

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

Friday, March 14, 1975

Senate called to order by the President.
Prayer by Rev. Terry O. Dinsmore of Newport:

Will you join with me in prayer.
Almighty God, creator and giver of life, praise be unto Thy holy name. Praise be unto Thy Son and unto Thy Holy Spirit. Father God, as we are gathered here this day, we are humbly aware of our shortcomings, our weaknesses, our failures to serve either Thee or our fellow man as we ought to have. We have condescended to the pressures placed upon us by those with money and power. We have been swayed in our duty by our greed, by our pride, and by our passions. We have sought the praise and accolades of men, rather than the quiet confidence and joy of knowing we have fulfilled Thy will. Forgive us, O Father, and help us to make today a new resolution of obedience to Thee.

O God, as these men and women struggle with the problems of the laws of men today, let Thy Holy Spirit be their guide, giving them the inspiration, the wisdom, and the love sufficient to overcome the temptations of self-satisfaction, personal gain, and public approval, that they may more perfectly serve Thee. We beg Thee, O Father, make Thy presence known to us today and help us to humble ourselves, accepting Thy wisdom and Thy grace. Hear us now in the prayer taught us by Thy Son:

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever and ever. Amen.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, March 18, at 10 o'clock in the morning. (S. P. 307)

Which was Read and Passed.

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

Papers from the House
Non-concurrent Matter

Bill, "An Act to Clarify the Definition of 'Approved Alcohol Treatment Facility' and to Allow Payments to be Made Directly to the Facility." (S. P. 273) (L. D. 879)

In the Senate March 5, 1975, referred to the Committee on Judiciary and Ordered Printed.

Comes from the House referred to the Committee on Health and Institutional Services and Ordered Printed, in non-concurrence.

In the Senate March 12, 1975, the Senate Voted to Insist.

Comes from the House, that Body having Insisted.

Thereupon, on motion by Mr. Hichens of York, the Senate voted to Recede and Concur.

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 Richard H. Meader, Coach Thomas College, NAIA District Five, Waterville, Maine Basketball Coach of the Year

The 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. 867)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, Maine's forest land and its health and productivity is of paramount importance to the social and economic well-being and future of the State, and to the recreational opportunities of the citizens of Maine and its visitors; and

WHEREAS, Maine's renewable forest resources are an integral part of the national-international economic sphere and occupy an important place in the forests of the East; and

WHEREAS, Maine has the highest percentage of forest land in the nation, has the highest percentage of private forest land ownership in the nation and provides the leading source of income to Maine people; and

WHEREAS, Maine's forest land is owned almost exclusively by 100,000 private individuals and firms with diverse interests and has been managed for the continuous social and economic benefit of all; and

WHEREAS, Maine's forest land is experiencing an evolutionary era in forest land management and utilization, in which an effective economic and environmental balance must be achieved through cooperative efforts within and between agencies of government and private sectors; and

WHEREAS, it should be a goal of the management of Maine's forest resources to achieve maximum stable employment and maximum commodity production; and

WHEREAS, it is one of the many functions of government to assist and encourage resource utilization and business activity through research, education and service; and

WHEREAS, the internationally recognized School of Forest Resources of the University of Maine has provided numbers of professionally trained foresters to assist in the management of Maine's forest land resources, the State, in addition to the University, and the private sector should explore areas of joint responsibility in meeting future research, education, technological and manpower needs; and

WHEREAS, other states are establishing official forest policy, it is desirable to establish for the first time a state-wide forest policy for Maine and the region, to insure the health of the forest and to meet the demand for wood fibre and nonwood fibre resources; and

WHEREAS, the effects of natural forest disasters such as windstorms, fires, insect and disease epidemics, and protection from them, have an important bearing on forest health, composition, productivity, growth recovery and the enhancement and

maintenance of the general environment; and

WHEREAS, over the years, many laws, rules and regulations have been adopted by the State and Federal Governments which affect public and private management and utilization costs, forest productivity, protection, taxation and land use; and

WHEREAS, the proposed Federal Model State Forest Practices Act and the 23 public hearings conducted in 1974 by the State Bureau of Forestry indicate the need for education and further study of regulation of the forest land resources of Maine; now, therefore, be it

ORDERED, the Senate concurring, that a special joint select committee be created to study the total forest resources of Maine and their protection, productivity and use. Such study shall include an analysis of present governmental services and regulations, consequences and control of natural disasters, private and public management activities, ownership structure, markets and utilization, regional, national and international trends, taxation and land use. In order to carry out the purposes of this Order a special committee shall be formed to consist of 4 persons to be appointed by the President of the Senate, 2 of whom shall be Members of the Senate; 4 persons to be appointed by the Speaker of the House, 2 of whom shall be Members of the House; 3 additional members to be appointed by the Governor. Such special committee shall elect a chairman who shall serve at the pleasure of the committee; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that the special committee report the results of its study together with all necessary implementing legislation at the next regular session of the 108th Legislature; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$5,000 to be expended for the purposes of this Order, and that any moneys remaining at the end of the biennium shall not lapse, but shall be carried forward in a continuous carrying account to be expended for the purposes of this Order. (H. P. 837)

Comes from the House, Read and Passed. Which was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

Joint Resolution
STATE OF MAINE

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

Joint Resolution in Recognition of National Music in our Schools Day

WHEREAS, Thursday, March 13, 1975 has been designated as National Music in our Schools Day; and

WHEREAS, this occasion will be celebrated with many classroom activities including special vocal and instrumental group performances in our junior and senior high schools across our nation and state; and

WHEREAS, good music brings growth, enrichment, and enjoyment to the lives of so many people in these troubled times; now, therefore, be it

RESOLVED, the Senate concurring, that We, the Members of the 107th Maine

Legislature assembled in regular session, take the opportunity of this special occasion to pledge our continuing support to programs to promote the growth of music in Maine; and be it further

RESOLVED, that We the Members of the 107th Legislature take this opportunity to honor all of the dedicated music students and music educators of our State. (H. P. 895)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

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

Senate Papers State Government

Mr. Graffam of Cumberland presented, Resolve, Authorizing the State Director of Public Improvements to Lease Land in Augusta to the Maine State Employees Credit Union for the Erection of an Office Building. (S. P. 308)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Committee Reports House

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 Provide Local Training Courses and Certification for All Maine Law Enforcement Officers." (H. P. 468) (L. D. 569)

Bill, "An Act to Clarify the Intent Provision Under the Maine Retirement Law." (H. P. 320) (L. D. 388)

Ought to Pass

The Committee on Transportation on, Bill, "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles." (H. P. 411) (L. D. 499)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-63)

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 18, 1974, pending Acceptance of the Committee Report.

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Extend the Time Limit for Filing a Claim Under a Mechanic's Lien." (H. P. 84) (L. D. 111)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-65).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

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

Ought to Pass in New Draft

The Committee on Labor on, Bill, "An Act Concerning Appeals from a Determination that an Employing Unit is an Employer Subject to the Employment Security Law." (H. P. 374) (L. D. 468)

Reported that the same Ought to Pass in

New Draft under Same Title (H. P. 853) (L. D. 990)

The Committee on Labor on, Bill, "An Act Relating to Penalties and Employment Remedies for Unpaid Wages." (H. P. 306) (L. D. 369)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 854) (L. D. 991)

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

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

The Committee on State Government on, Bill, "An Act Relating to the Issuance of Motor Vehicle Registrations by Municipal Tax Officers." (H. P. 182) (L. D. 239)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Officials" (H. P. 834) (L. D. 961)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-74)

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Interest Awards in Workmen's Compensation Cases." (H. P. 487) (L. D. 606)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-64).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot

Representatives:

TIERNEY of Durham
CHONKO of Topsham
BINNETTE of Old Town
SNOW of Falmouth
LAFFIN of Westbrook
FLANAGAN of Portland
TEAGUE of Fairfield
SPROWL of Hope
MARTIN of St. Agatha

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

Signed:

Representative:

TARR of Bridgton

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-64).

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate Leave to Withdraw

Mr. Cianchette for the Committee on Legal Affairs on, Bill, "An Act Requiring the Registration of Off-highway Vehicles." (S. P. 77) (L. D. 217)

Reported that the same be Granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws." (H. P. 110) (L. D. 156)

Bill, "An Act to Eliminate Certain Sales Taxes to Patients in Hospitals." (H. P. 378) (L. D. 471)

Bill, "An Act Relating to the Use of Leg Hold Traps under the Inland Fish and Game Law." (H. P. 400) (L. D. 489)

Bill, "An Act Authorizing the Bureau of Forestry to Provide Funds to the Penobscot and Passamaquoddy Tribes to Procure Shade Trees." (H. P. 526) (L. D. 643)

Bill, "An Act Relating to Nepotism in State Hiring and Promotional Practices." (H. P. 615) (L. D. 728)

Bill, "An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation." (H. P. 833) (L. D. 960)

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

Bill, "An Act Placing the Secretary to the Attorney General in Unclassified Service of State Government." (H. P. 419) (L. D. 505)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-26, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Protect Physicians Engaged in Peer Review." (H. P. 174) (L. D. 204)

Bill, "An Act Relating to Use of Studded Tires on Motor Vehicles." (H. P. 433) (L. D. 544)

Bill, "An Act Relating to Change of Location or Status Concerning Vehicle Registrations." (H. P. 459) (L. D. 562)

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

Bill, "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees." (H. P. 504) (L. D. 626)

Which was Read a Second Time.

Mr. Trotzky of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: The only push behind this bill is Labor's desire to remove exemptions, regardless of circumstances, from the minimum wage laws. This piece of legislation is aimed directly at Maine's private children's summer camps.

At present, under the Minimum Wage Law, Title 26, Section 663, subsection 3(f), councilors at summer camps for boys and girls are exempt from the minimum wage laws. Also, those employees who are under age 19, who are students or on vacation and working in the camp, are also exempt from the minimum wage.

What L. D. 626 does is remove the minimum wage exemption from those young people, again under age 19, employed in summer children's camps or capacities other than that of councilors. The bill singles out our private camps, many of which are experiencing difficult

financial problems, while leaving our non-profit camps still exempt from paying the minimum wage, which I believe is unfair.

Many young people under 19 in private camps take jobs as dishwashers and help in maintenance of the camp. These jobs help young people who have never worked before in their lives learn responsibility and help them grow to be better citizens. While on these jobs, which are actually part-time, many of these young people enjoy the recreational activities of the camps, such as swimming and other sports that camp life offers. These people do not choose to work at summer camps because of the wages but, again, for the recreational and social environment.

This bill has been repeatedly defeated in the last four or five sessions, and no conditions have changed to make it necessary today. The sponsor of the bill at hearing charged summer children's camp directors with profiteering and child abuse, but no parents or youngsters appeared to support this bill; only one gentleman from the Department of Labor.

The Maine Camp Directors Association decided not to oppose this bill because it has generated much negative publicity in the past.

Although there may be occasional abuses of young people by camp directors, this does not justify creating hardship to the great majority.

The result of this bill will be that many young people will lose the opportunity to take a first job away from home under favorable, supervised conditions that can include camp participation opportunities. The jobs will go to older people if it requires the minimum wage.

I would like to read just one short thing from a publication by the Maine National Bank. It is called Maine's Invisible Industry. "What has too often been overlooked and indifferently taken for granted are Maine's 250 organized children's camps, included among the nation's finest and oldest camps and providing some of the fullest and most creative experiences for children found anywhere. Maine fails to even list children's camps among its businesses, much less promote them as one of the state's important assets. Nor does it give any indication that it is aware of, responsive to, or even in favor of a continuation of this factor in Maine life."

Members of the Senate, I urge you to support my motion to defeat this bill and to keep government from interference and overregulation of small businesses, especially Maine's children's camps, many of which are presently struggling for their survival.

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

Mr. CONLEY: Mr. President, I wonder if the Secretary would read the report of the Committee on the Bill.

The PRESIDENT: The Secretary will read the report of the Committee.

The SECRETARY: On "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees", the Majority Ought to Pass as Amended by Committee Amendment "A" Report of the Committee on Labor was signed by Senators Roberts of York, McNally of Hancock, and Pray of Penobscot; Representatives Flanagan of Portland, Martin of St. Agatha, Laffin of Westbrook, Binnette of Old Town, Teague of Fairfield, Tierney of Durham, Tarr of

Bridgton, Snow of Falmouth, and Chonko of Topsham.

The Minority Report on this same matter, Ought Not to Pass, was signed by Representative Sprowl of Hope.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to speak as Chairman of the Committee on what took place at the hearing.

There was no opposition whatever to the bill. My good friend, Senator Trotzky, has now indicated that the camp directors agreed not to. Well, if they did, they didn't tell us that.

This covers only the workers who are in the kitchen or in maintenance. Now, in the majority of these camps, these people are given their meals and normally their lodging, so there is a credit of 50 percent against minimum wage, and as a result, we are not talking about \$2.10 an hour; we are talking about roughly slightly over a dollar after the credit is given for the meals and lodging that is furnished in at least 90 percent of the cases.

The reason that this does not include the camps which are operated under our charitable section of the state laws is that the title reference in the bill was to Title 12, and it actually is at Title 13, where charitable corporations are organized, and all the amendment does is correct the bill in that respect. Now, those are YMCA camps, they are church operated camps, and so forth, and those camps charge much, much less. They charge a very, very small amount of money for the children and, as a result, it not only is a hardship for them, in all probability, but also they don't begin to furnish the facilities that are available at the more expensive camps. They don't furnish horseback riding, they oftentimes don't have tennis courts, they certainly don't furnish golf, and they don't furnish a lot of the other recreation that is available at the more expensive private camps that are run by private industry.

Now, this bill was supported, as you see, by all but one member of the committee, and that member of the committee indicated that in his area there were a lot of camps and he would prefer not to vote on it, but he eventually decided to oppose it.

That is my explanation of what took place. I hope the body would oppose the motion of my good friend, Senator Trotzky.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, requests a roll call.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would thank the Senator from York, Senator Roberts, for his explanation of the bill. It is my understanding, as he explained, that anyone under the age of 19 is totally exempt from the minimum wage, and that it would only affect those camps which are making a profit. It would not affect the Boy Scouts, Girl Scouts, or any of those church camps that are non-profit. And most of the profitable camps are really operated and run by people from out of the state.

I hope the Senate would join the good Senator from York and vote to defeat the motion to indefinitely postpone.

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

Mr. BERRY: Mr. President and Members of the Senate: I can't thank the good Senator from Cumberland, Senator Conley, enough for defining free enterprise under the guise of profit-making. What guarantee is there that these camps that are affected by this bill are profit-making? There is none, of course, at all. Just because somebody runs a summer camp doesn't mean he makes a profit. As a matter of fact, I suspect that many of the summer camps don't make profits.

I query why is a worker affected by this legislation not in the same category as a worker who works for the YMCA or Boy Scout camps? If one is in the culinary department or the maintenance department and doing the same type of work, regardless of the employer, why should he not be covered? Of course, he should.

The situation of the campowners who are so reluctant to appear before the Labor Committee because they are going to get a bad name I think does conjure a poor situation indeed.

As Senator Trotzky of Penobscot indicated, we have debated this bill quite religiously every two years for certainly the past eight years, and the issues certainly are the same. We do not see in these summer camps stable industries. The number of camps is declining every single year, and we are seeing passing from the Maine scene the former very large employer, the private summer camp. And what is happening when these summer camps are closed? They are subdivided and they are sold for development purposes.

The opportunity of somebody to go to camp, to be subjected to living in the out-of-doors associating with his peers at a young impressionable age, and the opportunity to indulge in the recreation that is afforded by the camps is offset to the extent that in addition to their food and lodging they are paid a minimal amount. Certainly this is not a sacrifice on the part of anybody; it is a tremendous opportunity, and it would certainly seem that matters have not changed in two years to make the change.

I repeat again, I find it very unfortunate that a group of people vitally concerned in this feel that they cannot come before the Maine Legislature to explain their cause because they will get a black name. I hope that the Senate will understand this situation and support Senator Trotzky in his motion.

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

Mr. PRAY: Mr. President and Members of the Senate: As a member of the committee which heard this, I would like to correct a couple of erroneous statements which I have heard.

First of all, there was not just one proponent. The Bureau of Labor and Industry did speak on the bill. It also received the support of the labor unions, and it also received the support, for the first time, of the Maine Campowners and Directors Association, who in the past always opposed it.

Also, they continued to state when they testified that the majority of the camps already pay the minimum wage and that it is only a few that do not. Thus, as to the statement by the good Senator from Cumberland, Senator Berry, saying that these campowners would receive a bad

name, they were there to testify, but they were there to testify in favor of it, and not opposed.

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

Mr. KATZ: Mr. President and Members of the Senate: There is one other supporter who has previously been an opponent at this time, and I am that person.

I remember the last time I voted against this bill. The next day I spent about an hour driving down the turnpike with the sponsor, then Representative Simpson from the House, and he told me some of the horror stories that he identified around the state which led him to sponsor, you know, the handful of bad apples. And believe me, in this very, very noble profession of campownership, which is such an important industry, there are a couple of real bad characters.

After Representative Simpson gave me the information as to why he sponsored the legislation, I made it a point to speak to several campowners in this area. They said it was not an issue with them, and they were embarrassed by the presence of these few bad apples within their industry.

In the last analysis, this legislation is not going to affect any except a very small group, who really should be affected, who exploit kids who can't get jobs for a handful of dollars a week, and maybe this will bring them into line.

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

Mr. CONLEY: Mr. President and Members of the Senate: The fact is true that the good Senator from Cumberland, Senator Berry, expressed, that this bill has been around for several years. The only thing absent this year is a lobbyist to defeat the bill.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that this bill, "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees", L.D. 626, together with all its accompanying papers, be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I am not sure I understand this bill thoroughly. Would I be in order to table it for one day?

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

Mr. Clifford of Androscoggin then moved that the Bill be tabled and Specially Assigned for March 18, 1975, pending the motion by Mr. Trotzky of Penobscot that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Merrill of Cumberland, a division was had. 17 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

Enactors

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

An Act Relating to Animal Welfare. (S. P. 48) (L. D. 129)

An Act Enabling Classification of Residents of State Institutions as Resident Pupils. (S. P. 143) (L. D. 507)

An Act Increasing the Amount of Real and Personal Property which may be Held by Knox Agricultural Society. (H. P. 242) (L. D. 319)

An Act Relating to Applications for

Insurance License under the Maine Insurance Code. (H. P. 315) (L. D. 391)

An Act to Require Reports of Certain Communicable and Notifiable Diseases to be Made to the Director of Health of the Department of Health and Welfare. (H. P. 684) (L. D. 807)

An Act to Transfer Responsibility for Forest Management of Indian Township to the Commissioner of Indian Affairs. (H. P. 711) (L. D. 818)

An Act to Create the Maine Correctional Advisory Commission. (H. P. 712) (L. D. 819)

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

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, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 97) (L. D. 177)

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

Emergencies

An Act Increasing Indebtedness of Calais School District. (H. P. 475) (L. D. 595)

An Act to Incorporate the Town of Benedicta School District. (H. P. 200) (L. D. 245)

An Act Relating to Experimental Signs at Railroad Crossings. (S. P. 109) (L. D. 363)

These being emergency measures and having received the affirmative votes of 32 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

House Report — from the Committee on Natural Resources — Bill, "An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites." (H. P. 154) (L. D. 209) Ought to Pass as amended by Committee Amendment "A" (H-47).

Tabled — March 12, 1975 by Senator Trotzky of Penobscot.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-53).

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read, and House Amendment "A" to Committee Amendment "A" was Read.

On motion by Mr. Trotzky of Penobscot, House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-27, was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the

second tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act to Remove the Town of Medway from the Maine Forestry District." (H. P. 228) (L. D. 284) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

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

Pending — Acceptance of Either Report. (in the House — Passed to be Engrossed as amended by House Amendment "A" (H-66).

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to explain briefly this legislative document. It is to remove the Town of Medway from the Forest District Tax. As I understand it, we have another bill coming up in the Committee on Taxation to remove all towns from the forest district tax. Therefore, I would suggest that somebody make a motion to table this unassigned until we hear this other bill, and then maybe we can incorporate the whole matter and take care of it in that manner.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled pending Acceptance of Either Report.

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

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)

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

Pending — Enactment.

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 19, 1975, pending Enactment.

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

Bill, "An Act to Permit Archery Hunting Without a License in Certain Cases." (H. P. 255) (L. D. 323)

Tabled — March 13, 1975 by Senator Pray of Penobscot.

Pending — Motion of Senator Graffam of Cumberland to Indefinitely Postpone.

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

Mr. PRAY: Mr. President and Members of the Senate: Yesterday this was tabled for one day while waiting for an opinion from the Attorney General's office. I have that opinion here and I would like to read the conclusion to it.

"In conclusion, it would appear that the law presently provides that landowners may hunt with a bow and arrow on their own land without a license during the regular season, only under the conditions provided by subsection 2401, subsection (1). L. D. 323 would extend this privilege to the archery season for bow and arrow hunters."

It was my opinion and Senator McNally's opinion that this was not true. It was the opinion of the president of the Maine Bow and Arrow Association that this was not true. But seeing how the Commissioner and how the Attorney General's office says it is true, then I would move that we accept

Senator Graffam's motion. Nine days is long enough.

The PRESIDENT: The pending motion is the motion of the Senator from Cumberland, Senator Graffam, that this bill be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.
Sent down for concurrence.

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

Bill, "An Act to Clarify the Definition of Homestead under the Elderly Homeholders Tax and Rent Refund Act." (H. P. 762)

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

Pending — Reference.

(Committee on Reference of Bills suggests Bill be referred to Committee on Taxation.)

(In the House — Indefinitely Postponed.)

Thereupon, on motion by Mr. Speers of Kennebec, the Bill was Indefinitely Postponed in concurrence.

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

Bill, "An Act to Increase the Income Limits under the Elderly Homeholders Tax and Rent Refund Act." (H. P. 763)

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

Pending — Reference.

(Committee on Reference of Bills suggests Bill be referred to Committee on Taxation.)

(In the House — Indefinitely Postponed.)

Thereupon, on motion by Mr. Speers of Kennebec, the Bill was Indefinitely Postponed in concurrence.

The President laid before the Senate the seventh 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 — March 13, 1975 by Senator Berry of Cumberland.

Pending — Motion of Senator Corson of Somerset to reconsider action whereby Bill was Passed to be Enacted.

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

Mr. HUBER: Mr. President and Members of the Senate: I am sorry that this piece of legislation, which is minor in terms of statewide interest, but also a just piece of legislation, is taking up so much time in this body.

This legislation, as I stated yesterday and before, received a unanimous ought to pass report from the Legal Affairs Committee. It passed in this body by a vote of 24 to 5. It simply corrects a legislative oversight made in 1951 which would deprive the residents of North Yarmouth from the rights to clamming in the Town of Yarmouth, which was previously part of the Town of North Yarmouth.

The Attorney General has ruled that this is constitutional. It presents no problems with home rule. It simply reaffirms these rights of the people of North Yarmouth, and these rights are in the present Yarmouth charter.

Two members of the Legal Affairs Committee yesterday stated that the Legal Affairs Committee doesn't want this legislation back, so I hope we won't

lengthen this already somewhat painful session by this kind of maneuver. Yesterday this body again passed L. D. 82, and I hope you will now vote in the negative on the motion to reconsider our action of yesterday.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I want to thank this body for their patience with me. I think you know that I am trying to represent my district, so I would just like to say one more word about this bill.

In the dispute between Yarmouth and North Yarmouth over Yarmouth's clam flats, I am not saying that North Yarmouth has not got a case. I am saying that this bill, L. D. 82, is not the instrument to settle the dispute. It will simply prolong the deadlock between these two towns. The Attorney General's letter, which I read to you yesterday, takes this view.

L. D. 82 should be amended or rewritten. This bad legislation we write will be remembered after us. The good will probably be forgotten with our careers. So instead of just ramming this bill through in order to get rid of it, let us recommit it to the Legal Affairs Committee so that a just and permanent solution to this dispute can be achieved.

My desire, I admit, is to kill this bill — let's not be hypocritical — but I know that that is not to be. My opponents, it seems to me, are set on passing this bill, bad though it is. A fair compromise, I think, is to refer the bill back to the Legal Affairs Committee.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: As a member of the Legal Affairs Committee, I would like to clarify one point. I don't feel that the Legal Affairs Committee doesn't want this bill back again. I think we are willing to take our responsibilities, and if you think we ought to have the bill back, we will take it.

I would like to say another word, and I would like to give credit to the Senator from Cumberland, Senator Graham, for showing his expertise and ability in carrying out his wishes here. I think he has done a remarkable job and I think he has done something that has almost accomplished his purpose. I think he should be very well commended in a very logical and fair-minded way.

I further believe that the bill, as we should enact it this morning, does everything that this legislature can do to settle the differences between the two towns. It gives them the opportunity to do that and maybe even gives them a little shove in that direction.

The redraft, which the Senator from Cumberland, Senator Graham, would like to have the Legal Affairs Committee consider, does about the same thing, only it still leaves all of the control in one town. And back in 1849 they had an agreement that this was going to be a joint effort to use and conserve the shellfish areas of the district.

I really think there is no need for this to go back to committee. If we really want to enact this bill, this is the time to do it, and the way to do it is to vote "No" on reconsideration. Thank you.

The PRESIDENT: The pending question is the motion of the Senator from Somerset, Senator Corson, that the Senate reconsider its action whereby this bill was passed to

be enacted. Will all those in favor of reconsideration please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

Reconsidered Matter

The following Bill was held on request by Mrs. Cummings of Penobscot, pending Consideration:

Bill, "An Act to Establish the Maine Safe Drinking Water Act." (H. P. 654) (L. D. 812)

(In the House — February 26, 1975, referred to the Committee on Health and Institutional Services)

(In the Senate — March 6, 1975, referred to the Committee on Public Utilities in non-concurrence)

(In the House — March 12, 1975, House Insisted)

(In the Senate — March 13, 1975, Senate Insisted and Asked for a Committee on Conference)

On motion by that same Senator, the Senate then voted to reconsider its action whereby it Insisted and Asked for a Committee of Conference.

Thereupon, on further motion by the same Senator, the Senate voted to Adhere.

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

Mr. HICHENS: Mr. President and Members of the Senate: March boasts of winters ending and the first day of Spring.

Its winds and blustery weather still have a wicked sting.

But the sun keeps going higher and shines longer every day

And there are signs around us that warm weather's on the way.

It has its famed St. Patrick Day and other dates of note;

And the birthdays of great men — both past & present — I could quote.

This year we have our Easter before the month does end;

The symbol of new birth and hope as on lifes way we trend,

If March wasn't in the calendar — I must stand here and say

You wouldn't have to hear me talk — 'cause I wouldn't be here today.

But March is here, and I am here, and so I write this poem

To tender birthday greetings — to a colleague — you all know 'im.

He hasn't been here very long — has been seldom on his feet

To speak — but there'll be issues, when he won't stay in his seat,

And this distinguished looking man — will add his views I bet,

And we'll be hearing more from him than what we've heard as yet.

He's added prestige in our midst — and you'll join me I know

In wishing Happy Birthday to Mr. Carbonneau.

(Applause, the Members rising.)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mrs. Cummings of Penobscot, adjourned until Tuesday, March 18, 1975, at 10 o'clock in the morning.