

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

Wednesday, March 19, 1975

Senate called to order by the President.
Prayer by Father Paul Coughlin of Augusta:

Let us pray. O Lord God, as we gather this day let us recognize you as our God, without whose spirit nothing grows, without whose righteousness people grow lawless, without whose love people wither and fall away. Help us, O God, to grow through the hard decisions. Lead us to choose not what is easy but what is right, not what is popular but what is true, not what is glamorous but what is enduring, for we are, each of us, the sum total of all that we choose. Let us love and serve the Lord and each other. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to the Authority of Bail Commissioners." (H. P. 263) (L. D. 310)

In the House March 11, 1975, the Minority Ought to Pass as amended report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-61).

In the Senate March 13, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference with the following conferees appointed on its part: Gauthier of Sanford, McMahan of Kennebunk and Silverman of Calais.

On motion by Mr. Wyman of Washington, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

Collins of Knox
Clifford of Androscoggin
Roberts of York.

Joint Resolution
STATE OF MAINE

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

JOINT RESOLUTION TO REQUEST STATE AGENCIES NOT TO USE THE ABBREVIATION OF THE STATE'S NAME IN ADVERTISING OR OTHER PROMOTIONAL ACTIVITIES

WHEREAS, certain state agencies have used the abbreviation of the name "Maine" in advertising and promotional activity; and

WHEREAS, this use of the abbreviation has not been a useful device to lighten the labor of writing the State's name, but has been a use which has tended to bring discredit upon the State and her people; and

WHEREAS, in the judgment of the Legislature, this use should not continue; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in regular session assembled, do respectfully urge and request that no state agency, board, commission, department or institution use the abbreviation of the name "Maine" in any advertising or other promotional activity; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted by the Clerk

of the House to the Governor of this State. (H. P. 925)

Comes from the House, Read and Adopted.

Which was Read.

Mr. Conley of Cumberland then moved that the Joint Resolution be Indefinitely Postponed.

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

Mr. CORSON: Mr. President and Members of the Senate: I would oppose the gentleman's motion to indefinitely postpone this joint resolution. It was stated when we reported out the "Me." bill ought not to pass that we felt the purposes of the bill could be better accomplished by a joint resolution, and my opinion hasn't changed a bit on this. I would urge the members of the Senate to join in the defeat of the motion and the passage of this joint order.

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

Mr. CONLEY: Mr. President and Members of the Senate: If there was a message to be delivered to the state departments relative to the advertising of the word "Maine," I think it has been clearly received. I think the good Senator from York, Senator Danton, clearly pointed out during the time of the debate that the department that was using an advertising firm using the word "Maine," the abbreviated version, was currently under contract for the next six months or so. I just see no purpose at all in this order. I think the departments throughout the state have clearly received the message, and we don't need this order.

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

Mr. CURTIS: Mr. President and Members of the Senate: I would like to speak against the pending motion. I hope we are able to pass this rather simple resolution. As regards messages being received, I seem to recall debating in previous sessions of the legislature the matter of catastrophic illness program and how it would be funded, and somehow or other that message seems to have been lost. I would like to kind of nail this message down so that the folks who are involved really get it. We debated this issue at some length previously, and it would seem to me that the dignified use of the word "Maine" ought to be kept in the highest regard by our state agencies and perhaps a joint resolution, after what has happened over the past year or so with the misuse of the abbreviation "Me.", is certainly in order.

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

Mr. DANTON: Mr. President and Members of the Senate: I wasn't going to speak on this order, but the thing that really upsets me about this is we are confining the use of the abbreviated Maine or "Me.", or whatever you want to call it, just to the state agencies. Peter Danton can own a motel and have the biggest sign in the world somewhere and it can read: "Sleep with Me. at Peter Danton's Motel". Now, I find that offensive.

The only thing that I am concerned about with this bill: are we going to tie the hands of these state agencies, do they have any pending contracts or contracts that they are responsible for with dollars involved, and will we still have an

obligation to pay for these contracts? Now, I asked Senator Corson and I don't think he was sure, and I asked the sponsor of this order and I don't think he was really sure. I would like to find out for sure if this order will in some way obligate the state to some dollars that we will have to pay, and still not get any benefit of this advertising until the current contracts run out.

I think a couple of weeks ago we explained to you that we notified the two agencies that were using "Me." in their advertising slogans, and they assured us that when they finished their current contracts they will not use it any more.

If we can at least get an explanation on this order, I will gladly support it. I just don't want to take and tie the hands of the agencies presently using it. If they want to take and really find out about it, fine, I will support this order. Maybe we should table this for one day and really find out what this order is going to do.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland, that the Joint Resolution be Indefinitely Postponed.

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 WESTBROOK HIGH BLAZES STATE CLASS A 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. (Hp 926)

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 CARIBOU HIGH VIKINGS STATE CLASS A RUNNER UP 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. 927)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolves 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 to Provide for the Approval by the Commissioner of Agriculture of all Exhibition Dates of Agricultural Fairs." (S. P. 333)

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

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Marcotte of York presented, Bill, "An Act Appropriating Funds for the Continuation of Sheltered Group Care Homes for Girls." (S. P. 341)

Mr. Clifford of Androscoggin presented, Bill, "An Act Making Supplemental Appropriations for the Substitute Care Program." (S. P. 318)

Mr. Speers of Kennebec presented, Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers. (S. P. 327)

Mr. Graham of Cumberland (Cosponsors: Mr. Curtis of Penobscot and Mr. Trotzky of Penobscot) presented, Bill, "An Act Providing Funds to Improve the Dental Health of Adults in Maine." (S. P. 336)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to the Osteopathic Student Loan Fund." (S. P. 342)

Mr. Graham of Cumberland (Cosponsor: Mr. Collins of Knox) presented, Bill, "An Act to Provide a Cost-of-living Increase to Supplemental Security Income Recipients." (S. P. 349)

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

Sent down for concurrence.

Business Legislation

Mr. Clifford of Androscoggin presented, Bill, "An Act to Increase Protection under the Uninsured Motorist Law." (S. P. 319)

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

Sent down for Concurrence.

Education

Mr. Katz of Kennebec presented, Bill, "An Act Creating the Post-secondary Education Commission of Maine." (S. P. 344)

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

Sent down for concurrence.

Election Laws

Mr. Corson of Somerset presented, Bill, "An Act Relating to the Procedure for Obtaining Absentee Ballots." (S. P. 330)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Fisheries and Wildlife

Mr. Hichens of York presented, Bill, "An Act to Prevent Unauthorized hunting on Private Property." (S. P. 346)

Mr. Speers of Kennebec (Cosponsor:

Mr. Pray of Penobscot) presented, Bill, "An Act Establishing a Limited Open Season on Moose." (S. P. 348)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to the Maintenance of Vital Records." (S. P. 322)

Mr. Hichens of York presented, Bill, "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care." (S. P. 345)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Clifford of Androscoggin presented, Bill, "An Act Increasing the Penalties for Conviction of High and Aggravated Assault and High and Aggravated Assault and Battery." (S. P. 314)

The same Senator presented, Bill, "An Act Establishing an Annual Sentencing Institute for the Maine Criminal Courts." (S. P. 320)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Indemnification and Legal Representation of State Officers and Employees." (S. P. 325)

Mr. Clifford of Androscoggin (Cosponsors: Mr. Conley of Cumberland and Mr. Speers of Kennebec) presented, RESOLUTION, Proposing an Amendment to the Constitution Limiting the Right to Trial by Jury in Criminal Prosecutions to only those instances in which an Accused may be Imprisoned or Suffer Loss of Liberty or be Fined more than Five Hundred Dollars. (S. P. 329)

Mr. Clifford of Androscoggin presented, Bill, "An Act Concerning the Granting of Ex Parte Temporary Injunctive Relief by the Superior and Supreme Judicial Court." (S. P. 338)

The same Senator presented, Bill, "An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights." (S. P. 339)

Mr. Clifford of Androscoggin (Cosponsors: Mr. Collins of Knox, Mr. Conley of Cumberland and Mr. Speers of Kennebec) presented, Bill, "An Act to Implement the Recommendations of the Trial Court Revision Commission." (S. P. 350)

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

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented, Bill, "An Act Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board." (S. P. 315)

Mr. Jackson of Cumberland, presented, Resolve, Authorizing Edward S. Crockett and Dorothy P. Crockett, or their Legal Representatives, to Bring Civil Action Against the State of Maine. (S. P. 324)

Mr. Conley of Cumberland, presented, Bill, "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act." (S. P. 331)

Mr. Gahagan of Aroostook presented, Bill, "An Act Permitting certain Graduates of Vocational-Technical

Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board." (S. P. 335)

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Dog Licenses and Dog License Fees."

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Local and County Government

Mr. Corson of Somerset presented, Bill, "An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services." (S. P. 332)

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

Sent down for concurrence.

Public Utilities

Mr. Speers of Kennebec presented, Bill, "An Act to Amend the Charter of the Winthrop Water District." (S. P. 328)

Mr. Clifford of Androscoggin presented, Bill, "An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-municipal Corporation." (S. P. 316)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10)

Which were referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Clifford of Androscoggin presented, Bill, "An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places." (S. P. 317)

The same Senator presented, Bill, "An Act to Provide for the Appointment of Deputy District Attorneys." (S. P. 321)

Mr. Marcotte of York presented, Bill, "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing." (S. P. 323)

Mr. Corson of Somerset presented, RESOLUTION, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office. (S. P. 334)

Mr. Katz of Kennebec presented, Bill, "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex at Augusta." (S. P. 343)

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

Sent down for concurrence.

Transportation

Mr. Speers of Kennebec presented, Bill, "An Act to Require Certain Lighting on Snow Plowing Vehicles." (S. P. 326)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Collins of Knox presented, Bill, "An Act Concerning the Board of Trustees of the State Retirement System." (S. P. 340)

The same Senator presented, Bill, "An Act Concerning Per Diem Payments to Trustees of the State Retirement System." (S. P. 347)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the Joint Standing Committee on Fisheries and Wildlife of the 107th Legislature report out a bill to make allocations from the Department of Inland Fisheries and Game for the fiscal years ending June 30, 1976 and June 30, 1977. (S. P. 313)

Which was Read and Passed.
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 Relating to the Conservation of Shellfish." (H. P. 409) (L. D. 498)

Bill, "An Act Concerning the Carrying of Firearms Suitable for Hunting in a Motor Vehicle." (H. P. 479) (L. D. 598)

Bill, "An Act Relating to Accrued Sick Leave of State Employees." (H. P. 505) (L. D. 627)

Bill, "An Act Relating to the Membership, Terms and Allowable Expenses of the Fish and Game Advisory Council." (H. P. 534) (L. D. 651)

Bill, "An Act to Prohibit Smoking in All State Offices." (H. P. 554) (L. D. 682)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Prohibit the Carrying of Firearms by Officers of the Liquor Statutes Enforcement Division of the Department of Public Safety." (H. P. 482) (L. D. 601).

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the Fee for Nonresident Big Game Hunting Permits." (H. P. 71) (L. D. 83)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act to Limit the Purposes for Holding Executive Sessions." (H. P. 22) (L. D. 30)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Pertaining to the Enactment by Municipalities of Police Power Ordinances Concerning Abandoned Vehicles." (H. P. 520) (L. D. 637)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act to Exempt Maine Residents 65 Years of Age or Older from Having to Obtain a Commercial Shellfish License." (H. P. 612) (L. D. 755)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act to Amend the Law Relating to Scallop Fishing Licenses." (H. P. 284) (L. D. 336)

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 Taxation on, Bill, "An Act Relating to Definition of Retail Sale

under Sales and Use Tax Law." (H. P. 537) (L. D. 672)

Reported that the same Ought to Pass.

(On motion by Mr. Katz of Kennebec, tabled and Specially Assigned for March 21, 1975, Pending Acceptance of the Committee Report.)

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Provision of Aftercare Services to Entrusted Juveniles." (H. P. 376) (L. D. 475)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Benefits to Convicts upon Discharge." (H. P. 308) (L. D. 371)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Required Information on Packages under the Weights and Measures Law." (H. P. 488) (L. D. 607)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Authorizing Additional Indebtedness for School Administrative District No. 15." (H. P. 601) (L. D. 744)

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, except for the tabled matter, the Bills Read Once and Tomorrow Assigned for Second Reading.

The Committee on Transportation on, Bill, "An Act to Allow the Use of Initial Type Plates on Pickup Trucks." (H. P. 62) (L. D. 74)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-92).

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.

The Committee on Taxation on, Bill, "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 126) (L. D. 159)

Reported that the same Ought to Pass.

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Part of the Allagash Wilderness Waterway." (H. P. 387) (L. D. 587)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-78).

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.

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

Mr. SPEERS: Mr. President and Members of the Senate: I note that Committee Amendment "A". Filing No.

H-78, specifies certain portions of the Allagash waterway, namely Allagash Lake and Allagash Stream, and it takes out of the bill the words, "where prohibited by rule or regulation of the bureau." In other words, it is saying that the bureau no longer will be able to issue rules and regulations regarding the use of canoes with motors, and it specifically prohibits it on these two specific portions of the waterway. I am wondering, and would like to ask the question through the chair of any member of the committee, whether or not the committee amendment contracts the area on which the motors are prohibited or whether it expands that area. In other words, does the bureau desire to limit the use of canoes with motors on more of the Allagash waterway or on less than what is specified in the particular amendment?

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

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Mr. TROTZKY: Mr. President and Members of the Senate: The regulation right now on the Allagash Wilderness Waterway is that no motors can be used on Allagash Lake or Allagash Stream. The committee amended the bill so it would just prohibit the use of motors on the area that they are prohibited right now. This was the desire of the Bureau of Parks and Recreation.

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

Mr. SPEERS: Mr. President and Members of the Senate: If that is the case, then what we are doing is denying to the Bureau of Parks and Recreation the authority to regulate by rules and regulations in the future whether or not boats and motors can be used on this waterway. I would ask a further question through the chair, if that is the intent of the Bureau of Parks and Recreation, whether or not they wish to be denied that authority.

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

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Mr. TROTZKY: Mr. President and Members of the Senate: All they wanted was to prohibit the use of motors on Allagash Lake and Allagash Stream. They did not want any other authority. So the committee changed this bill just so that it would fit in with their regulations presently, and I don't believe they objected to that. The committee amendment was also shown to the Attorney General.

The PRESIDENT: The pending question before the Senate is the adoption of Committee Amendment "A". Is this the pleasure of the Senate?

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Hunting Pheasants." (H. P. 346) (L. D. 430)

Reported that the same Ought to Pass.

Signed:

Senators:

McNALLY of Hancock
GRAFFAM of Cumberland
PRAY of Penobscot

Representatives:

KAUFFMAN of Kittery
MacEACHERN of Lincoln
MILLS of Eastport
TOZIER of Unity
MARTIN of St. Agatha
WALKER of Island Falls
PETERSON of Caribou
USHER of Westbrook

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

Signed:

Representatives:

CHURCHILL of Orland
DOW of West Gardiner

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the Motion by Mr. McNally of Hancock to Accept the Majority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide for the Receipt and Custody of Prisoners of the United States." (H. P. 150) (L. D. 169)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-79).

Signed:

Senators:

CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HEWES of Cape Elizabeth
HOBBINS of Saco
HUGHES of Auburn
SPENCER of Standish
HENDERSON of Bangor
McMAHON of Kennebunk
BENNETT of Caribou
GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-80).

Signed:

Senator:

COLLINS of Knox

Representatives:

MISKAVAGE of Augusta
PERKINS of South Portland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-79).

Which reports were Read, the Majority Ought to Pass as Amended by Committee Amendment "A" 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.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Fluorescent Orange Clothing to be Used when Hunting." (H. P. 345) (L. D. 429)

Reported that the same Ought Not to Pass.

Signed:

Senators:

McNALLY of Hancock
PRAY of Penobscot

Representatives:

WALKER of Island Falls
KAUFFMAN of Kittery
PETERSON of Caribou
MILLS of Eastport
DOW of West Gardiner
MacEACHERN of Lincoln
MARTIN of St. Agatha
TOZIER of Unity
USHER of Westbrook
CHURCHILL of Orland

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

Signed:

Senator:

GRAFFAM of Cumberland

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

On motion by Mr. McNally of Hancock, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to the Liability of Physicians and Surgeons Rendering Emergency Care." (H. P. 336) (L. D. 419)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

SPENCER of Standish
PERKINS of South Portland
McMAHON of Kennebunk
HENDERSON of Bangor
BENNETT of Caribou
HUGHES of Auburn

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

Signed:

Representatives:

MISKAVAGE of Augusta
GAUTHIER of Sanford
HEWES of Cape Elizabeth

Comes from the House, Bill and accompanying papers Recommended to the Committee on Judiciary.

Which reports were Read.

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

Mr. REEVES: Mr. President, could I ask for an explanation of this bill.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now poses a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: This bill is commonly called a good samaritan bill. It protects doctors who render emergency care at the scene of an accident without pay from liability for negligence. We have four bills like that in our committee, and we decided to do some housekeeping and thin our bills down to two that we would use as a vehicle for bringing out some reports

that are more definitive. So presenting this bill out "ought not to pass" was largely a housekeeping measure as viewed by the majority of the committee. There will be three other bills coming out of committee that deal with this good samaritan question.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

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 Education on, Bill, "An Act to Withdraw from John F. Kennedy College the Right to use the Term "College" in its name." (H. P. 583) (L. D. 722)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec
BERRY of Androscoggin
THOMAS of Kennebec

Representatives:

LYNCH of Livermore Falls
BAGLEY of Winthrop
CONNOLLY of Portland
LEWIS of Auburn
INGEGNERI of Bangor
MITCHELL of Vassalboro
CARROLL of Limerick
FINLASON of Danforth

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

Signed:

Representatives:

POWELL of Wallgrass Pl.
TYNDALE of Kennebunkport

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Mr. Katz of Kennebec moved that the Senate accept the Majority Ought to Pass Report of the Committee, and Mr. Gahagan of Aroostook requested a division.

Mr. Cyr of Aroostook then moved that the Bill and all accompanying papers be Indefinitely Postponed, and Mr. Katz of Kennebec requested a division.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to explain why I have made this motion. It is true that this college is small, it is true that possibly it hasn't accomplished all of the dreams of the founder, but at the same time it is now providing education for approximately sixty-seven students, mostly adult students, and this is mostly for adult evening courses. These are courses that are not being offered by any other school in the area. He is also using the talent in the local area to teach many of these courses. I think to deny him this title of "college" will seriously hurt his pride and I would say possibly slow down his progress. Now, all I can say is what harm can it do by continuing to use the word college. I hope you will support my motion for indefinite postponement.

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

Mr. KATZ: Mr. President and Members of the Senate: This legislature has set up very careful rules to protect consumers with respect to the use of the word "college." It is because of this procedure the legislature has set up that this bill is

before you. JFK presently has three full-time students, three full-time students. It also has what would amount to be an adult education program in the evening. I will not minimize the efforts that have been made by the gentleman who essentially has been a very, very devoted one man operation at JFK, but the fact remains that it is not a college and consequently, for the protection of the public, it should not be called a college.

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

Mr. REEVES: Mr. President and Members of the Senate: I have been to this college and I agree with the Senator from Aroostook, Senator Cyr, it is a modest attempt. On the other hand, I am wondering if any attempt is being made by the college to measure up to the standards set for the use of the name "college," and if such attempts are being made, whether or not we could postpone this to another session and allow this effort to go on, because where this is there aren't many other opportunities, and I think we should go out of our way to encourage them.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Cyr, to indefinitely postpone L. D. 722, Bill, "An Act to Withdraw from John F. Kennedy College the Right to use the Term 'College' in its Name". A division has been requested. Will all those in favor of indefinite postponement please rise and remain standing until counted. Those opposed please rise and remain standing until counted.

A division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

Senate

Leave to Withdraw

Mr. Jackson for the Committee on Local and County Government on, Bill, "An Act Relating to Payments to the Law Library of Androscoggin County." (S. P. 122) (L. D. 408)

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 Concerning Graves of Revolutionary War Veterans." (H. P. 64) (L. D. 76)

Bill, "An Act Providing Funds for a Fishway at Sherman Lake Outlet in Newcastle." (H. P. 221) (L. D. 277)

Bill, "An Act to Repeal the Bounty on Bobcats." (H. P. 287) (L. D. 339)

Bill, "An Act to Repeal Provisions for Assistant Chief of the Division of Inspection for Sardines." (H. P. 486) (L. D. 605)

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

House — As Amended

Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriffs. (H. P. 42) (L. D. 54)

Bill, "An Act to Clarify the Short Form Deeds Act." (H. P. 172) (L. D. 203)

Bill, "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services." (H. P. 256) (L. D. 304)

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law. (H. P. 436) (L. D. 538)

Bill, "An Act for the Humane Treatment of Animals in Schools, Public and Private." (H. P. 457) (L. D. 561)

Bill, "An Act Making Supplemental Appropriations for Child Welfare Services." (H. P. 442) (L. D. 540)

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

Senate

Bill, "An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need." (S. P. 133) (L. D. 438)

Which was Read a Second Time.

On motion by Mr. Cyr of Aroostook, tabled and Specially Assigned for March 21, 1975, pending Passage to be Engrossed.

Reconsidered Matter

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

Mr. CYR: Mr. President and Members of the Senate: Having voted on the prevailing side on item 6-24, Bill, "An Act to Withdraw from John F. Kennedy College the Right to Use the Term 'College' in its name", L. D. 722, I now move that we reconsider our action whereby we indefinitely postponed this Bill, and hope you vote against my motion.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that the Senate reconsider its action whereby L. D. 722 was indefinitely postponed. Will all those in favor of reconsideration please say "Yes"; those opposed "No".

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

Enactors

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

An Act Providing for the Designation of Anatomical Gifts on Motor Vehicle and Motorcycle Operators' Licenses. (H. P. 102) (L. D. 109)

An Act to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Restaurants Operating under a Part-time Malt Liquor License, Class A Taverns and Taverns on Sunday. (H. P. 338) (L. D. 421)

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

Emergency

An Act Creating the New Portland Water District. (H. P. 359) (L. D. 456)

This being an emergency measure and having received the affirmative votes of 29 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.

Orders of the Day

The President laid before the Senate the first 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 14, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Speers of Kennebec,

retabled and Specially Assigned for March 21, 1975, pending Enactment.

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

Bill, "An Act Concerning the Registration and Operation of Snowmobiles." (H. P. 845) (L. D. 1030)

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

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be Referred to the Committee on Fisheries and Wildlife.)

(In the House — Referred to the Committee on Fisheries and Wildlife.)

Mr. Danton of York then moved that the Bill be referred to the Committee on Legal Affairs in non-concurrence.

On motion by Mr. Pray of Penobscot, a division was had. 22 having voted in the affirmative, and seven having voted in the negative, the Bill was referred to the Committee on Legal Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Officials." (H. P. 834) (L. D. 961)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-74).)

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

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

Bill, "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations." (H. P. 24) (L. D. 32)

Tabled — March 18, 1975 by Senator Johnston of Aroostook.

Pending — Adoption of Senate Amendment "A" (S-30).

(In the House — Passed to be Engrossed.)

On motion by Mr. Johnston of Aroostook, retabled and Specially Assigned for March 21, 1975, pending Adoption of Senate Amendment "A".

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.