

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 21, 1975

Senate called to order by the President. Prayer by the Honorable Theodore S. Curtis, Jr., of Orono:

The thought for this morning is not a prayer, but reading of a brief excerpt from a poem by Maine Poet Edna St. Vincent Millay, written the year that she died, 1950, entitled "Thanksgiving 1950", and written at a time when the clouds of war were over the Korean conflict. The thoughts, I think, might be appropriate to many of the problems that we face in our country and in our state today.

"From the apprehensive present, from a future packed with unknown dangers, monstrous, terrible and new, let us turn for comfort to this simple fact: we have been in trouble before and we came through."

Reading of the Journal of Yesterday.

**Papers from the House
Non-concurrent Matter**

Resolve, to Reimburse Norman Salisbury of Amherst for Economic Loss to his Business Caused by Highway Repair. (S. P. 312) (L. D. 1060)

In the Senate March 18, 1975, referred to the Committee on Transportation and Ordered Printed.

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes." (S. P. 310) (L. D. 1058)

In the Senate March 18, 1975, referred to the Committee on Transportation and Ordered Printed.

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House March 12, 1975, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

In the Senate March 18, 1975, referred to the Committee on Legal Affairs and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate March 14, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-96), in non-concurrence.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 26, 1975, pending consideration.

House Papers

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

Senate Papers

Fisheries and Wildlife

Mr. McNally of Hancock presented, Bill, "An Act to Establish a Game Preserve at Newbury Neck in Surry." (S. P. 364)

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

Sent down for concurrence.

Health and Institutional Services

Mr. Collins of Knox (Cosponsor: Mr. Merrill of Cumberland) presented,

Bill, "An Act Amending Laws Relating to Hospitalization of the Mentally Ill." (S. P. 368)

Which was 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 Concerning Credit for Confinement within a County Jail after Sentencing." (S. P. 370)

The same Senator presented, Bill, "An Act Concerning the Jurisdiction of the Courts." (S. P. 374)

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

Sent down for concurrence.

Labor

Mr. Johnston of Aroostook presented, Bill, "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act." (S. P. 362)

Mr. Marcotte of York presented, Bill, "An Act Regulating Procedures under the Municipal Public Employees Labor Relations Act." (S. P. 363)

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

Sent down for concurrence.

Legal Affairs

Mr. Berry of Androscoggin presented, Bill, "An Act Providing for the Observance of Memorial Day on May 30th." (S. P. 371)

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Termination of Tenancy in Mobile Homes." (S. P. 375)

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

Sent down for concurrence.

Liquor Control

Mr. Danton of York presented, Bill, "An Act Relating to Business Days and Hours under the Liquor Laws." (S. P. 365)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Marine Resources

Mr. Wyman of Washington presented, Bill, "An Act to Require a Conventional Method for Taking Scallops from Coastal Waters." (S. P. 366)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Huber of Cumberland presented, Bill, "An Act Relating to Reclassification and Range Change of Certain Positions and Classifications in State Classified Service." (S. P. 369)

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

(See action later in today's session.)

Taxation

Mr. Clifford of Androscoggin presented,

Bill, "An Act to Clarify Certain Provisions of the Tax Lien Law." (S. P. 373)

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

Sent down for concurrence.

Transportation

Mr. Berry of Androscoggin presented, Bill, "An Act Concerning the Definition of Wrecker under the Motor Vehicle Statutes." (S. P. 372)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Wyman of Washington presented, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leonard Sprague of Machias. (S. P. 367)

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

Sent down for concurrence.

**Committee Reports
House**

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act Prohibiting Sale or Lease of Property Acquired by Eminent Domain to Elected Officials." (H. P. 93) (L. D. 113)

Reported that the same be granted Leave to Withdraw.

(Senator Danton of York abstained.)

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act Increasing the Annual Payment to the Nathan and Henry B. Cleaves Law Library of Cumberland County." (H. P. 222) (L. D. 278)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT Relating to Payments to the County Law Libraries in the Several Counties of the State" (H. P. 1003) (L. D. 1066).

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

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

Senate

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

Bill, "An Act to Authorize the Appointment of Deputy Fish and Game Wardens." (S. P. 160) (L. D. 534)

Leave to Withdraw

Mr. Graffam for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Hunting with Bow and Arrow." (S. P. 158) (L. D. 532)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Cyr for the Committee on Transportation, Bill, "An Act to Increase Fees for Overlimit Permits." (S. P. 255) (L. D. 831)

Reported that the same Ought to Pass.

Mr. McNally for the Committee on Fisheries and Wildlife on, Bill, "An Act

Relating to the Giving Away of Deer." (S. P. 221) (L. D. 734)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for second Reading.

Reconsidered Matter

On motion by Mr. Huber of Cumberland, the Senate voted to reconsider its prior action whereby on Bill, "An Act Relating to Reclassification and Range Change of Certain Positions and Classifications in State Classified Service", (S. P. 369), was referred to the Committee on State Government and Ordered Printed.

On further motion by the same Senator, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Establish County Commissioner Districts in Penobscot County." (H. P. 56) (L. D. 68)

Resolve, to Reimburse Edgar Tupper of Madison for Loss of Beehives by Bear. (H. P. 493) (L. D. 612)

Bill, "An Act to Increase Certain Fees Paid to the State Board of Nursing." (H. P. 496) (L. D. 614)

Bill, "An Act Relating to Conveyance or Loan of Property to the Cumberland County Recreation Center." (H. P. 540) (L. D. 656)

Bill, "An Act to Amend the Charter of Erskine Academy." (H. P. 592) (L. D. 732)

Bill, "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District to Require that District to Provide and Fund Pupil Transportation." (H. P. 629) (L. D. 780)

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

House — As Amended

Bill, "An Act to Revise the Laws Relating to the State Board for Registration of Architects." (H. P. 179) (L. D. 196)

Bill, "An Act Relating to Apprentice and Journeymen Plumbers and Establishing the Classification of Trainee Plumber." (H. P. 240) (L. D. 318)

Bill, "An Act Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code." (H. P. 292) (L. D. 344)

Bill, "An Act to Clarify Certain Laws Relating to Boxing." (H. P. 388) (L. D. 480)

Bill, "An Act to Provide for a Booth License under the State Barber Laws." (H. P. 438) (L. D. 539)

Bill, "An Act Relating to Education and Training under the Laws of Barbering." (H. P. 437) (L. D. 545)

Bill, "An Act Increasing Certain Permit, Examination and License Fees for Hairdressers and Providing for Biennial Renewal of Certain Licenses." (H. P. 453) (L. D. 559)

Bill, "An Act to Decrease the Insuring Limitation on Certain Programs of the Maine Guarantee Authority." (H. P. 832) (L. D. 959)

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

Bill, "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce and Mental Illness as an Impediment to Divorce". (H. P. 911) (L. D. 1032)

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

Mr. MERRILL: Mr. President and Members of the Senate: I note that my worthy colleague, Senator Danton from York County, is not here today. I know that he has some more ideas that he would like to pass on to the Senate with respect to this good piece of legislation, and I would ask that somebody table this for one legislative day.

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

Mr. Berry of Cumberland then moved that the Bill be tabled and Specially Assigned for March 25, 1975, pending Passage to be Engrossed.

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

Mr. MERRILL: Mr. President, I would inquire as to whether a motion to have this tabled for one legislative day would be in order at this time?

The PRESIDENT: The Chair would advise in the affirmative.

Mr. MERRILL: I would so move.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that L. D. 1032 be tabled for one legislative day, pending passage to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

On motion by Mr. Conley of Cumberland, a division was had, 16 having voted in the affirmative, and 11 having voted in the negative, the Bill was tabled and Specially Assigned for March 24, 1975, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act Relating to the Labeling of Shrimp." (S. P. 195) (L. D. 645)

Bill, "An Act Creating the Newport Water District." (S. P. 194) (L. D. 661)

Bill, "An Act to Provide for Marine Resource Education by the Department of Marine Resources." (S. P. 222) (L. D. 735)

Which were 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:

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide Single Member Districts for the House of Representatives, to Provide for Apportionment of the House and Senate and to Establish an Apportionment Commission to Plan for all Apportionments of the House and Senate. (H. P. 19) (L. D. 27)

This being a Constitutional Amendment and having received the affirmative votes of 27 members of the Senate, with two members voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this resolution was passed.

The Chair recognizes that Senator.

Mr. BERRY: Mr. President and

Members of the Senate: I think an occasion such as this should not pass totally unnoticed. The only comment, I think, that would be worthy of mention today is that there has been a tremendous show of statesmanship on the part of members in the other house. For those of us who have fought for this measure through the years, this is indeed a moment of gratification. I think that at long last we are going to really see truly the one-man one-vote theory applied here in Maine, with all the benefits which it will have on legislation.

I realize that there have been real practical, political partisan problems involved here. I think the people who have swallowed their thoughts and who have acted in the best interests of Maine — these are known only to themselves, I think — deserve the thanks of everybody in the legislature and out.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this resolution was passed: Will all those in favor of the Senator's motion say "Yes"; those opposed say "No".

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

Orders of the Day

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

House Report — from the Committee on Taxation — Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law." (H. P. 537) (L. D. 672) Ought to Pass.

Tabled — March 19, 1975 by Senator Katz of Kennebec.

Pending — Acceptance of Report. (In the House — Passed to be Engrossed.)

Thereupon, the 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 second tabled and Specially Assigned matter:

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)

Tabled — March 19, 1975 by Senator Cyr of Aroostook.

Pending — Passage to be Engrossed.

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

Mr. CYR: Mr. President and Members of the Senate: This bill, as you know, calls for an appropriation of 185,000 dollars. Personally I don't believe that this is a time to start adding on programs. It is a time to cut programs instead of adding on. This program so far has been funded by the federal government.

Now, this bill asks to fund two new offices, one in Lewiston and one in Skowhegan, that have been discontinued from federal funds. Many of the Senators I talked to about this bill told me "Well, why put up a fight on it? It is going to die on the Appropriations Table anyway." I think that is the cowardly way for us to do it. The danger to let it go on the Appropriations Table is that the co-sponsor is on the Appropriations Committee that divides the financial pie at the end of the session. I predict that this would end up with a smaller appropriation, and possibly in competition with more worthwhile programs or even your own pet project. Once they acquire a toehold, the next

request will be for half a million dollars. And they will use as argument that the legislature was in favor of this but it died because of lack of funds. I think that there are things that need to be said and it should be debated thoroughly before we find ourselves supporting a program funded with tax money to sue taxpayers and public officials.

I purposely tabled this for two days to allow the opposition to lobby the bill and to see how much strength they might have. I wanted to give them all the chances in the world to salvage their bill. And I noticed that there is a battery of lawyers from Pine Tree there have been in the halls of this legislature the past two days doing just that, lobbying. In the last session of the legislature and the special session, there was one of them sitting right back here every session during the whole session being paid by Pine Tree Legal to lobby five bills. Now how many industries and how many corporations in the State of Maine can afford to have the lawyer fulltime to lobby some of their bills? I think there are things that need to be said and it should be debated thoroughly. Governor Longley referred to this type of procedure as incest in its worst form, and I agree with him.

This would fund the reopening, as I said before, of two offices in two cities. If their track record was that good and they are that needed, why did the federal government withdraw their funds? Can you answer me as to why the low income people need a battery of lawyers to protect them against public officials elected to serve them? I am one of those public officials. I also serve on the town council and I am well aware of how they operate. They have been following a policy of harassment and confrontation.

I appreciate that at times you may have an honest disagreement on the language of certain welfare laws, but reasonable people can resolve these by a phone call or a personal call on the town manager or the welfare director. These people are not satisfied with this procedure; it is not spectacular enough. What they want is headlines. Instead, what they want is to sue towns.

In my experience as a town selectman, and I go back to 1955, at that time the selectmen were overseers of the poor, and they had complete charge of local programs which were at that time one hundred percent funded by local communities. I have never seen a person or a family in need denied assistance, and I don't see it now. What I have experienced is that you have more professional welfare recipients today trying to take advantage of loopholes in the law, and they are encouraged in doing this by the Pine Tree Legal Association.

The humble honest person in need of welfare does not have to fear his public officials. He does not need the protection of Pine Tree Legal Assistance to give him what he needs. The low income people that they talk about as their clients are, in most part, chiselers and those suspected of not giving honest answers. They are the ones that holler "foul" and run to Pine Tree Legal for legal protection as soon as they are discovered. This has caused unnecessary worry and expense to towns because these complaints are oftentimes followed by arrogant and threatening letters.

I attended a hearing this fall when one of their lawyers made the statement, "We will get you guys yet some day." They were talking about town managers and town officials.

Most public officials in Aroostook County have no use for them. In fact, their request for county funds was turned down unanimously by the county commissioners and the legislative delegation.

If this bill is defeated and doesn't go on the Appropriations Table, and Lewiston and Skowhegan still would be glad to have an office, we would be glad, I am sure, most of the public officials in Aroostook County, would be glad to relocate the Presque Isle office to their communities, and the only one that will miss them will be their own landlord.

I move the indefinite postponement of this bill and all its accompanying papers.

(Off Record Remarks)

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

Mr. CURTIS: Mr. President and Members of the Senate: This Legislative Document 438 is a bill that I am sponsoring, and if I may be permitted just a legislative courtesy for a moment and a bit of an aside, the organization which we have just recognized includes as its coach a gentleman who used to be my physical education teacher and leader in the time that I was on a state championship basketball team, only I wasn't a player—I wasn't good enough; I was the manager. But it is good to see Bill with another championship team.

To get to the matter at hand, the item that we are considering is a proposal for some funding by the state for the first time, it is true, for Pine Tree Legal. The purpose of the bill is to greater provide for equal access among all people, regardless of their individual wealth, to legal assistance so that the goal of justice for everybody can be achieved.

Now, I am not going to try to sink to the depths of language that has been used here. I thought that perhaps we had left that to the spokesman for another co-equal branch of state government. I guess when you can't use logic, you try to use language, or misuse it. But if we can keep the debate to the specific topic, this proposal is one that is endorsed by the Maine Bar Association, which is an organization that has followed Pine Tree Legal very closely. We are already using tax money to support this kind of effort. It is federal tax dollars, that's true. The federal government has not been able to finance Pine Tree Legal to the extent that it is able to provide legal assistance to all of the citizens of Maine, regardless of their income, to the extent that it is desirable. So we are here with the request that if the state has the finances available, and that would not be determined until I expect leadership took a long hard look at the revenues and the expenditures at the time the Appropriations Table was settled, that perhaps there would be a priority for this kind of legislation to assist in providing for equal legal assistance.

I am sorry that our colleague, the gentleman from York, Senator Marcotte, is not here with us today. He is the co-sponsor of the bill. And although he is on the Appropriations Committee, it is not the Appropriations Committee which finally, as it were, cuts the pie on the Appropriations Table. So I am sorry to see that his name has been brought into the debate in the way it was. But I have talked to some length with Senator Marcotte, and we both feel that this is an important piece of legislation which ought to survive at least long enough to have us get a good look at the priorities which are available to us.

Finally, it is true that there has been a

representative of Pine Tree Legal here. He is not an attorney. He is a gentleman who is able to coordinate the efforts of Pine Tree Legal without utilizing the expertise that is available to a member of the bar, and he is here at the request of the sponsor, so that some of the specific questions that have arisen, which are logical and reasonable questions, are able to be answered specifically. I hope that the pending motion does not pass.

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

Mr. MERRILL: Mr. President and Members of the Senate: I just want to say one brief thing on this piece of legislation. It has always seemed to me that a great deal of lip service is given by people in politics about their caring about people who are in less fortunate economic circumstances than themselves, and I think it is sometimes very difficult to make a judgment about the sincerity of those beliefs because the issues on which we vote are so complex, and there are different sides to the issue and there is a great deal of disagreement about how those interests can best be served of those people. But it seems to me one of the most fundamental decisions that we make as a body, and something that I think indicates pretty clearly whether or not that is just lip service or whether or not we actually do care about watching out for those who are in less fortunate economic circumstances, is whether or not we want to extend to those people the most fundamental right, the right to have legal counsel.

Everybody in this nation is protected by the Constitution. It means a lot to every one of us. A lot of us who are in government and who aren't in government think that that Constitution is one of the most important things that we have. Well, that constitutional protection means nothing if a person can't have legal counsel. The protections that exist elsewhere in our law so that everybody can be treated equally and everyone can have their day in court, those protections mean nothing unless a person can have legal counsel.

The private bar does a lot of pro bono work and they work hard to provide counsel for people who can't afford it. I think that the bar in most cases can be commended. But there is a lot that has to be done, and that is why the Maine Bar Association supports this legislation, because without it, without this sort of help from the state, these people don't have that representation, and the effect of taking that away is to take away the protections that we all enjoy and that we all would fight for, the protections provided to us in the Constitution of the United States. And I think this is one of the votes that, if you will, separates the men from the boys on the issue of whether or not we believe in equality in this nation, whether or not we believe everyone, no matter how desperate their circumstances, enjoys the same fundamental constitutional rights as everyone else.

I would ask the Senate to reject the motion of the gentleman from Aroostook.

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

Mr. SPEERS: Mr. President and Members of the Senate: I could not endorse more strongly the comments made by the good Senator from Cumberland, Senator Merrill. Really basically what we are talking about is the protection of individual rights, an

individual's civil rights. And if any one of us or any one else who can afford an attorney feels that his rights have been violated, or that he has cause of action against another individual, he is simply free to go to an attorney and hire an attorney to represent him in court and bring his case before the court. It doesn't mean that he is correct, it doesn't mean that he is wrong, but at least he will have a hearing before a court or before a jury and the issue will be decided. The question that remains is whether or not an individual who cannot afford an attorney has that same right. And that is what we are being asked to decide here today.

I am a little shocked at some of the comments that were made earlier regarding the rights of individuals to bring an action before a court of law for a determination of the facts and a determination of the law simply because it may happen to be a government official whom they feel has violated their rights.

We are not asked to determine at this point whether or not the State of Maine has the funds available for this program, but we are asked to determine at this point whether or not we feel it is a worthwhile program, regardless of whether or not the state has the funds. We will have to decide that matter at a later time, and this will have to stand in the field of priorities along with every other bill that would be placed on that table. But we are asked to determine right now whether or not we feel that it is important enough for individuals who may not otherwise be able to afford an attorney, or who may not be able to obtain an attorney to do the work for nothing, whether or not they have the same basic rights that everyone else in the State of Maine and in the United States of America has, and that is to have a hearing before a court of law and a determination of his rights.

I would oppose very strongly the motion of the good Senator from Aroostook to indefinitely postpone.

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

Mr. COLLINS: Mr. President and Members of the Senate: I have been in the same shoes that were described by the Senator from Aroostook. I guess at the present time I have to be classified as one of the older members of the bar, although I hate to think that I have reached that age, but as I think back in my own experience and remember the poor people that I represented in my first two or three years of law practice, and I remember some of the mistakes that I made and some of the Fourth of July speeches that I gave, I have to think that much of the criticism that is leveled at Pine Tree is really a criticism of youth feeling its way, trying to do a patriotic job as the young lawyer sees that job.

I have been on the other end from Pine Tree in very bitter circumstances in the courts. I have been very critical of some of the Pine Tree efforts to promote mass causes that really did not need that type of promotion and did not need that expenditure of funds. But I have also seen Pine Tree lawyers serve poor people in a way that they needed to be served and in a way in which the private bar was not able to serve them. And so I would say to the Senate that I hope that the exuberance, sometimes the arrogance, sometimes the poor judgment, of some very young and inexperienced lawyers would not cause us to completely ignore the values that their program brings to many people in this state, and I would hope that we could

support the work that they are doing.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I too rise in opposition to the motion made by the good Senator from Aroostook, Senator Cyr, and I can only speak for the fine job that the Pine Tree Legal Association has done in the area of the City of Portland. I think the subject has been well covered by those who have spoken on this issue, and I hope that the Senate would vote to override the motion. Mr. President, when the vote is taken I ask for the yeas and nays.

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

Mr. CYR: Mr. President and Members of the Senate: I was hoping that through this debate that we would at least send a message to the Pine Tree Legal Association as to their arrogance. In many cases, as the good Senator from Knox, Senator Collins, mentioned, possibly it is due to youth and their visionary trying to change society.

However, yesterday in the newspaper was this item: "U.S. to Study Welfare Loopholes". As you know, there is a pilot study that is going to go on here in Maine on the abuses of welfare. A lot of this abuse is due to that organization, because many of the town officials, rather than draw a suit against them, they bend backwards and they may give to individuals that are not in need. I have heard the figures tossed around that we have between 14 and 20 percent of abuses in the State of Maine.

Now, if this organization is really interested in the welfare of these recipients, these poor people and these low income people, if they are really interested, they should help the town officials to clean out these chiselers and these abusers. Instead of that, they help them to open these loopholes. I think possibly what has been said here in this debate — and I am more or less representing public officials, and apparently I am the only one that is a public official in the Senate Chambers — and I think what I have said needs to be said. If it is going to clean up the program, I think it is worthwhile and I think we have accomplished what we started to do. So, for that reason, I withdraw my motion.

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

Mr. BERRY: Mr. President and Members of the Senate: I sat here patiently and I wasn't going to rise this morning, but yesterday I was approached by one of my colleagues from the Senate and given his views on Pine Tree Legal. And to correct my good friend, the Senator from Aroostook County, he is not the only municipal official in the body. As many of you know, I am a city councilman in the City of Auburn, also serve as an overseer of the poor, and serve as a member of a fair hearing board within that city. I have to openly admit that we have yet to come in confrontation with Pine Tree Legal. As a matter of fact, when it was pointed out to me that this was coming before this body, I had to do some work to find out exactly what Pine Tree Legal was.

Yesterday I attended three meetings in the City of Auburn. I attended meetings with local officials, and I attended two meetings with low income groups. The message that came from all three meetings and even though I agree with the good Senator from Aroostook County that

there may be some administrative problems within Pine Tree Legal, I don't think we can solve those here, but I have to deliver the message that was almost unanimous with the people that I spoke to, and it was the fact that Pine Tree Legal does provide a service which is very much needed in my area. I find myself in a position that I have no other choice but to support this.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed and sent down for concurrence?

Thereupon, the Bill was Passed to be Engrossed.

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 19, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Graffam of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-33, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

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 19, 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. Corson of Somerset, Senate Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "B", Filing No. S-35, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Reeves of Kennebec then moved that the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now moves that the Senate reconsider its action whereby L. D. 32 was passed to be engrossed. Will all those in favor of reconsideration say "Yes"; those opposed "No".

The Chair is in doubt and will order a division. Will all those in favor please stand in their places until counted.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, a parliamentary inquiry as to whether it is in order at this point to inquire of the Senator from Kennebec, Senator Reeves, as to the purpose of the reconsideration motion?

The PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Clifford, that his inquiry is out of order at this time because the question has been put and is in the process of being voted on.

Will all those opposed to the motion by the Senator from Kennebec, Senator Reeves, to reconsider please rise in their places until counted.

A division was had, 11 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

Joint Order — Relative to amendment of Joint Rule 3. (S. P. 361)

Tabled — March 20, 1975 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon the Joint Order received Passage.

Sent down for concurrence.

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

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)

Tabled — March 20, 1975 by Senator Cummings of Penobscot.

Pending — Enactment.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-36, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: As a very brief explanation of this amendment, the bill itself provides for a change of name from the Bureau of Taxation to the State Revenue Bureau. This amendment would take out those provisions which provide for that change of name so that the Bureau of Taxation would remain named the same.

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

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

Sent down for concurrence.

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

House Reports — from the Committee on Fisheries and Wildlife — Bill, "An Act Relating to Hunting Pheasants." (H. P. 346) (L. D. 430) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — March 20, 1975 by Senator Marcotte of York.

Pending — Motion of Senator McNally of Hancock to Accept the Majority Report.

(In the House — Bill and accompanying papers Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled pending the Motion by Mr. McNally of Hancock to Accept the Majority Ought to Pass Report of the Committee.

Papers from the House

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

Committee Reports

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act to Authorize the Plantation of Matinicus to Establish an Electric Power Generating Authority." (H. P. 414) (L. D. 501)

Reports that the same Ought to Pass as Amended by Committee amendment "A" (H-98).

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.

Thereupon, under further suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

Joint Order

ORDERED, the Senate concurring, that notwithstanding Joint Rule 8, as amended, bills and resolves now in the Office of the Director of Legislative Research shall be introduced in complete final form in the appropriate House not later than 5 p.m. on Friday, April 4, 1975. (H. P. 1059)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until March 24, 1975, at 10 o'clock in the morning.