

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, February 27, 1975

Senate called to order by the President.

Prayer by Dr. Richard Cleaves of Augusta.

May we pray. Eternal God, we would ask this day when the promise of spring is in the air that you would bless this chamber and all those who go to make it up, that for each of us you would keep us ever faithful to the trusteeship that we hold not only from you in our lives but also to the trusteeship that we have from those who put us in places of responsibility and concern. Help us ever to remain faithful to our deepest convictions and to look to Thee for strength and affirmation. So bless the proceedings of this day and all days. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair would like to congratulate our Security Officer, Richard Arnold, who was instrumental in arresting at gunpoint two armed men who had allegedly shot a 19 year old girl after abducting her and her brother the preceding night. This event was reported earlier this week in newspapers throughout the state and brings great credit to Corporal Arnold in his performance of a very dangerous duty, and I think the Senate should rise and give him a hand. (Applause, the members rising)

**Papers from the House**  
**Joint Order**  
**STATE OF MAINE**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of THE TIGERS OF GARDINER HIGH SCHOOL CLASS A GIRLS BASKETBALL CHAMPIONS

FOR THE ACADEMIC YEAR — 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 658)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**  
**STATE OF MAINE**

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of THE MEDOMAK VALLEY PANTHERS WINNERS OF THE WESTERN MAINE CLASS B BASKETBALL CHAMPIONSHIP FOR 1975

We the Members of the House of Representatives and Senate do hereby

Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 659)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

**Senate Papers**  
**Judiciary**

Mr. Clifford of Androscoggin presented, RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Requirement for Indictment by a Grand Jury After Finding of Probable Cause by a Court of Competent Jurisdiction. (S. P. 247)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

**Local and County Government**

Mr. Conley of Cumberland presented, Bill, "An Act to Increase Certain Fees of Registers of Deeds." (S. P. 249)

Mr. Marcotte of York presented, Bill, "An Act Concerning Paid Vacations and Sick Leave of County Employees." (S. P. 250)

Mr. Danton of York presented, Bill, "An Act Concerning Court Holidays and the Closing of Public Offices in County Buildings on Court Holidays." (S. P. 251)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

**Natural Resources**

Mr. Cummings of Penobscot presented, Bill, "An Act to Require the Consideration of Economic Factors in the Location of Developments under the Site Location of Development Act." (S. P. 246)

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Reports Required by Municipal Ordinance of Developers of Shoreland Areas." (S. P. 248)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

**Orders**

On motion by Mr. O'Leary of Sanford,  
**STATE OF MAINE**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of MEXICO HIGH SCHOOL PINTOS WESTERN MAINE CLASS B RUNNER UP BASKETBALL CHAMPIONS

FOR THE ACADEMIC YEAR 1975

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Which was Read and Passed.  
Sent down for concurrence.

**Joint Order**

On motion by Mr. Pray of Penobscot,  
**STATE OF MAINE**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of DOVER-FOXCROFT ACADEMY PONIES

EASTERN MAINE CLASS B BASKETBALL CHAMPIONS FOR THE ACADEMIC YEAR 1975

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Which was Read and Passed.  
Sent down for concurrence.

**Committee Reports**

**House**

**Ought to Pass**

The Committee on Marine Resources on, Bill, "An Act to Increase the Length of Herring which may not be Sold." (H. P. 236) (L. D. 292)

Reported that the same Ought to Pass.

The Committee on Marine Resources on, Bill, "An Act to Clarify the Powers of Coastal Wardens." (H. P. 407) (L. D. 496)

Reported that the same Ought to Pass.

The Committee on Business Legislation on,

Bill, "An Act to Clarify the Maine Consumer Credit Code as it Applies to Consumer Credit Sales Pursuant to which no Finance Charge is Made." (H. P. 303) (L. D. 366)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

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

**Divided Report**

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Wholesale Deliveries of Malt Beverages and Table Wine on Election Day." (H. P. 258) (L. D. 305)

Reported that the same Ought to Pass.

Signed:

Senators:

GRAFFAM of Cumberland  
CARBONNEAU of Androscoggin  
DANTON of York

Representatives:

DYER of South Portland  
PERKINS of Blue Hill  
MAXWELL of Jay  
PIERCE of Waterville  
TWITCHELL of Norway  
JACQUES of Lewiston

The Minority of the same Committee on

the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

LIZOTTE of Biddeford  
RAYMOND of Lewiston  
FAUCHER of Solon  
IMMONEN of West Paris

Comes from the House, the Majority report Read and Accepted and the Bill 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.

Mr. Graffam of Cumberland requested a division on the motion.

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

Mr. HICHENS: Mr. President, this isn't a real important bill but it is just another step in the door as far as the wine and beer wholesalers are concerned. We do not allow the sale of liquor on election day, so why should we have the trucks deliver them all over the State of Maine. This is just another step along with opening the doors to sales throughout the state.

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

Mr. DANTON: Mr. President, seeing how I signed the Ought to Pass Report, I think I should give you a brief explanation as to why I voted this way.

I voted this way because elections most usually fall on a Tuesday, and not allowing deliveries on Tuesday, they used to at one time make up that delivery on a Saturday, but the beer distributors, due to the cost of labor today, have just eliminated that delivery day, and the only one that really loses is the one working on the truck, the truck driver. He loses a day's pay because the distributor does not pay him. Actually, on the delivery of beer or wine, and that is exactly what they deliver, perhaps in a sense you can say it is being sold during election hours, but the whole concern of the Committee on this bill was for that truck driver not losing a day's pay on election day. That is why I signed Ought to Pass.

I hope that you would support the division on not to accept the Minority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending motion is the motion by the Senator from York, Senator Hichens, that the Senate accept the Ought Not to Pass Report of the Committee. Will all those in favor of accepting the Ought Not to Pass Report please rise in their places until counted. All those opposed will please rise in their places until counted.

A division was had. Two having voted in the affirmative, and 28 having voted in the negative, the motion did not prevail.

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

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Prohibit the Use of Abbreviations of the State's Name." (H. P. 3) (L. D. 8)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CORSON of Somerset  
CIANCHETTE of Somerset  
DANTON of York

Representatives:

GOULD of Old Town  
HUNTER of Benton  
JOYCE of Portland  
BURNS of North Anson  
FAUCHER of Solon  
COTE of Lewiston  
DUDLEY of Enfield

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

Signed:

Representatives:

SHUTE of Stockton Springs  
CAREY of Waterville  
PERKINS of Blue Hill

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

Which reports were Read.

Mr. Hichens of York moved that the Senate accept the Minority Ought to Pass Report of the Committee.

Mr. Katz of Kennebec requested a division on the motion.

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

Mr. DANTON: Mr. President and Members of the Senate: I suppose I am as sick and tired as the rest of you are about seeing "Sleep with Maine", "Ski with Maine", "Snowmobile with Maine", and all the other Maines that go with it, but on the other hand, I don't think that we need a law on the books to prohibit it.

The Committee Chairmen met with the agencies that were using this abbreviation of Maine and they assured them that they are not going to use it anymore, they just have some contracts which they are winding down now. In fact, the lottery which used "Play with Me." or "Play with Maine", starting in the month of April they are all through with their contract, and the Department of Commerce and Industry is also winding down their contracts.

I would like to see us not put this law on the books, and if we see that they continue to use it, then I will gladly support legislation to put this law on the books to do away with this abbreviation.

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

Mr. HICHENS: Mr. President and Members of the Senate: I sat in on the hearing on this bill because I had a bill to present right after it, and personally, I don't know how the sponsor of this bill was so lucky to get a split report, because all of the other bills that were heard that day got unanimous Ought Not to Pass reports, including two of mine, so at least he had a chance to get his out from the Legal Affairs Committee and have it aired in both branches of the legislature.

When this thing started, it was a great promotional activity in the state. But like so many other things, it just got beyond bounds, and it has gone beyond bounds to the extent that it is being ridiculed throughout the country. You can go to almost any airline depot or bus depot and you will find all of these things advertising the State of Maine, and in many cases they get them for collector's items, rather than for any information on the State of Maine, and use them to ridicule our state. And I don't think our state should be under ridicule. They ridicule the pronunciations of probably the natives, and I can't claim to be a native, although people say they can tell where I am from by the way I do speak and the way I pronounce words. But this is a little different matter.

Now, I have had these put on the desks this morning and put in a proper file so you

can see how they could be used. The first one starts — and I will read them on through and you can make your own connotations from them: "Escape to Maine", "Wild Maine", "Hunt Me.", "Make tracks for Me.", "Discover Me.", "Meet Me.", "Catch Me.", "Search Me.", "Explore Me.", and "Dig Me.", Make your own connotations.

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

Mr. CURTIS: Mr. President and Members of the Senate: I think we very jealously guard the good name of the State of Maine by requiring organizations that desire to use "Maine" in their name to go to the legislature to get approval. Without, of course, requesting any such approval from the legislature, the Department of Commerce and Industry went ahead to try to use what I suppose they thought was a catchy slogan of "Me."

Now, the bill before us would prohibit only state agencies from using this abbreviation of the state's name, and I would suggest that in addition to the list that has been used and cited by my colleague, Senator Hichens from York, that there are a series of others that are also being used by the Department of Commerce and Industry. I think that they should have had the good sense to realize that the people of the state did not appreciate this play on words, but they are continuing to use it, and we are told now that they are going to stop now that there is a piece of legislation in the legislature which indicates that at least some legislators are concerned about this.

I think it is not dignified, and it is the reason that a number of state newspapers and 19,000 people who have signed petitions have been concerned with this use. The last straw probably was the State Lottery when they had that curvaceous young lady in the television ad broadcast, of course, on a Canadian station, which I would suggest created a problem in international relations for us, in which she was pleading "Come play with Me." and, of course, asking Canadians to come across the border and buy lottery tickets in Maine.

So this bill is no restriction on the people of the State of Maine, but it does tell our state departments that it is about time they shaped up. So, as for me, I think it is about time that we had a little more dignified use of our state name. The legislation won't go into effect until 90 days after the legislature adjourns, and I think it will put on the books what the clear intent is of the sponsor and the people who support it.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: First, I would like to thank the Senator from York, Senator Hichens, for his recognition of the Legal Affairs Committee and their good work, and I would like to say that I strongly would support a joint order from the legislature directing the departments of the state to the attention that the legislature thinks they should not be using the word "Me." in their advertising campaigns. I think that would be as necessary and as much as this legislature needs to do to prevent this from happening any further, although I really don't think that is necessary; they have gotten the word.

The Senator from Penobscot, Senator

Speers, spoke about the newspapers, and I think it is important just to talk about this and this type of legislation. Here we have an emotional issue that an enterprising newspaperman, I believe, in my own opinion, increased his subscriptions tremendously through this emotional appeal when he used this. And I doubt very strongly if the person really cares if the state departments use the abbreviation "Me." or not, but it has increased his newspaper sales greatly, and that job is all done.

I think that we need to respect the law, and we are talking about putting another law on the books that, in my opinion, is absolutely unnecessary, and I would like to see the 107th legislature stand up, be accountable, be responsible, and only put laws on the books that are necessary. That is why I voted Ought Not to Pass, and I hope you will support that position.

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

Mr. CURTIS: Mr. President, I rise just briefly to assure the Senator from Somerset, Senator Cianchette, that my name is Curtis, and in the future when the Senator from Kennebec County is wearing his glasses I will take mine off so there is no mistake.

The PRESIDENT: Is the Senate ready for the question? The pending motion is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass Report of the Committee. A division has been requested. Will all those in favor of acceptance of the Minority Ought to Pass Report please rise in their places until counted.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I request a roll call.

The PRESIDENT: The Senator from York, Senator Hichens, has requested a roll call, it must be the expressed desire of one-fifth of those members present and voting. Will all those in favor of a roll call please stand in their places until counted.

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

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, R; Cummings, Curtis, Gahagan, Greeley, Hichens, O'Leary, Trotzky.

NAYS: Senators Berry, E; Carbonneau, Cianchette, Collins, Conley, Corson, Cyr, Danton, Graffam, Graham, Huber, Johnston, Katz, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas.

ABSENT — Clifford, Jackson, Marcotte.

A roll call was had. Nine Senators having voted in the affirmative, and 20 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Transporting Deer in Open View." (H. P. 344) (L. D. 428)

Reported that the same Ought to Pass.

Signed:

Senators:

McNALLY of Hancock  
GRAFFAM of Cumberland

Representatives:

WALKER of Island Falls  
PETERSON of Caribou  
KAUFFMAN of Kittery  
MARTIN of St. Agatha  
McEACHERN of Lincoln  
MILLS of Eastport

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

Signed:

Senator:

PRAY of Penobscot

Representatives:

USHER of Westbrook  
TOZIER of Unity  
CHURCHILL of Orland  
DOW of West Gardiner

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

Which reports were Read.

Mr. McNally of Hancock moved that the Senate accept the Majority Ought to Pass Report of the Committee.

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

Mr. PRAY: Mr. President, I would request a division and I would like to speak to the matter. I passed around this morning, or the girls did, a tag here which comes from your licenses, and any of you people here that hunt realize that this is a tag that is attached to your license, at great expense on the license, which is to be attached to the deer when shot. The law will still require that this tag be attached, and the purpose of this tag is to advertise the State of Maine.

In defense of why I voted on this bill Ought Not to Pass, it is because of the expense I feel it is going to cost the Inland Fish and Game Department. This law will require that the game wardens will have to stop vehicles. There will be a massive stopping of vehicles to check those individuals coming out of the woods, and perhaps even along the Interstate, to see who have deer and who have registered the deer. I hope that you people vote against this. Thank you.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair of the Chairman of the Committee on Fisheries and Wildlife as to whether or not the Commissioner of Inland Fisheries and Game is in support of this piece of legislation? It is my understanding that he is.

The PRESIDENT: The Senator from Kennebec, Senator Speers, poses a question through the Chair to the Chairman of Committee on Fisheries and Wildlife, who may answer if he so chooses.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this is a bill that the Commissioner does approve because there are so many small cars now, and also the people who travel in vans and so forth have hardly no place to tie the deer on any more, except in very awkward spots. And they don't feel that there will be any more poached deer hauled out of the State of Maine than there ever was if this bill is passed, but they do feel it would relieve a situation also in this state where people object to seeing deer strapped to cars and being hauled around over the state.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would also like to answer Senator Speer's question as to how the Commissioner felt. In an interpretation of Senator McNally's answer, I am one of these individuals who own a small car, and there is no way I am going to be able to put that deer inside my car.

Also, as far as the other response from the Commissioner, it was what he termed "Bambi lovers", and I am a product of the era of the movie "Bambi" but I am not a "Bambi lover". But as to the response of individuals seeing a gutted deer tied to a car, I disagree with this completely. Anybody that hunts or has seen deer on a car knows that you do not see the gutted section of the deer; that is left in the woods, and most deer are not propped open, and the view is not as stated by Senator McNally. Thank you.

The PRESIDENT: The pending motion is the motion of the Senator from Hancock, Senator McNally, that the Senate accept the Ought to Pass Report of the Committee, and a division has been requested. Will all those in favor of acceptance of the Ought to Pass Report of the Committee please rise in their places until counted. All those opposed will please rise in their places until counted.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 4, 1975, pending Acceptance of the Minority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Business Legislation, Bill, "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations." (H. P. 24) (L. D. 32)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec  
JOHNSTON of Aroostook

Representatives:

PEAKES of Dexter  
BOWIE of Gardiner  
HIGGINS of Scarborough  
BOUDREAU of Portland  
RIDEOUT of Mapleton  
TIERNEY of Durham  
PIERCE of Waterville  
DEVANE of Ellsworth

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

Signed:

Senator:

REEVES of Kennebec

Representatives:

CLARK of Freeport  
BYERS of Newcastle

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

Which reports were Read and the Majority Ought to Pass Report of the Committee accepted in concurrence.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby the Majority Ought to Pass Report of the Committee was Accepted.

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

Mr. REEVES: Mr. President, is it in

order now to move that the Senate accept the Ought Not to Pass Report?

The PRESIDENT: The Chair would advise the Senator in the affirmative.

Mr. REEVES: Mr. President, I would like to so move and will speak to that motion.

I did sign the Ought Not to Pass Report in the Committee, and my reasons are as follows: One is that I did not feel, and there was no appearance at the public hearing of any public demand for this bill.

Second, although I felt that there was a prospect of having coin operated insurance machines for air travelers at the airports, which is the real purpose of this bill, according to the sponsor, I was not convinced during the hearing that this bill would not have other effects that are unknown to us at this time on other matters relating to insurance.

Thirdly, I felt that the purpose of flight insurance was mostly emotional and it was one of the most expensive high risk types of insurance, very similar to the lottery, and I didn't feel that we should take it upon ourselves to encourage this.

But mainly, I opposed this bill because no insurance company spoke for it, and there is no indication that any insurance company would in fact provide this coin operated flight insurance if this bill were to pass. As it stands now, if an insurance company wants to provide this kind of insurance, they need only to obtain an administrative approval from the Bureau of Insurance for a limiting clause, which is what this bill purports to do. So, in view of this, I feel that this law serves no purpose and, for that reason, I urge acceptance of the Ought Not to Pass Report.

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

Mr. BERRY: Mr. President and Members of the Senate: I think that Senator Reeves has considerable merit in what he has pointed out here. However, I do know that the firm which sold coin operated life insurance at the Portland Airport withdrew from the field some time ago because of the lack of this language. It might be in order to rewrite this bill and have it specifically apply to coins; in other words, take out the words "but not limited to". But I think there is a public need for flight insurance in Maine. We are becoming sophisticated now with regard to our airports and so forth, so I think perhaps this might deserve a little bit more study. I think there is a need for it.

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

Mr. JOHNSTON: Mr. President, having signed the Ought to Pass Report, I would like to explain a little bit about how some of the rest of us feel about this bill.

This bill permits insurers to limit the liability on this type of policy, and they are not permitted to do this at the present time. For obvious reasons, I think that they should be allowed to make this limit. This is not a determination as to whether or not people in Maine want flight insurance or whether or not insurance companies in Maine want to sell flight insurance. It is to leave that avenue open for those people to decide for themselves, if they should so desire.

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

Mr. KATZ: Mr. President, the statement of intent on this bill says very clearly that the purpose of the bill is to encourage the sale of flight insurance at the airport immediately prior to takeoff.

I think that if you polled the airline pilots of this nation they would be a hundred percent against this bill. The Airline Pilots Association has very clearly indicated the easy availability of flight insurance at our nation's airports is a factor which might very well encourage some deranged person, as it has in the past, to self destruct. I flew for some years commercially, and I can tell you that every time I saw one of those machines at the airport I got the heebie-jeebies.

I feel that this kind of insurance should not be available immediately before takeoff; that if anybody wants to buy insurance, the ordinary avenues are open, and I move for indefinite postponement.

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

Mr. JOHNSTON: Mr. President, if the good Senator from Kennebec, Senator Katz, would want to prohibit the sale of flight insurance at airports, I should think the bill would be in order. This bill will neither prohibit nor permit the sale of life insurance at airports.

What it will do, if the insurance companies are allowed to limit that liability, I am sure that it would dissuade those deranged people who want to stand there and pump quarters into that machine until they have got a million dollars worth of life insurance and then board the aircraft and blow it up. I am sure that this is a consideration of this bill that this body should take into consideration.

the PRESIDENT: Is the Senate ready for the question? The pending motion is the motion of the Senator from Kennebec, Senator Katz, that this bill be indefinitely postponed. Will all those in favor of the motion of the Senator from Kennebec, Senator Katz, that this bill be indefinitely postponed please stand in their places until counted. All those opposed will please stand in their places until counted.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Specially Assigned for March 4, 1975, pending the motion by Mr. Reeves of Kennebec that the Senate accept the Minority Ought Not to Pass Report of the Committee.

#### Senate

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

Bill, "An Act to Prohibit Swimming or Diving from a Bridge on a Public Highway" (S. P. 99) (L. D. 355)

Bill, "An Act to Require Eye Protection for Motorcycle Riders." (S. P. 132) (L. D. 437)

#### Leave to Withdraw

Mr. Greeley for the Committee on Health and Institutional Services on, Bill, "An Act to Establish a Committee of Problems of Corrections." (S. P. 6) (L. D. 18)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act Relating to Experimental Signs at Railroad Crossings." (S. P. 109) (L. D. 363)

Reported that the same Ought to Pass. Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Establish a Fee for Issuance of the First Hairdresser's License and to Establish a Fee for Certain Hairdresser Examinations." (H. P. 565) (L. D. 663)

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

#### Senate

Bill, "An Act to Allow Juveniles at the Training Centers and Inmates at the County Jails to Participate in Halfway House Programs." (S. P. 91) (L. D. 262)

Bill, "An Act to Revise the Statutes Concerning the Board of Bar Examiners." (S. P. 123) (L. D. 409)

Bill, "An Act to Clarify and Extend the Equitable Jurisdiction of the District Court in Certain Civil Actions Involving Title to Real Estate." (S. P. 245) (L. D. 762)

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

Sent down for concurrence.

(See action later in today's session regarding L. D. 409)

#### Enactors

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

An Act Relating to Record of Sales of Used Merchandise of Auctioneers. (S. P. 73) (L. D. 213)

An Act Relating to Grants-in-aid for Construction and Maintenance of Public Facilities for Boats. (H. P. 145) (L. D. 163)

An Act Relating to Fees for the Inspection of School Buses. (H. P. 229) (L. D. 285)

An Act to Clarify Directional Signs Indicating Coastal Route at Exit 9 on the Maine Turnpike. (H. P. 231) (L. D. 287)

An Act Relating to Contraband Cigarettes. (H. P. 564) (L. D. 631)

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 Evelyn Bass of Bucksport for Loss of Beehives by Bear. (H. P. 192) (L. D. 228)

RESOLVE, to Reimburse Virginia A. Brann of Windsor for Motor Vehicle Damage Due to State Construction. (H. P. 196) (L. D. 240)

RESOLVE, to Reimburse Gordon Wiley of Littleton for Loss of Poultry by Fox. (H. P. 265) (L. D. 312)

(On motion by Mr. Huber of Cumberland, the above three Resolves were placed on the Special Appropriations Table.)

#### Emergency

An Act Appropriating Funds to Reimburse Municipalities for Business Inventory Taxes. (H. P. 82) (L. D. 100)

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

**Emergency**

An Act to Annex Township 4, Range 2 to the Town of Carrabassett Valley. (S. P. 78) (L. D. 218)

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**

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

Mr. COLLINS: Mr. President and Members of the Senate: The Senator from Androscoggin, Senator Clifford, is absent today, and I have just noticed that he had a very minor technical correction planned for item 7-3. I wonder if that bill might be held until his return tomorrow.

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

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby Bill, "An Act to Revise the Statutes Concerning the Board of Bar Examiners", (S. P. 123) (L. D. 409), was Passed to be Engrossed.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for March 4, 1975, pending Passage to be Engrossed.

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

Mr. SPEERS: Mr. President and Members of the Senate: Much has been said this morning about the relationship of the good Senator from York, Senator Hichens, and the Committee on Legal Affairs. The good Senator has indicated in the past whereby he feels a little bit picked on by a certain record that he was awarded at the beginning of the session with three unanimous 17-A Ought Not to Pass Reports. In fact, he probably feels a little more or almost as picked on as a certain other notable in these hallways, and I would dare say with perhaps a little more justification.

At any rate, I would like to call to his attention another record — at least, I believe it is a record. In a recent edition of the Portland Press Herald there were two editorials, one right above the other on same page, commending and supporting two pieces of legislation that the good Senator has introduced: one being the constitutional amendment prohibiting felons from holding office, and the other being the increase in the drinking age. I don't know whether the good Senator is as disturbed by this record, considering the source, as he may be by the other record, but at least he is the Senate record holder in two regards.

Mr. Hichens of York was granted unanimous consent to address the Senate:

Mr. HICHENS: Mr. President and Members of the Senate: I too noticed that last week, Monday, I guess it was, when the two editorials came out, and I was very pleasantly surprised and thought I might make a remark about it, but I have been waiting for the day when I have three bills accepted by the legislature so that I can send that report to the press.

(Off Record Remarks)

**Orders of the Day**

The President laid before the Senate the first tabled and Specially Assigned matter:

House Report — from the Committee on Election Laws — Bill, "An Act to Provide for Reimbursement of Election Expenses in Unorganized Towns." (H. P. 67) (L. D. 79) Ought to Pass in New Draft. (H. P. 596) (L. D. 694)

Tabled — February 25, 1975 by Senator Hichens of York.

Pending — Acceptance of Report.

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 President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes." (H. P. 70) (L. D. 82)

Tabled — February 25, 1975 by Senator Graham of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I move that this bill and all of its accompanying papers be indefinitely postponed.

This bill, L. D. 82, would combine the Towns of Yarmouth and North Yarmouth into one shellfish conservation district. What it would do in plain language is that it would allow the clam diggers of North Yarmouth to dig clams in Yarmouth.

Now, clam diggers are a pretty strong feeling crowd. I once got into the middle of a dispute between some clam diggers and somebody came at me with a knife. So there is very strong feeling on this issue.

In 1849, the Town of Yarmouth was separated from the Town of North Yarmouth, and in it was provided that the residents of both towns should have the right to the clam flats of Yarmouth. But as time went by and clams and natural resources became scarce, conservation measures were introduced, and by the public and special laws of 1951, as amended by 1957, the Town of Yarmouth was allowed to issue licenses for the digging of clams and to exclude non-residents of the town. This, in fact, excluded the residents of North Yarmouth. However, the Town of Yarmouth has allowed residents of the Town of North Yarmouth to dig clams up to one bushel a day. For a while this was going on. But then it was learned that the Town of North Yarmouth had requested an injunction against Yarmouth clam regulations which excluded them, even though by courtesy the residents of North Yarmouth were allowed to dig clams there.

On seeking this injunction, the injunction was voided by Judge Lessard of the Superior Court, who said, in effect, the private and special laws of 1951 and 1957 repealed the original act of separation when the Towns of Yarmouth and North Yarmouth were separated. So he declared that this repealed that original privilege of digging clams in the Town of Yarmouth. The injunction, in short, was denied.

What we have now is that what North Yarmouth lost in the courts they are now trying to win in the legislature with this bill. Now, this bill is a bill with which the legislature would reverse itself. This is a bill in which the legislature would take the part of one town against another town. This is a bill that would only acerbate a

feeling of hostility between the towns. By forcing this bill down the throats of Yarmouth, the legislature will be killing hope of reconciliation on this matter between the towns. What the problem needs is not legislation but mediation.

I urge you to support the indefinite postponement of this bill.

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

Mr. HUBER: Mr. President and Members of the Senate: I first would like to emphasize this legislation, L. D. 82, received a unanimous Ought to Pass report from the Legal Affairs Committee.

Second, as Senator Graham of Cumberland has pointed out, the shellfish rights formerly held by the Town of North Yarmouth are in the Yarmouth charter currently, and were one of very few items included in this charter of 1849. These are firmly held rights, as the Senator has pointed out, and I think the fact that they are one of the few items in the charter is important to consider.

The 1951 Yarmouth shellfishing ordinance, as amended in 1957, includes the language that "nothing herein shall prohibit any inhabitant or temporary resident or any riparian owner of shores or flats within said town from digging or taking clams for food for himself and family without license, provided the amount so taken shall not be in excess of one-half bushel per tide per person."

I think the inclusion of the clam fishing rights in the Yarmouth charter make it clear that North Yarmouth residents are in fact riparian owners. Riparian rights are defined as the rights of a person owning land containing or bordering on a watercourse or other body of water in or to its banks, bed or waters.

Although the North Yarmouth ownership is not obviously fee ownership, it is an ownership right. It is a right held since 1849, and I feel a right clearly held by North Yarmouth.

I think the interpretation cited by the Senator from Cumberland, Senator Graham, the interpretation of the 1951 ordinances as reversing this right, was not intentional by the legislature. I feel it was a legislative oversight, and it was not the legislative intent to take away without compensation these rights so carefully guarded in the original and the present charter of the Town of Yarmouth.

I hope we will not accept the motion to indefinitely postpone.

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

Mr. GRAHAM: Mr. President and Members of the Senate: After all, this desire of North Yarmouth to have rights to the Yarmouth clam flats has been ruled out by the courts in saying that the laws of 1951 and 1957 did repeal the original rights. And if that repeal was unfair, as has been said, if the private and special laws of 1951 and 1957 were unjust in allowing Yarmouth to exclude outsiders from its clam flats, how about the separation act of 1849 which gave one town rights in another town's territory?

Yarmouth has no special rights in North Yarmouth, so why should North Yarmouth have been given rights in Yarmouth? How would you like to live in a town in whose territory another town had certain rights, like the right to exploit the natural resources of your town?

But all of this legal hairsplitting is now

going over a nearly bald pate. Yarmouth's clams are all but gone. Drastic conservation measures are urgent, but forcing two hostile towns together to do this is a rather dubious solution of the problem. I ask for a division.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: This seems to be the day of the prestigious Legal Affairs Committee. I am very proud to be a member of that committee, and I would like to give a few of my views as to why I voted with the unanimous report of the committee.

I think, one, we should understand that our very good friend the Senator from Cumberland, Senator Graham, I believe, represents the Town of Yarmouth, perhaps not North Yarmouth.

I took a little time yesterday to go down and look over the Legislative Record of 1951 and 1957. And as the Senator from Cumberland, Senator Huber, said, he didn't really think this was legislative intent but rather legislative oversight. Mind you, in 1849 it was the Town of Yarmouth who asked to be separated from the Town of North Yarmouth, and as a condition of that agreement, the Town of North Yarmouth would retain their rights to dig clams on the flats. In 1951, and later in 1957, the legislature voted to take those rights away from North Yarmouth. Scrutinizing the legislative record very carefully, neither in 1951 nor in 1957 was there one word of debate in the House or in the Senate, and there was not a divided report out of committee. The 1957 law had this article that further amended these conditions in a whole group of conservation type laws, and it would have been very easy for the people of North Yarmouth not to understand it and not have representation here in the legislature, and I suspect that was the case in 1951.

This is simply a case in the legislature of an oversight of an original agreement that was made with the Town of Yarmouth, and without knowing what they were doing, without careful study, without privilege of debate, they lost the rights that were a condition of the agreement back in 1849. I think it was an injustice. I think the people of North Yarmouth have the legal right to use the clam flats as the people of Yarmouth.

There is one point I want to bring out of testimony in the committee. There was a very colorful old gentleman there and we had a very colorful hearing that day we heard this bill. The most I got out of it was that I don't know why we are so worried about this; there ain't no damn clams there anyway.

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

Mr. SPEERS: Mr. President and Members of the Senate: I hesitate to get into the discussion on this matter, but my understanding of this bill has greatly increased over the last few moments. I think I can only emphasize what the good Senator from Somerset, Senator Cianchette, has said, that it was the Town of Yarmouth in the original instance which asked to be separated from the Town of North Yarmouth, and the important part of that act was simply the agreement that the inhabitants of North Yarmouth would retain and keep the right that they obviously did have to use those clam flats.

Through mistake or oversight in later legislatures, this right was taken away from them, and I would view this particular piece of legislation as simply a correction of what was done by mistake earlier.

I would oppose very strongly the motion to indefinitely postpone and would request a division.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graham, that Bill, "An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes," be indefinitely postponed. A division has been requested. Will all those Senators in favor of indefinite postponement please stand and remain standing until counted. Those opposed will please stand and remain standing until counted.

A division was had. Five having voted in the affirmative, and 24 having voted in the negative, the motion did not prevail.

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

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Increase Boarding Allowance for Students of Coastal Islands." (H. P. 232) (L. D. 288)

Tabled — February 26, 1975 by Senator Carbonneau of Androscoggin.

Pending — Passage to be Engrossed.

On motion by Mr. Pray of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

#### Papers from the House

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

#### Enactor

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

#### Emergency

An Act Extending the Time During which School Budgets may be Adopted. (H. P. 660) (L. D. 766)

This being an emergency measure and having received the affirmative votes of 30 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.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Performance Audit Committee Review of Health and Welfare Policies. (H. P. 512)

Tabled — February 12, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Senate Amendment "A", Filing No. S-11, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: The amendment is more of a technical amendment than anything else. This and the following amendments which I would intend to offer to the other joint orders that are presently on the table would put these joint orders in the same format, and this is the format that was used in the last legislature and which we hope to follow in this particular legislature: in this instance, authorizing

the Legislative Council to perform a study through a particular committee. In this particular case it is the Committee on Performance Audit. But these orders, hopefully, will be put into the same format, as has been followed in the past. I would move the adoption of the amendment.

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

Thereupon, Senate Amendment "A" was Adopted and the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order—Relative to Investigation by Performance Audit Committee of the Department of Health and Welfare's Medicaid Programs. (H. P. 543)

Tabled — February 18, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Senate Amendment "A", Filing No. S-12, was Read and Adopted and the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Legislative Council Study Distribution of Social Service Funds. (S. P. 180)

Tabled — February 11, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Senate Amendment "A", Filing No. S-14, was Read and Adopted and the Joint Order, as Amended, received Passage.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table, the following unassigned matter:

Joint Order — Relative to Study on Solid Waste Disposal. (H. P. 527)

Tabled — February 13, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Senate Amendment "A", Filing No. S-13, was Read and Adopted and the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

#### (Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 12 o'clock tomorrow noon.