being consumed. And for those of you who may differ with me, I think alcoholic beverages probably in this state are here to stay for a little while anyway and, therefore, I just feel that this is a better way to handle this situation. Again, I urge you to support the report of the majority of the Committee and oppose the motion of Senator Hichens.

Mr. HICHENS: Mr. President, when the vote is taken I ask for the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, when I look at a community like Augusta with this new Civic Center, I felt the general idea behind it at the time was to encourage other industries to establish in the general area of the Civic Center itself. When I look at the investment made by the large complex up there known as "Howard Johnsons", which is about 300 yards from the Civic Center, how will it affect these people, who have gone through the process of setting up quite a large establishment and buying a liquor license in the State of Maine, where these people will be in direct competition with them? I don't feel this is right and proper.

If they want to use the catering law, as Senator Olfene has so ably pointed out, I feel that somebody like Howard Johnsons or some other people in the area should be allowed to come in and handle that particular circumstance, but not let the municipality itself be in the liquor business.

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

Mr. OLFENE: Mr. President, excuse me for speaking a third time, but I would like to just answer my good neighbor and friend, Senator Minkowsky. First off, let me make mention to you that in the hearing there were no opponents who appeared at the hearing that were directly involved in liquor licensing. There were no people there that were in opposition.

Let me just tell you why this so-called Howard Johnson situation, I assume, is not working. Howard Johnson holds a liquor license, but to take over to the Augusta Civic Center — and I am using this as the example because of the question that the Senator posed — it would not be a financial plus to go over there for 15, 20 or 25 people. Now, if you are going over to the Civic Center and you are going to serve 300 or 400, they might be more interested, but by the

time they buy their catering license to go over there and serve a noon lunch for half an hour, there quarters of an hour, or an afternoon or evening affair for a small group of people, they have no interest whatsoever, none whatsoever.

Perhaps if they had the interest, perhaps if this was the case that it was all that good and they were going to make this kind of revenue, this situation may not have occurred. The answer is that it is the old ballgame, you are not going to do something unless it is in a profitable manner for a business operation. So I just want him to understand that I see no way, shape or manner how this has any effect on the licensee whose operation is nearby to that particular premise.

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

Mr. TANOUS: Mr. President, I have a question to ask of Senator Olfene or anyone from the committee, or anyone who desires to answer. I understand that at the municipal auditorium, the Civic Center here in Augusta, we do have University of Maine classes during the daytime and perhaps some evenings as well. This is my understanding, and I may be incorrect. If this is so, I recall that we turned down a bill here yesterday or the day before relative to granting permission to serve liquor on university campuses. Now, perhaps I am mistaken in my observation here, but wouldn't this be somewhat similar, even though it is rented space, to a university campus as well?

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene, who asks leave to speak a fourth time in response to a question.

Mr. OLFENE: Mr. President and Members of the Senate: It is in response to a question. Senator Tanous, if I am not mistaken, there is a note in the law that says you have to be x number of feet away from various churches and so on, with the exception where the board of trustees is willing to waive that rule and regulation. I think you will find that this perhaps is the case here. If we are talking of this specific situation, this has all been cleared, I am sure, and I don't

expect this to be a problem for them whatsoever.

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

Mr. KATZ: Mr. President, the question of the university is a perplexing one. Actually I have spoken to several people who have been into the Civic Center half a dozen different times and they are completely unaware that there is any university activity going on there. It is a completely segregated thing. You can go into the Civic Center from now until doomsday and, unless you happen to want to go into the university section, you will never find it. So it is not a question of mingling with students at all.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me what is involved here is just who happens to be the owner of the facility. In my city, the City of Lewiston, one of the large community facilities is owned privately, the Central Maine Youth Center, and they serve beer in a tavern in one section of the arena during the professional games and there is no problem whatsoever. It is segregated and you can't bring it into the stands.

It seems to me that to punish the Civic Center just because it happens to be owned by the city is a technicality, and I think really the purpose of this bill, it seems to me, is just in overcoming that technicality. At certain functions where there are professional teams, or certain functions where adults will be attending, it seems to me that there is no rational purpose to prohibit the sale of beer or liquor at these functions. So I would oppose the motion and hope you would accept the Majority Ought to Pass report. Thank you.

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

Mr. MINKOWSKY: Mr. President, I have a question which I think I would like to pose through the Chair to correlate this Section 1. It says "However, there shall be no sales of malt liquor, wine or spirits permitted during any school activities or events

primarily attended by minors in the rooms where these activities are taking place." But actually this could take place right across the hall, according to my interpretation of this, from where these school activities are being conducted.

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

Mr. HENLEY: Mr. President, I shall support the motion of my good friend, Senator Hichens, to accept the Minority Report, not based on some of the very good reasoning I have heard on both sides, but based on my experience with the proliferation of alcoholic beverages of various kinds in my nearly eight years in the legislature. I know that isn't a long time, compared to some, and I know that people know that I am not a teetotaler, but I am appalled sometimes when I read the figures of the amount of alcoholic beverages and spirituous liquors that are consumed in the State of Maine annually.

To me it is an astounding something or other to charge against our modern society that we spend \$100 million a year on welfare in trying to help various people who, for one reason or another, need that help from taxpayers dollars — and I suppose one will say that a lot of that money comes from profits on liquor; possibly it does, but possibly that situation is brought about because of ill use of liquor. Liquor and its use is worse than the drug habit in the State of Maine. It is, I guess, all over the country. Still at every opportunity that arises to proliferate and expand the use of liquor, it seems that there is a bill to do it.

I perhaps will be termed an "old square" for my feelings on it. There was a time that I was talked into voting for some of the proliferation of liquor. For instance, a shining example was the introduction of table wines in the grocery stores. I did vote for it, and I have regretted it ever since because it is just another step in pushing the foot in the door to put liquor, wine and beer on everybody's table at everybody's elbow, no matter where they happened to be or what time it was.

It always seemed to me that the person who wanted to drink could find a way of

doing it without so many legal aids, you might say, to placing it before him. Consequently, I have arrived at that area where in what little time I have left in this legislature I believe I shall vote against anything that is going to be in any way making it easier for people to obtain liquor and to use liquor, you might say, as a bribe to get people to attend meetings for that reason. Consequently, I shall vote along with my good friend, Senator Hichens, to accept the Minority Ought Not to Pass Report on this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I think the Senate should also keep in mind the cost that the communities undergo or undertake when they construct these buildings such as the Bangor Auditorium, the Civic Center in Augusta, and which I hope also will be the Civic Center in Portland. It seems to me that if these affairs are going to be catered to we should also consider the large expense the community undergoes when it comes to construction and the paying off of the bonds on these buildings.

I think we recognize the fact that the state is in the liquor business, that it has been accepted in this state, and it seems only rational to me that communities are having a difficult time trying to pay the cost of these bonds off throughout the years. If there is any additional revenue that can be taken in, it seems only logical to me that, to ease again the burden on the taxpayers, that the communities should get any degree of profit that may come from these events

that are held there to just help take care of some of the financial expenditures that they incur. So I hope that the Senate would vote against the motion of the Senator from York, Senator Hichens, and vote for the passage of the bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee in non-concurrence. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Cox, Fortner, Graffam, Greeley, Haskell, Henley, Hichens, Huber, Minkowsky, Morrell, Sewall, Shute, Tanous, Wyman, MacLeod.

NAYS: Senators Berry, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Joly, Katz, Kelley, Marcotte, Olfene, Richardson, Roberts, Speers.

ABSENT: Senator Schulten.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending acceptance of the Majority Ought to Pass in New Draft Report of the Committee.

Senate Ought to Pass

Mr. Katz for the Committee on Education on, Bill, "An Act to Clarify the Duties of the Board of School Directors during Reapportionment." (S. P. 933) (L. D. 2570)

Reported pursuant to Joint Order (S. P. 932) that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then Read a Second Time and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that Senate Paper 831 directing the Committee on State Government to report out a bill to Redistribute Certain Statutory Powers Now Vested in the Executive Council be hereby rescinded. (S. P. 934)

Which was Read.

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

Second Readers

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

House

Bill, "An Act Revising Certain Laws Relating to Passamaquoddy Indians." (H. P. 2017) (L. D. 2559)

Bill, "An Act to Provide for the Use of Building Code Standards in the Design of State Buildings." (H. P. 2016) (L. D. 2557)

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

House — As Amended

Bill, "An Act Relating to Reimbursement of Providers of Care and Treatment other than the State." (H. P. 1962) (L. D. 2502)

Bill, "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year." (H. P. 1895) (L. D. 2406)

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

Senate

Bill, "An Act Relating to the Powers of Maine Port Authority." (S. P. 931) (L. D. 2564)

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

Sent down for concurrence.

Enactors

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

An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game. (H. P. 1987) (L. D. 2531)

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

An Act Relating to Pilots for the Port of Portland. (H. P. 2007) (L. D. 2550)

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

Mr. BERRY: Mr. President and Members of the Senate: I briefly, the other day when this bill was up for engrossment, spoke my piece on the thing. I feel that I would like to have an opportunity to vote against the bill. I consider it very, very poor legislation, regardless of the fact that the legislative agents of both parties got together and had some kind of an understanding.

To refresh your memory, the compromise was that the ferry would take a pilot once a month or pay for a pilot once a month. I refresh your memory also that when the weather is so rough that the pilot can't get on board that still they are going to have to pay for pilotage for boats coming into the harbor in general. I think, to clarify the matter, I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill; An Act Relating to Pilots for the Port of Portland, be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone. Just a little background: the Transportation Committee spent many hours on this legislation, and again I would remind the Senators that the reference to the pilots and the exemptions is a real small part of the bill and the intent of the bill. The Coast Guard notified the Governor's office that there was an inadequate law regarding pilotage in the Portland Harbor and it is the state's responsibility to supervise movements of ships in the harbor. There is an inadequacy in the law, and it was all started with the Coast Guard asking the state to enact a better law. This is that law. I think it needs passage and,

although it may not be a perfect bill in some regards, I don't think there is anything here that is not livable. It will meet all of the requirements, I understand, the Coast Guard, and I think it is necessary legislation.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would request a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act Relating to Pilots for the Port of Portland, 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 Anderson, Berry, Cummings, Danton, Fortier, Graffam, Haskell, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Sewall, Tanous, Wyman and MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Greeley, Henley, Kelley, Marcotte, Olfene, Richardson, Roberts, Shute and Speers.

ABSENT: Senator Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

(See Action later in Today's Session.)

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

Papers from the House Joint Order

Ordered, the Senate concurring, that the Joint Standing Committee on Public Utilities report out a bill authorizing the Towns of Vinalhaven and North Haven to form a district for the purpose of providing power, and should it become necessary, water and sewerage.

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I would just like to explain that due to the lateness of this session it is an exception that an order of this type would be introduced. The situation in Vinalhaven is not news, I am sure, to anybody in this room having read the papers over the past few years. The situation has grown dramatically worse in the past week or so, and it is hoped that without lengthening the session we will be able to consider and pass legislation enabling the formation of a district down there to straighten this matter out.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage in concurrence?

Thereupon, the Order received Passage in concurrence.

Orders of the Day

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

Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expenses." (H. P. 1991) (L. D. 2535)

Tabled — March 8, 1974 by Senator Cox of Penobscot.

Pending — Passage to be Engrossed. (House Amendment "A" (H-729))

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

Senate Amendment "A", Filing No. S-389, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President and Members of the Senate: As I explained briefly the other day, I felt that a need was shown at our committee hearing for the need of establishing a catastrophic medical expense program in the State of Maine. I

have reservations about the bill and about the funding because I don't think it is known how much money is needed.

This amendment, though it is lengthy, is really a redraft to delete the areas that I felt were objectionable. The purpose of the amendment is to restrict the bill solely to the establishment of a fund for assistance for catastrophic medical expense and to remove provisions which would have expanded eligibility. The appropriation has been reduced by two million dollars, and it does remove the right of the department to write its own rules and regulations.

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

Mr. FORTIER: Mr. President and Members of the Senate: As the good Senator from Penobscot said, this is a very important bill which was extensively studied and argued in committee but, in view of the fact that we are coming up this morning with a four page amendment and a variation and appropriation of better than two million dollars, I would very much appreciate it if somebody would table this for one day so that we could see if we can't reconcile the differences.

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

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

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

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 895) (L. D. 2488)

Tabled—March 8, 1974 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

(Senate Amendment "A" (S-371).)

Senate Amendment "B" (S-379).)

Mr. Katz of Kennebec then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-391, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: What this amendment does is delete from the errors and inconsistencies bill the language which you have already adopted this morning in a separate bill, Item 6-4.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "D".

The motion prevailed.

House Amendment "A" was Read and Adopted.

Mr. Tanous of Penobscot then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-386, was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: I noticed that the proposed Senate Amendment "C" is actually a bill in itself to set up an educational subsidy commission. I find it difficult to establish in my mind that this is either an error or an inconsistency, but a separate bill which may not be germane at all to the subject at hand. May I ask the Chair whether or not this is germane to errors and inconsistencies?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would rule that based on some of the amendments that have been attached to this bill by the Senator from Kennebec, Senator Katz, and also the items in the body of the bill, it would appear to me to be of substance. The Chair would rule that this amendment is in order.

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

The motion prevailed.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Specially Assigned for March 14, 1974, pending Passage to be Engrossed.

Reconsidered Matter

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

Mr. BERRY: Mr. President, with relation to item 8-2, L.D. 2550, An Act Relating to Pilots for the Port of Portland, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it indefinitely postponed in non-concurrence, item 8-2, Bill, An Act Relating to Pilots for the Port of Portland, L.D. 2550. As many Senators as are in favor of reconsideration will please say "Yes"; Those opposed "No".

A viva voce vote being taken, the motion did not prevail.

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

Joint Order — Relative to Joint Standing Committee on Marine Resources report out a bill for Maine Residency Statutes for fishing Lobster. (H. P. 2008)

Tabled — March 8, 1974 by Senator Huber of Knox.

Pending — Passage.

Mr. Huber of Knox then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

Joint Order — Relative to Joint Standing Committee on Appropriations and Financial Affairs reporting out a bill requiring University of Maine to present a line budget to 107th. (H. P. 2024)

Tabled — March 11, 1974 by Senator Berry of Cumberland.

Pending — Passage.

Mr. Richardson of Cumberland then moved that the Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: I think that this order is really totally improper, since we are trying to express through this order dissatisfaction with the

decision made by the trustees at the University of Maine questioning or, if you will, enforcing the civil rights of a group of people with whom most of us don't agree to hold a public meeting on the campus at the University.

This order talks in terms of establishing line budgeting for the University. If line budgeting is a good idea, I think it ought to be done on the basis of some careful and rational analysis of the problem, and it shouldn't be suggested to the legislature here in the closing days of the special session simply as a way to retaliate against the University. The University is the University of the people of the State of Maine, and when we strike out against it we strike out against ourselves.

I don't see any reason or sense behind this, and I don't understand why it is being suggested. The only reason that I know of that it is being suggested is to try to discipline, if you will, or retaliate against the trustees at the University. I think that is improper and I hope that you would join me in taking that view. When the vote is taken, I request it be taken by a roll call.

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

Obviously 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 Richardson, that this Joint Order be indefinitely postponed in non-concurrence will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and nine Senators having voted in the negative, the Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Joint Order — Relative to Legislative Council study of utilizing the Women's Correctional Center at Skowhegan for a Veterans Home. (H. P. 2025)

Tabled — March 11, 1974 by Senator Sewall of Penobscot.

Pending — Passage.

On motion by Mr. Sewall of Penobscot, retabled and tomorrow Assigned, pending Passage.

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

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons." (H. P. 1816) (L. D. 2313) Majority Report — Ought to Pass in New Draft (H. P. 2015) (L. D. 2556); Minority Report — Ought Not to Pass.

Tabled — March 11, 1974 by Senator Hichens of York.

Pending — Motion of Senator Hichens of York to indefinitely postpone bill and accompanying papers.

On motion by Mr. Hichens of York, retabled and Tomorrow Assigned, pending the motion by that Senator to Indefinitely Postpone the Bill and all accompanying papers.

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

Bill, "An Act Relating to Dams and Reservoirs." (S. P. 916) (L. D. 2527)

Tabled — March 11, 1974 by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-387) to House Amendment "B" (H-725).

Thereupon, Senate Amendment "A" to House Amendment "B" was Adopted and House Amendment "B", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Prior Information on Prescription Drugs and

Permitting Advertising of Prescription Drug Prices." (H. P. 1793) (L. D. 2271)

Tabled — March 11, 1974 by Senator Berry of Cumberland.

Pending — Consideration.

(In the Senate — the Majority Ought Not to Pass report Read and Accepted.) (In the House — the Bill in New Draft (H. P. 1964) (L. D. 2503), Passed to be Engrossed as amended by House Amendment "D" (H-723).

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for March 14, 1974, pending Consideration.

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

Senate Reports — from the Committee on Veterans and Retirement — Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352). Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — March 11, 1974 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 928) (L. D. 2560)

Tabled — March 11, 1974, by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. KATZ: Mr. President and Members of the Senate: L. D. 2560, which was a bill before the Business Legislation Committee, faces up to a real fact of life, that in the field of the sale of used cars we need some consumer protection that we presently don't have. This was a bill that was hashed out rather thoroughly in

committee, and I have to admit that I was goofing off in a different committee at the time we reported it out.

The other day when I started reading the bill in its final form, I saw some things in there that I really couldn't accept, and those of you who are interested might take a look at some of the provisions in the bill on Page 4 of L. D. 2560. My misgivings are bad enough now, the bill having been very substantially amended and an enormous amount of negotiation having taken place between the parties, but I really feel very uneasy about letting this legislation zoom through. In a motion that I think is unique in my experience, I am going to move indefinite postponement of a bill that I originally signed favorably before I got these second thoughts.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act to Provide Information to Used Car Purchasers", be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: This happens to be a good piece of consumer legislation. The good Senator did sign the Ought to Pass Report; it was ten to two favorable.

The areas that the Senator from Kennebec finds objectionable were discussed very heavily, and I think the area is to whether or not the dealer that sold the car on a warranty basis is required to schedule it for repairs within five calendar days, and I really think there is nothing wrong with that.

The larger hang-up is that it says the work has to be done in thirty calendar days and, if the parts are not available and they can't meet this obligation, they would be required to give the consumer an automobile until the repairs have been completed. I look at from the standpoint of a family with one automobile, who paid \$2,000 and got a warranty of one thousand miles or thirty days, and they can't fix it, if he doesn't have any other car to get to work, what is he going to do? It is a problem, and I voted with the consumer and not with the car dealer.

The bill is designed to get after the

unscrupulous used car dealer who offers a verbal warranty. Basically the warrantee is one thousand miles or the length of the driveway, whichever comes first. These are the complaints that they are having in the Attorney General's office, and I urge you to vote against the motion.

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

Mr. KATZ: Mr. President and Members of the Senate: I acknowledge the accuracy of my chairman's remarks, but I am a little concerned that if there is a strike in a parts manufacturer out in Columbus, Ohio, that, according to this bill, the seller of this car is all of a sudden going to be a partner in the strike, insofar as responsibility is concerned. The terms are so harsh and so unyielding that if I were a used car dealer, I would immediately exert my prerogatives under this bill and not give any warranty at all. I think that the provisions are so lopsided against the seller of the car that the number of warranties that are given to the consumer will be substantially reduced and the consumer protection will be an illusion rather than a promise fulfilled.

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

Mr. HENLEY: Mr. President and Members of the Senate: In my experience I opposed a lot of reform bills for auto dealers, and some of them I have worked with. It seems at times there has been a vendetta against the used car dealer. Of course, there are improper procedures of selling and warranting used cars, the same as everything else, but this bill here seems to be the result, not of a spontaneous request of aggrieved people or individuals, it seems to be that someone had a notion that they should put on a campaign and clean up some one business.

Why just pick on the used car dealer? For instance, on Page 4, 1456, Subparagraph A-2: "Any Dealer who sells used motor vehicles shall upon request of any law enforcement officer or representative of the Attorney

General permit that officer or agent to inspect the records." Do we do that with every other type of business? I wonder if in the case of my good friend, Senator Katz, can law enforcement officer or any policeman come off the street and demand to see his records of contracts or warranty on any of the things that he sells in his appliance store? Can they do that with any hardware merchant or any seller or furniture? I insist that it is not due process and it is discriminatory.

There are a lot of commodities sold in this country and we cannot very well protect everyone from birth to death against his own desires of purchase and his own stupidity. I believe that we should leave a little bit up to the purchaser to burn his fingers and then not to put his hand on the hot stove again. Caveate emptor is a word that I believe in. I have been burned. I borrowed money one time from a loan shark, but never again. It seems to me we can credit the average individual with the brains that God gave him and not feel that we have got to write down every little manner of conducting one's business. If we do, let's go into all businesses and let's not just pick on auto dealers.

I think it very appropriate that this bill be killed. If there is anything in the auto dealers that should be further regulated, I feel it should be something carefully planned and worked out with respectable and honorable dealers throughout the state, and we have many of them. I know I worked with them for fifteen years, with one dealership, and believe me, ladies and gentlemen, the automobile dealer isn't getting to be a millionaire every day. He has his problem. I was talking to a dealer Saturday, by the way, a dealership that has handled me very nicely so I went back and traded cars again, a real small dealer, and through the last ten years they have had to take one of their chief officers of their small corporation and assign him to nothing other than booking and handling these various regulations and various reports that have to be kept, files and records. They spoke to me about this bill, and they said that if this bill is passed they would have to hire \$100 a week person just to keep up with the

additional records. Now, I ask you if that should be imposed upon just one segment of our commerce?

I shall certainly vote for indefinite postponement. I find many things wrong with this bill, that it would require a tremendous amount of paper work, and I find a lot of it completely unnecessary. I just mentioned the one thing there that seems to me would be positively unconstitutional: to allow a law enforcement officer to come into any dealership at any time he saw fit and demand to see the records. I don't believe that really is necessary, and that is just one fact of this bill. So, without further ado, I hope that everyone will support the indefinite postponement of this bill.

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

MR. COX: Mr. President and Members of the Senate: The good Senator from Oxford infers this is a witchhunt or an effort to get after the used car dealers. This legislation I introduced at the request of the Attorney General's office, the Consumer Fraud Division, where one individual claims that she spends almost all of her time on used car complaints, and that is the source of origination. It is to protect the consumer from a certain type of dealer, a very small amount, but that is the unfortunate part of legislation you have to pass, you affect all to get at a few.

As far as the warranty that is called for in this bill, it will be part of the general contract. It will be written right into the contract on a negotiated basis between the buyer and the seller, and it does not create any additional paper work. It also says if it is not a warranty sale the contract will include "as is", and give a definition of "as is" As shown in the bill. I again oppose the motion.

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

MR. BRENNAN: Mr. President and Members of the Senate: I was very interested in the remarks of the good Senator from Oxford, Senator Henley, in talking about we shouldn't be protecting these people from birth until death, and I understand what he is talking about. But it is rather strange really, if we look at

the good Senator's voting record. We have a situation in this Senate where we protect the druggists, we protect the insurance industry, we protect the milk processors, so what is wrong with doing something for the consumers? It seems to me that is the essential purpose that we are up here for: We ought to try to help out the consumers, and here is a chance to do something for the consumers. So I would urge you not to vote to kill this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act to Provide Information to Used Car Purchasers", be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of indefinitely postponing this bill will please rise and remain standing until counted. Those opposed

will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the Joint Order, S. P. 934, tabled earlier in today's session by Mr. Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Adjourned until 10 o'clock tomorrow morning.