

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

ERRATA:

**The header on page B83
in the First Regular Session**

should read

“SENATE, MARCH 4, 1975”

instead of

“HOUSE, MARCH 4, 1975”

SENATE

Tuesday, March 4, 1975

Senate called to order by the President.

Prayer by the Honorable Richard N. Berry of Cape Elizabeth: As we gather at the beginning of another legislative week, give us the strength to meet the challenge of the decisions, as we are ever mindful of the opportunity to be of service to our state. Amen.

Reading of the Journal of Friday, February 28, 1975.

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

Bill, "An Act Relating to the Priority of Mechanics' Liens." (H. P. 593) (L. D. 740)

In the House February 21, 1975, referred to the Committee on Business Legislation and Ordered Printed.

In the Senate February 26, 1975, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Speers of Kennebec, the Senate voted to Insist.

**Resolution
STATE OF MAINE**

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

**IN MEMORIAM
Having Learned Of The Death Of
DR. JOSEPH J. DEVITT
OF WATERVILLE**

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 701)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

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

**Senate Papers
Agriculture**

Mr. Hichens of York presented, Bill, "An Act Relating to Cruelty to Animals." (S. P. 261)

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

Sent down for concurrence.

Appropriations and Financial Affairs

Mrs. Cummings of Penobscot (Cosponsor: Mr. Merrill of Cumberland) presented, Bill, "An Act to Authorize Bond Issue in the Amount of \$2,900,000 for the Construction of Facilities for the Maine Public Broadcasting Network." (S. P. 263)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Business Legislation

Mr. Merrill of Cumberland presented,

Bill, "An Act to Clarify the Estimated Premium Tax Law." (S. P. 260)

Mr. Hichens of York presented, Bill, "An Act to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State." (S. P. 262)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Merrill of Cumberland presented, Bill, "An Act to Require Mandatory Pre-sentence Reports in Juvenile and Felony Prosecutions." (S. P. 264)

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

Sent down for concurrence.

Taxation

Mr. Pray of Penobscot (Cosponsor: Mr. Corson of Somerset) presented, Bill, "An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax." (S. P. 265)

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

Sent down for concurrence.

Committee Reports

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 Include Rodent Infestation in the Definition of Nuisances." (H. P. 281) L. D. 333)

Resolve, to Reimburse Alton M. Dixon of Orrington for Property Damage Caused by Beaver. (H. P. 353) (L. D. 446)

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act to Clarify the Use of Initial Plates." (H. P. 342) (L. D. 426)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Resolve, to Reimburse David P. Mayo of Deer Isle for Fine Erroneously Paid to the State. (H. P. 360) (L. D. 451)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Increase the Inheritance Tax Exemption and to Amend the Tax Rates." (H. P. 385) (L. D. 478)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act to Terminate Use of Identifying Numbers on Scrapped or Junked Cars." (H. P. 389) (L. D. 481)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports, Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Clarify the Powers of Kittery Water District." (H. P. 164) (L. D. 210)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act to Provide Continuing Jurisdiction over Juvenile Offenses." (H. P. 321) (L. D. 393)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act to Abolish the Statewide Central Tumor

Registry of the Department of Health and Welfare." (H. P. 283) (L. D. 335)

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.

The Committee on State Government on, Bill, "An Act to Change the Name of Department of Inland Fisheries and Game to Department of Fisheries and Wildlife." (H. P. 413) (L. D. 588)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-41).

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

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (H. P. 293) (L. D. 346)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-32).

The Committee on Judiciary on, Bill, "An Act to Extend the Life of the Commission Preparing a Revision of the Probate Laws." (H. P. 235) (L. D. 291)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-38).

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

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Archery Hunting Without a License in Certain Cases." (H. P. 255) (L. D. 323)

Reported that the same Ought Not to Pass.

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

PETERSON of Caribou

KAUFFMAN of Kittery

MILLS of Eastport

MacEACHERN of Lincoln

MARTIN of St. Agatha

TOZIER of Unity

USHER of Westbrook

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

Signed:

Senators:

McNALLY of Hancock

PRAY of Penobscot

Representatives:

CHURCHILL of Orland

WALKER of Island Falls

DOW of West Gardiner

Come from the House, the Minority 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 Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. McNALLY: Mr. President and Members of the Senate: This bill was heard before us and had to be read by Representative Peterson because Representative Palmer was called away to Boston in the afternoon.

It is a very simple bill. It simply says that you omit the word "not" in Section 2401 of the law. The law says it shall not apply to archery licenses. In this section it refers to, it says that any resident and members of his immediate family over 10 years of age may hunt without a license on any single plot of land in excess of ten acres to which they are legally entitled to possession and on which they are actually domiciled, and which land is used exclusively for agricultural purposes.

Now, we had a Mr. Long, I guess his name was, of the Maine Fish and Game Associations, that was in favor. He said he represented 42 clubs out of 745. We had for an opponent Alexander Landry from the Windham Rod and Gun Club, and he opposed it because he didn't think there ought to be any special privileges for anyone. But all this is saying is that if you have a piece of land of ten acres and you are over 10 years of age, and you want to hunt on it without a license, that you can do it with a bow and arrow as well as with a gun. It seems reasonable to me that there shouldn't be any differentiation between archery and a gun, as long as it is already in the law that you can hunt with a gun. You simply have to remove the word "not".

The Commissioner, for information, stated that the only thing they had hoped, if the bill wasn't passed, was that they might sell more licenses to the archery hunters, which is of course discrimination.

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

Mr. GRAFFAM: Mr. President, I would like to disagree with the good Senator, Senator McNally. I believe that even the signers of the Minority Report, the majority of them, believe that this bill is wrong. We already have the law for a rifle, and they believe that is wrong, and unless we repeal the rifle law, they believe they ought to add archery.

I believe this is just a foot in the door and I believe we ought to vote to accept the Ought Not to Pass Report on this, and I would request a division on it please.

The PRESIDENT: The pending question is the motion of the Senator from Hancock, Senator McNally, that the Senate accept the Minority Ought to Pass Report of the Committee. A division has been requested. Will all those Senators in favor of accepting the Minority Ought to Pass Report of the Committee please rise in their places until counted. Will all those opposed to the motion please rise in their places until counted.

A division was had. 25 having voted in the affirmative, and seven having voted in the negative. The Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Senate Ought to Pass

Mr. Thomas for the Committee on Education on, Bill, "An Act Enabling Classification of Residents of State

Institutions as Resident Pupils." (S. P. 143) (L. D. 507)

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

Ought to Pass — As Amended

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act Relating to Animal Welfare." (S. P. 48) (L. D. 129)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-17).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Repeal the Statutes on Boards of Visitors to State Institutions." (S. P. 5) (L. D. 5)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

CURRAN of So. Portland
KENNEDY of Gray
LOVELL of Sanford
MORIN of Old Orchard Beach
POST of Owls Head
LAVERTY of Millinocket
SPROWL of Hope
HENNESSEY of West Bath
GOODWIN of So. Berwick

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

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representative:

LaPOINTE of Portland

Which reports were Read.

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

Thereupon, on motion by Mr. Pray of Penobscot, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York to accept the Minority Ought to Pass Report of the Committee.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Repeal Requirements for an Atlantic Stamp under the Fish and Game Law." (H. P. 11) (L. D. 16) ask leave to report: that they are unable to agree.

On the part of the Senate:

McNALLY of Hancock
PRAY of Penobscot
GRAHAM of Cumberland

On the part of the House:

PETERSON of Caribou
USHER of Westbrook

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Provide for the Election of Each County Commissioner of York County by only the Electors of the District Represented." (H. P. 399) (L. D. 488)

Which was Read a Second Time and

Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act to Clarify Questions on Local Option under Liquor Law." (S. P. 79) (L. D. 219)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Eliminate the 10-day Advance Notice Requirement on License Applications to Sell Liquor at Certain Gatherings." (S. P. 102) (L. D. 357)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Hearings for Applications for Liquor Licenses. (S. P. 101) (L. D. 356)

An Act Relating to Suspension of Sale of Certain Bedding and Upholstered Furniture. (H. P. 143) (L. D. 165)

An Act Exempting Trucks Purchased by Nonresidents from Sales Tax. (H. P. 205) (L. D. 250)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriation Table.)

An Act Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission. (H. P. 363) (L. D. 457)

Which, except for the tabled matter, 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 Marcia S. Webster of Auburn for Loss by Fire Caused by State Ward. (H. P. 268) (L. D. 316)

RESOLVE, to Reimburse G. Gordon Gilman of Stow for Loss of Bee Hives by Bear. (H. P. 291) (L. D. 343)

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

(Off Record Remarks)

The PRESIDENT: The Chair will announce that, having received the resignation of the good Senator from Cumberland, Senator Conley, from the Commission on Interstate Cooperation, that to add to the laurels of the Senator from Cumberland, Senator Merrill, the Chair will appoint him as the replacement for Senator Conley on the Commission on Interstate Cooperation.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Fisheries and Wildlife — Bill, "An Act Relating to Transporting Deer in Open View." (H. P. 344) (L. D. 428) Majority Report Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — February 27, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Minority Ought Not to Pass Report.

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

Mr. McNALLY: Mr. President and Members of the Senate: I didn't have my notes from the hearing when this was heard the other day but I have them now. Now, this is a very simple bill that the department would like to try, and it says that once your deer has been tagged that you may then transport it without it being seen by everybody wherever you go.

This was brought about by Commissioner Marsh having worked for a couple of years down in the Hancock area looking over cars with deer on them. We have got a little bit different situation maybe than you have up in the north country. We have either the good fortune or the bad fortune of having to hunt the latter days of November, and generally when the bulk of the deer go out of our county, at least, it is either snowing or it might be a little bit soft and mushy, and if you have got your deer on the rear deck of your car with the thing tied part way open and a couple of hind legs stuck out, the salt and stuff will fall in on top of it, or if you have got some sort of a rig that you have got to have a window open in the back and the hind legs sticking out, you have got the cold air to come in on you.

So the only ones that testified, according to my notes, were the Maine Fish and Game Association. They were for trying this out, at least, for the duration of this session. And there was Mr. Landry of the Windham Rod and Gun Club, who was against it because he is against any exceptions; he doesn't believe in any exceptions. Then Dr. Garcelon spoke about the bill, and he said that in their meetings and discussions of what the Department of Fish and Game ought to do or recommend be done, and so forth, that they felt there was a feeling over the state that was increasing on the part of a good many people that maybe we never should hunt anything, that perhaps we shouldn't kill anything. And he said he thought it had been brought on, more than anything else, by the idea that when anybody thinks of a deer they think of the "Bambi" idea of the Walt Disney movie; that is what they picture, perhaps a spotted fawn with big eyes and long ears, and it is too bad to kill them.

Now, I think the opposition to this bill has just as much right to their way of thinking as perhaps the department, but I do know that in my own mind, since they never open every car with the present situation, and they are doing this as sort of an experiment to show the world they are going to spot check and see what there is in these automobiles, I couldn't see any harm to it if the Fish and Game Department decided it was a good thing. It seems to boil down to the idea that you have got a department and you either believe in them and believe that they think correctly or you don't, and whatever your feelings are as to this bill, I hope you will vote accordingly.

The PRESIDENT: The pending motion before the Senate is the motion by Senator Pray of Penobscot that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would again 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 favor of the passage of this particular bill?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Chairman of the Committee, the Senator from Hancock, Senator McNally, who may answer if he so desires.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, it is the desire of the Commissioner, if the legislature so chooses, that he would like to try out this scheme for at least the next two years.

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

Mr. PRAY: Mr. President and Members of the Senate: Being on the other side, I would like to briefly speak to this matter.

I have faith in the department and in the Commissioner. Commissioner Marsh has been a long time friend of the family and, of course, we share the same interests as Maine's Fisheries and Game. I doubt the fallibility of the department; I have a lot of trust in the department, although I don't agree with them all the time.

My basic argument on this is the cost. I would like to just briefly address the Senate on the fact that the department is coming up with a 2 million dollar deficit in the next biennium, which it raises through dedicated funds. This is one of my primary worries. We are also being faced with the fact that presently the game wardens are restricted to a 60-hour week, and after 60 hours the department has to pay time and a half, and shortly they will be on a 40-hour week, according to federal guidelines. So the cost of enforcement of the Maine laws are going to skyrocket when the services are being cut down in their hours. I believe your game wardens during the hunting season probably work around 80 hours a week, so once they are down to 40 hours a week we are going to be paying an extra 40 hours of time and a half.

I do understand the good Senator from Hancock, Senator McNally, does have a bill in to allow the Commissioner to hire deputy wardens, but at this time it has not been acted upon. Still my concern comes with the 2 million dollars in the enforcement of the prevailing laws that we have now.

Last week I talked about the licenses on which there is a tag by which the law now requires that you tag your deer when you shoot it. On that, the law specifies as to the size of that tag and as to what that tag will say, that this deer was shot in the State of Maine. The law tells what size lettering the "State of Maine" will be in, so there is an advertising purpose to this also. These are special licenses which cannot be torn, and the tag can be detached along a perforated line so you can tie it to your deer, so this would be in view also.

I hope that my motion carries. I do realize the Commissioner has asked for a one-year trial, but I think this is a trick to get it on the books, because nowhere does it specify that this law will be in existence only for one or two years and then come back for revision. I renew my motion.

The PRESIDENT: A division has been requested on the acceptance of the Minority Ought Not to Pass Report. Will all those Senators in favor of the acceptance of the Minority Ought Not to Pass Report of the Committee please rise in their places until counted. Will all those opposed to the motion please rise in their places until counted.

A division was had. 20 having voted in

the affirmative, and 10 having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS - from 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) Majority Report - Ought to Pass; Minority Report - Ought Not to Pass.

Tabled - February 27, 1975 by Senator Katz of Kennebec.

Pending - Motion of Senator Reeves of Kennebec to accept the Minority Ought Not to Pass Report.

Mr. Berry of Cumberland then requested a division on the motion.

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

Mr. THOMAS: Mr. President and Members of the Senate: This bill is really a minor bill, and it seems to me that we spend a lot of time arguing over minor bills. This bill restores what was taken away two years ago, the use of machines at the Bangor International Airport and the Portland Jetport where you can buy insurance. The machines were taken away two years ago when the liability was removed. In other words, you could buy a policy, say from Mutual of Omaha, at your agent's in town, and then you could go buy one through the same agent at the airport. When this was removed they removed the machines.

I was not present when the bill was heard. I had returned to Waterville to attend a funeral so, therefore, I did not speak on this last week. But I have checked the record, and there was no opposition to this bill when it was heard. I was present when the Committee discussed it in workshop, and one of the persons who signed the Minority Report was not present when we discussed it. The original vote was unanimous, and then at the last minute one of the ladies - and I understand it is one of their privileges - changed her mind. In order that she would not be alone, another lady also changed her mind.

Arthur Lang of the Insurance Department was highly in favor of this, and the other proponent was the City Manager of the City of Bangor. I hope that we accept the Ought to Pass Report.

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

Mr. HICHENS: Mr. President, I had some thoughts to express on this bill, but I think the good Senator has expressed them well for me. However, I would like to read a quip that was in last Sunday's paper, written by some well-known comedian who I do not know personally, but he said, "As much as I travel in show business, I had never flown in an airplane until last week. I was in the terminal at Los Angeles waiting to get on the plane, and I noticed a machine with a sign that said 'Insurance'. I put a couple of half dollars into the machine and I brought a hundred thousand dollars worth of insurance. On the ground I was worth nothing, but as soon as the plane took off with me in it I was worth a hundred thousand dollars, which is why when we landed it wasn't like landing; it was like going bankrupt."

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

Mr. REEVES: Mr. President and Members of the Senate: Like Senator Thomas, I find it hard to continue the debate on this bill. It is a minor bill, but at the same time it seems to me to be a proposal without any value.

There is no public demand for this. No insurance company did support this at the hearing and none have shown any interest in it. Furthermore, I think it promotes an undesirable commodity, which is last minute flight insurance, and is mostly for those who need some sort of emotional reassurance to fly. I think we have existed without this service in Maine and, furthermore, I think it is doubtful that this bill would change anything, certainly the availability of this insurance.

This brings to mind a bill that was brought before the Senate several weeks ago regarding a proposal to make it illegal for a chicken to squeeze through the slats of its cage, jump down on the highway and escape. We did not pass this bill, and I thought at the time, well, who will tell the chickens. I think the same could be said about this bill. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: I am not concerned at all with the problems of the insurance company which they seek to correct by this legislation.

The Senator from Kennebec, Senator Thomas, was unquestionably correct when he said that there was no one at the hearing to oppose it. You would be amazed at how small the presence in the State of Maine of members of the Airline Pilots Association is.

I just wanted to reaffirm that my opposition is completely based upon the fact that the Airline Pilots Association, which are the fellows sitting up in the front whose health you are so interested in, have been vigorously opposed to the last minute availability of life insurance through dropping coins into machines at the airport.

Those of you who have traveled in the last few weeks out of Augusta or places served by Air New England noticed that there is a whole new series of security procedures in place, and if you really look at your ticket carefully you will find that you are paying something over a dollar extra now to fly to Boston because of security requirements. The whole thrust of the multi-million dollar security system at the major airports, and now the minor airports, in the United States is to protect the traveling public from hijackers and other associated nuts who might fly in the plane with you. And the presence of a "get rich quick" scheme for the survivors of a hijacker who is a self-destruct mentality, this motivation is enhanced by the presence of these machines at our airports. On that basis, I oppose the motion to accept the Majority Ought to Pass Report and ask for a division.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Reeves, that the Senate accept the Minority Ought Not to Pass Report. A division has been requested. Will all those in favor of the acceptance of the Minority Ought Not to Pass Report please rise in their places until counted. Will those opposed to the pending motion please rise in their places until counted.

A division was had. 14 having voted in the affirmative, and 18 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.

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

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

Tabled — February 27, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

Thereupon, the bill was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Require Protective Headgear for Snowmobile Riders." (H. P. 634) (L. D. 785)

Tabled — February 28, 1975 by Senator Pray of Penobscot.

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be referred to the Committee on Legal Affairs.)

(In House — Referred to Committee on Legal Affairs.)

Mr. Pray of Penobscot then moved that the Bill be referred to the Committee on Fisheries and Wildlife and Ordered Printed.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose that motion and ask for a division.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to explain why I move such. Under Title 12 of the Maine Revised Statutes comes the statute relating to the Department of Inland Fish and Game, and under this the Commissioner is responsible for Chapters 301 to 335, of which Chapter 304 is our snowmobile laws. This statute here requiring protective headgear for snowmobile riders would fall under Chapter 304, and I believe it is the responsibility of the Committee on Fisheries and Wildlife to review these laws and take them into consideration.

Under these chapters from 301 to 335, under subsection 1951, the Commissioner of Inland Fisheries and Game is given the responsibility to enforce all laws from 301 to 335, of course which snowmobiles come under. Under subsection 1974 he is given the authority to register snowmobiles, under subsection 1979 he has the regulatory authority, and under subsection 1983 he is given the authority to enforce these laws.

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

McNALLY: Mr. President and Members of the Senate: It seems to me that the request of the Senator from Penobscot, Senator Pray, is quite reasonable. Being on the Transportation Committee and having gone through the bill whereby the motorcycle people don't have to have face masks on their helmets, I see no reason why, if the Transportation

Committee should hear bills similar to that, why Fisheries and Wildlife shouldn't hear this bill. I don't know why it would be put under Legal Affairs.

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

Mr. SPEERS: Mr. President and Members of the Senate: I should thank the good Senator from Penobscot, Senator Pray, for the very fine review of the Fish and Game Laws. He is quite correct that the responsibility for enforcing snowmobile laws lies with the Department of Inland Fisheries and Game.

However, that does not mean that the Committee on Fisheries and Wildlife, that is set up by the joint rules under the legislature, is responsible for hearing everything that may be enforced by the Department of Inland Fisheries and Game. And particularly in this particular case, the Committee on Legal Affairs has heard similar measures in the past, and it has been the judgment of the Committee on Reference of Bills that this particular measure should go to that committee as well, because these matters are traditionally, and for good reason, heard by the Committee on Legal Affairs. I would repeat my opposition to the motion and again request a division.

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

Mr. PRAY: Mr. President and Members of the Senate: I realize this is another small bill and small matter, but just one last reference. We had a hearing last week in Fisheries and Wildlife relating to the requirement of wearing fluorescent orange, which, of course, comes under the enforcement of the Commissioner and the department. If that item was important enough, requiring individuals to wear fluorescent orange while hunting, to come before our committee, I think other legislation which relates to matters which are enforced by the department should also come to our attention and to our committee.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Pray, that Bill, "An Act to Require Protective Headgear for Snowmobile Riders", be referred to the Committee on Fisheries and Wildlife in non-concurrence. A division has been requested. Will all those Senators in favor of referring this bill to the Committee on Fisheries and Wildlife please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

The President laid before the Senate the fifth 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 28, 1975 by Senator Gahagan of Aroostook.

Pending — Adoption of Senate Amendment "A" (S-16).

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

Mr. COLLINS: Mr. President and Members of the Senate: This bill came out

of the Education Committee with the unanimous Ought to Pass Report. The bill increased the boarding allowance for students in secondary schools from \$25 a week to \$40 a week. The Senator from Penobscot, Senator Pray, introduced an amendment to move this amount down to \$32.50 a week.

I do not know the cost data of students on the mainland, but I took the trouble over the weekend to obtain figures concerning that handful of students on our coastal islands. I represent people from the Island of Matinicus and the Island of Monhegan. There are, I think, two other islands in this category down in Hancock County.

As we all know, our laws require that youngsters attend school until the age of sixteen. These particular children are in places where there are no secondary schools. Sometimes there are only two or three students of secondary school age in these communities. And in these communities the schools are the responsibility, in most cases, of the State of Maine, and the state attends to the details of tuition, boarding allowance, and so on.

Now, as to these youngsters that are out in the bay on islands, most of them attend one of our boarding schools. Those in my district attend MCI in Pittsfield or Kents Hill here in Kennebec County. Both of these institutions have indicated that the boarding charges will go up this fall. At the present time this \$25 a week allowance is not paying the bill. This is because the parents have to pay for the books, for the insurance and activity fees for their children, and a big item is transportation. Most of these youngsters go home weekends, and if they have to take a boat out to Matinicus and Monhegan, it frequently has to be a private boat, if they are to enjoy the weekend with their family. They have to travel, once they meet the mainland, by bus or by private car to their locations. Some persons have asked me why don't they attend the school that is nearest on the mainland, but frequently there is a problem of boarding facilities. There is not always a private home available, and in some cases the public high school feels it is not willing or interested in taking on extra students.

The figures I have compiled indicate that, even with this increase in the boarding allowance, the parents of these children will pay on the average about one thousand dollars to have their children attending school. I would ask that we oppose this amendment which would reduce the boarding allowance.

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

Mr. PRAY: Mr. President and Members of the Senate: I appreciate Senator Collins' feelings. The main gist of my amendment was to include the unorganized townships, and not really lower the amount. The argument on that basically was that the \$40 was a 60 percent increase, and the compromise of \$32.50 was a 30 percent increase.

I would like to speak as to the unorganized townships. I don't know if Senator Carbonneau is going to speak to the other or not, but I am, I guess, a product of this legislation, in a way, by the fact that I lived in unorganized townships and I received this benefit in 1959 when I went to MCI. At that time it was a lot lower. Presently the unorganized townships received \$650 a year for

boarding. The coastal islands are presently receiving \$950, I believe. On a breakdown of \$25 a week, which the law presently reads, that would only cover the unorganized township students for twenty-six weeks, while the coastal islands are covered for thirty-six weeks. There is a discrepancy there of ten weeks, depending on which part of the state you live in.

Now, I have talked to the Department of Education, whereas I know of myself at one time was a factor in this, and presently there are no individuals in the unorganized townships who would fall under that, and a couple of people said, well, why include it? Because I do realize that last year there was one, the year before that there was five, and the year before that there was zero, but we never know when this is going to come up, and I believe the people inland should receive the same benefits.

I also would like to point out that under the regulations the Commissioner of Education has to approve everybody from the unorganized townships, so if anybody is concerned about the fact that an individual lives a mile outside of town and is included in an unorganized township, he does not necessarily qualify. Myself, when I was going into high school age and went to MCI, I lived approximately 40 some miles from the closest school, and we boarded out at MCI, myself and my two brothers. It was a hardship. There is a lot of cost in transportation today. That has gone up a great deal. Boarding costs have gone up, and school costs. Everything is going up.

The question I had as far as their age, and I think Senator Carbonneau could probably express it a little bit better, is the fact that 60 percent at this time perhaps was a large sum, and so that is why the compromise figure of 30 percent prevailed.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: When that bill came up last week, I am the one that tabled it for one legislative day. And the reason I did that is because I looked at the \$25 figure, and they wanted a \$40 figure, so to me that was a 60 percent increase, which I think in this day and age, with inflation and all that sort of thing, is a pretty high increase. So I tabled it for that reason. As I dug into it a little further, I found out that there were other people qualified to receive some state aid to go to school in organized townships, and I conferred with Senator Pray, and this is what came out of the amendment that we proposed together.

I still believe one thing particularly, when I dug into the law and it says in there that we will furnish funds for these children because, as the good Senator from Knox, Senator Collins, mentioned, the law requires that the children go to school until sixteen, but the law does not require people to live on an island. I maintain that I have had to send my kids to school and I paid for it. I am willing to help people that are on the coastal islands, but I don't particularly care to pay the whole thing. I think this bill is designed to help but not to pay the good majority of it. Thank you.

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

Thereupon, on motion by Mr. Merrill of Cumberland, retabled and Specially

assigned for March 6, 1975, pending Adoption of Senate Amendment "A".

(Off Record Remarks)

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I was told over the weekend that we are so busy correcting our old mistakes we have no time to make new ones. I move we stand adjourned until tomorrow at 10 o'clock.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate stand adjourned until 10 o'clock tomorrow morning. Is this the pleasure of the Senate?

The motion prevailed.