

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 27, 1975

Senate called to order by the President.

Prayer by Dr. Richard Cleaves of Augusta:

May we pray. Eternal God, we thank Thee for the beauty of the earth around us and for the opportunities that you give to us to serve your people, and at this season of the year may we be aware of the holiness of the season for so many. Help us also to be increasingly aware of the responsibilities that we have to the trusteeship not only from you but from those who place us in positions of responsibility. Help us always to be aware of the feelings of those who are less fortunate than we are and never to cut the hope of an increasing fullness of life from any. Amen.

(Off Record Remarks)

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, April 1, at 10 o'clock in the morning. (S. P. 415)

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 Deem the Municipality of Jay to Be Part of the Northern Androscoggin District of the District Court." (H. P. 60) (L. D. 72)

In the House March 21, 1975, Passed to be Engrossed.

In the Senate March 25, 1975, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

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

Senators:

CORSON of Somerset
DANTON of York
CIANCHETTE of Somerset

Non-concurrent Matter

Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises." (S. P. 100) (L. D. 378)

In the Senate March 25, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

On motion by Mr. Merrill of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

(See Action Later in Today's Session)

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

Camden-Rockport High School Girls Ski Team Class C State Champions:

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. 1221)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Reconsidered Matter

Mr. Katz of Kennebec moved that the Senate reconsider its prior action whereby it voted to Insist and Ask for a Committee of Conference on the following:

Non-concurrent Matter

Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises." (S. P. 100) (L. D. 378)

In the Senate March 25, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted in non-concurrence.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, if the Senate goes along with me, I would move then that the Senate recede and concur with the House and effectively kill the bill.

I was not involved in the sponsorship or the hearing on this bill but I do know that it has been a very, very important issue with our local law enforcement people. For many years the police have had really no opportunity at all to deal with the youngster who is hotrodding around town, who at 3 o'clock in the morning would scoot up your street from a standing stop, accelerate rapidly, and scare the pants off half the people in the vicinity. It has been a very, very effective tool locally.

I notice that on the bill itself it says as a statement of fact that courts have generally refused to allow convictions under this because of the vagueness of the statute. I think that is a general overstatement. It has been a very, very effective tool.

Now, if you go along with the previous action of the Senate and pass this bill, and take away from the police the opportunity of apprehending and hauling in the tire squealers, the hotrodders, who get away from a standing stop to 60 miles an hour over a period of a few seconds, you take a very effective tool away. It has been a good bill in the City of Augusta, and I ask that you support my motion to reconsider and then that we recede and concur with the House.

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

Mr. MERRILL: Mr. President, I would ask that the Senate vote against the motion to reconsider. In the action taken in the other body, if they join in a committee of conference, the intent would be that we not do away with this legislation — that seems to be impossible now — but at least that the law against squealing tires be rewritten so as not to be so vague as to be impermissible under our Constitution. The fact of the matter is that now the Superior Court, when faced with this, refuses to enforce this law for that reason. And it seems that if it is the will of the legislature not to take this off the books, that we at least ought to have it

appear on our books in a form that can be enforced by the courts. That was the intent of my motion.

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

Mr. KATZ: Mr. President, I thank the Senator from Cumberland, Senator Merrill, for the explanation, and I withdraw my motion.

House Papers

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

Senate Papers
State Government

Mr. Conley of Cumberland presented, Bill, "An Act Relating to County Administration of Certain Federal Programs." (S. P. 416)

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

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

Sent down for concurrence.

Orders

On motion by Mr. Corson of Somerset,
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 Mrs. Grace Dunton Town Clerk of New Sharon upon Retirement Following 44 Years of Dedicated Public Service

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment 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. (S. P. 413)

Which was Read and Passed.

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

On motion by Mr. O'Leary of Oxford,

ORDERED, the House concurring, that "An Act to Annex the Town of Jay to Androscoggin County," Senate Paper No. 67, Legislative Document No. 187 be recalled from the legislative files to the Senate. (S. P. 414)

Which was Read.

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

Mr. JACKSON: Mr. President, I would speak against that motion of bringing this out of the files, for the reason that I was the Chairman of the Joint Legislative Committee on County Government and we heard this bill that was presented by the good Senator from Oxford, by request, to the committee, and there were four people who spoke in favor of annexing the Town of Jay or allowing it to be annexed to the County of Androscoggin. Two of these individuals who spoke were representatives from Androscoggin County; the other two were representatives, selectmen, from the Town of Jay itself. We heard nine people testify in opposition. And of these nine people, some of these individuals were residents of the Town of Jay and wished that the Town of

Jay would not be annexed to the County of Androscoggin.

In delving into further research of Franklin County, the Town of Jay comprises about 38 percent of the total county budget. With this, they have a population of approximately 4,200 people. The total population of Franklin County is approximately 29,000 people, and we felt that if we passed this bill out with a divided report of Ought to Pass that we would be dealing a great injustice to the County of Franklin.

We did consider allowing the entire County of Franklin the right to vote on the annexation of the Town of Jay to Androscoggin County, and we felt that the effect would be the same as if we gave it a unanimous Ought Not to Pass Report, and this is what the committee gave it.

I would urge strongly that the members of this body sustain the unanimous Ought Not to Pass Report from the committee. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would like to speak to my order: On Tuesday, March 18, on our calendar the Committee on Town and County Government reported out of committee under Joint Rule 17-A "An Act to Annex the Town of Jay to Androscoggin County." I know and recognize the fact that I face an almost insurmountable task here today. In past legislatures I have sat silent when bills that I have sponsored came out of committee with an Ought Not to Pass Report, and believe me, there were more of my bills killed than ever passed. In this session, already four of my bills have been killed. And perhaps I should amend that to say seven now, since I wrote this, and on one of them I voted against the committee myself. On another I asked leave to withdraw, and on that I will address some remarks later.

However, this is one piece of legislation that I feel very strongly about, and each and every one of you here should too, and that is to allow the citizens of the Town of Jay the right to vote.

For all practical purposes, politically, this bill has spelled the end to any chances of me ever being reelected to this body. But whatever the end result, what happens to my future should be, and believe me it is, of no concern. I knew this when I was asked to introduce this bill. You will note that I introduced this bill by request, and that in itself almost denotes sudden death for the bill.

When I appeared before the committee, I made the statement that I was neither a proponent nor an opponent. At that time I was unaware that there was so much support for the bill. The Chairman of the Board of Selectmen for the Town of Jay, Mr. Anthony Benedetto, testified before the committee that the board, without one dissenting vote, had voted to support this bill. This came as a surprise to me. I was unaware that the town fathers felt so strongly on this matter.

The fact that the board of selectmen, who represent all of the citizens of the Town of Jay, support it should in itself be of major importance, as they are in daily contact with the people they represent. They maintain, and I agree, that their economic well-being would be better served if they were allowed to secede from Franklin County to Androscoggin County.

The opponents were, namely, the elected representative from the Town of Jay and perhaps four or five citizens of the Town of Jay who oppose anything and everything the selectmen are for. Other opponents

were the representative from Farmington, the chairman of the board of county commissioners, and the county treasurer. The opponents' only concern was that they liked and wanted to be a part of Franklin County and did not want to change.

The chairman of the board of commissioners never made a statement that they liked having Jay in their county. He was only concerned with the rest of the county having a heavier tax to the other towns if they lost the Town of Jay. The treasurer then went into the facts of the county budget and stated that the Town of Jay's share of the county budget was only 39.22 percent. This is true. It was clearly evident that he was attempting to discredit earlier testimony of Mr. Benedetto, who had testified that Jay was being assessed in excess of 44 percent of the county tax.

Mr. Benedetto's statement is true too. The 44 percent figure of Mr. Benedetto is a proper figure to use, because that is the share Jay pays as its share in taxes assessed by all of the towns of Franklin County, whereas the 39.22 figure is the overall budget when federal revenue sharing funds are included.

I suppose that these arguments by the opponents are really germane, but this is the sole objection they have, and I say it is really only a selfish one. To think that if the Town of Jay were to secede to Androscoggin County that it would financially ruin Franklin County, I can only say it is a lot of bunk. I would submit to you that we have a number of counties within our state that do not have as wealthy a town as the Town of Jay to support their county government. I would submit to you too that the right of self-determination by the citizens of Jay is a more overriding factor to be considered here today than someone else's opportunity to tap them for taxes.

Mr. President, statements were made at the hearing before the committee, and duly reported in the press, that Anthony Benedetto, who was at that time Chairman of the Board of Selectmen, was responsible for this piece of legislation. I would appreciate it if the press would more accurately report their stories. Mr. Benedetto did not ask me to submit this bill. Yet the committee heard testimony by the representative from Farmington, the chairman of the board of county commissioners, and others, that viciously and maliciously maligned Mr. Benedetto. It was stated that if Mr. Benedetto had been elected county commissioner that this bill would never have been presented. As God is my witness, I was asked to introduce this bill even before the election of 1974, and it was at the request of another board member. I do not believe in character assassination and I don't think that any of us here would subscribe to it, but believe me, there would be ample opportunity with some of the elected officials in the County of Franklin. I feel sure that if the good Senator from Somerset, Senator Corson, had been present at the public hearing on the budget for Franklin County, he would have been shocked at the shabby treatment afforded the selectmen of the Town of Jay by the county commissioners.

Now, let us take a look at what the legislature has done in the past, and I think it is important because a precedent was established. The City of Brunswick asked for the right to secede from Cumberland County to Sagadahoc. The legislature granted them the right to vote on this question. The very same procedure is set up in this bill for voting in Jay.

To go one step further, in this legislature Senator Corson of Somerset, who

represents that portion of Franklin County that I do not, sponsored, and it has been enacted into law, L. D. 218, An Act to Annex Township 4, Range 2, to the Town of Carrabasset Valley. The same voting procedure was used as with the City of Brunswick and as proposed once again for the Town of Jay.

You will perhaps say that I am not being consistent because I asked leave to withdraw on L. D. 257, An Act Converting Rangeley Plantation into the Town of Haley. This bill was not requested by any individual that resided in Rangeley Plantation, and there was not even one proponent present at the time of the hearing. I have a letter here asking me to remove the emergency preamble and change the date from 1975 to 1976. Even the town fathers were opposed to it, and I went to Rangeley Plantation to make sure of this.

If at any time in the future the citizens of Rangeley Plantation express a desire to vote on this question, I shall stand here and fight for their rights.

I would submit also that there is absolutely nothing sacred about county lines, nothing sacred. Some here represent portions of two counties and some of us here represent portions of three counties. And I would submit to you also that there are members in the other branch that have district lines that abridge county lines.

Another fact I would like to share with you is that at one time the Town of Jay was a part of Oxford County. They seceded to Franklin County because at that time Farmington was the county seat and a lot closer to where they resided. South Paris was a lot too far for them, and I could see the logic then. At the present time they would be a lot better off closer to Auburn, which is the county seat. I am sure we would like to have them back in Oxford County, but this bill doesn't provide for that so I am not asking that.

I was given to believe that this bill would come out of committee amended so that the whole of Franklin County would vote on this question. As much as I would dislike it, I could accept it. The citizens of Jay could vote to express their feelings, and at the same time the residents of Franklin County could have an opportunity to say whether or not they like having Jay be a part of their county. The vote may surprise a lot of people.

In 1607, the English founded Jamestown, their first permanent settlement in America. It was 168 years later, 1775, that the American Revolution began with the battle of Lexington and Concord. Our forefathers of this great nation drew up a constitution for us that grants us more freedom and choice than anyone else in the world. Perhaps the most important part of that great document is the right to vote. Recent rulings of the United States Supreme Court have prohibited discrimination in many cases, yet they have also affirmed that in some cases voting requirements shall be met that excesses of a majority cannot impose its will on a minority.

Mr. President and Members of this body, it grieves me to think that we can sit here and see the Town of Jay discriminated against, and that most of all we will deny them the basic American right, the right to vote. Yes, the City of Brunswick can have that right. Yes, the County of Sagadahoc can have that right. Yes, the citizens of Township 4, Range 2, can have that right. Yes, the same right can go for the Town of Carrabasset. I say to you here today that the Town of Jay must not be discriminated against and their basic right to vote on this

question should not be denied, and I hope each and every one of you will vote with me to recall this bill from the legislative files. This is not a party issue and let's not make it one. If the basic right to vote is going to be denied the people of Jay, let the other branch do it. And I would request a division.

The PRESIDENT: The Chair would interrupt debate to welcome to the Senate Chamber this morning a very distinguished visitor from the State of Georgia, Essley B. Burdine, who is the National Commander of AMVETS. Mr. Burdine served in the Army during World War II and received his law degree from Mercer University in Macon, Georgia. He is a member of the Georgia Bar Association and of the Stone Mountain Bar Association. He is a former Deputy Director of the State Board of Workmen's Compensation, Director of the Metropolitan Psychiatric Center of Atlanta, Park Enterprises and the Foundation Garden Center. He is a member of the Atlanta Chamber of Commerce and a trustee of the AMVETS National Service Foundation. He was recently elected as "Boss of the Year" by the American Association of Business Women, together with his other honors.

If the Sergeant-at-Arms would be good enough to escort Commander Burdine to the podium, we would be glad to hear from him. I would like the Senate to rise and give him a greeting. (Applause, the Members rising)

Mr. BURDINE: Mr. President, that is quite a famous name, Sewall is, down in Georgia. It is a manufacturer of men's clothing, one of the largest manufacturers in the world, but we never did manufacture anything as nice as you have got on this morning.

I am particularly pleased that you would give a national commander of a veterans organization the opportunity to appear before you for just a few minutes. I do realize that you are busy, that you have a lot of business here before you, that it is Easter weekend and you are trying to get an early adjournment or recess so that you can get home to be with your families. I would like to speak with you for just a few minutes, however, to bring you greetings from our national headquarters in Washington, D.C. on behalf of AMVETS, but more importantly than that, to bring you greetings from all of the 29 million veterans of the United States.

We find as we go into the various places that there is an attempt to erode the veterans legislation that is now through and already on the books, and this is prevalent throughout the country, and we are trying to, of course, ascertain why.

The Twentieth Century Task Force just recently issued a two-year study in which they recommended that all of the 171 Veterans Administrations hospitals be turned over to the H.E.W. to be used by all welfare, indigents and veterans combined. We find that they also recommend that all the compensation and pension rights be turned over to Social Security for administration. This type of thing, of course, wears as we admit that the government does not owe us anything; we owe everything to the government. But we suddenly have a new type of thinking in Washington, D.C. We have some 57 new members of Congress this year that are already proposing that the defense budget be cut to zero and all of those funds be taken and added to the H.E.W. funds. They even have gone so far in Washington, D.C. to be advertising for people to come in and apply for food stamps. They say there is not

enough people now in Washington, D.C. on food stamps, that there should be at least 70,000 more.

I am happy to report to you that the volunteer army is working the greatest, beyond all expectations. The volunteer army we have had now going on almost three years. We find that the average of educational standards of the volunteer army is some 8 percent higher than it was under the draft army. We found that in grade 4 the lowest classification that the army would accept during the draft was about 22 percent of grade 4. We find today in the volunteer army that it is a little less than 15 percent. We find that they are more professional now than they have ever been in their life; they are making it a career. We find that within 90 days they are deciding if they want the individual or if the individual wants the army, and if they don't, they are separating, they are friendly, and going on their way. We find that under the draft system we had just a little better than two combat divisions ready, but under the volunteer army system in the last three years we are now at 13 full-strength divisions, and at the end of fiscal 1976 we will have 16 1/3 divisions that will be combat ready. We find also that under the volunteer army we have done that at a cost of almost 3 billion dollars less than what it cost under the draft. These are figures, of course, we are happy to discuss with you, we are happy to find here.

We find our 171 V.A. hospitals to be in remarkably good condition wherever I go. There is only one problem that we face in the V.A., and that is the medical treatment. They are limited on the salaries that can be paid a doctor to the amount of \$36,000, and all of the V.A. hospitals are losing doctors each year on that limitation because the doctor can step across the street and start work at 50 or 60 or 75 thousand dollars a year. We just proposed, I did last week in my speaking before the Veterans Affairs Committee of both the Senate and the Congress of the United States, that there should be some provisions made, as we have now in the volunteer army. We now have a new provision of \$45,000 for doctors that is paid to him over a three-year period tax free to induce him to come into the service, and it is working very well. We think, of course, that that proposal will probably go forward with the V.A. to effect more enlistments into the V.A. facilities by our doctors. Just down in Connecticut, just below you here, we have probably the greatest eye research V.A. center in the world in New Haven, and yet they don't have an ophthalmologist there at the present time because the ophthalmologist they had left for a job paying \$150,000 a year.

I bring you these small problems, and they are small problems because you all face a lot here, just to point out that on the national scene we are moving forward to all of the phases there.

In the veterans cemeteries, we are trying to get at least one veterans cemetery in every state in the union. The cemeteries are now under the Veterans Administration for the first time in its history, and they are doing an excellent job. They have plans now for seven additional cemeteries. They have been selected, the sites have, and they are waiting on the funding. So there is wide hope.

It was my talk to the Senate and the House Veterans Affairs Committee that the veterans perhaps should not come seeking any additional legislation in their benefit, but we should come seeking to hold what we

have because there is a movement on to take it.

I am pleased that you would allow me just a few minutes to be here with you this morning and discuss a few things with you. As I say, I know that you are busy. I was interested to note, Mr. President, in last night's paper that you are now proposing a visitors or tourists lottery for the first time. You know, I am not familiar with lotteries. We don't have them down in Georgia. We need them but we don't have them. That is a hardshell Baptist belt down there and they don't believe in anything except to be against sin. But I noticed that you have a lottery that you are specifically trying to get the tourists with, where you rub off the dot on the top and it has got a bird on it you get \$2, and if it has got five somethings on it you get \$10,000, and that is to attract tourists. I just mentioned over in the House of Representatives a moment ago that when I was a boy I picked cotton, and when I got a little older I picked tourists. And you all are on the right track; it is easier to pick tourists than it is cotton. Thank you.

Thereupon, the Sergeant-at-Arms escorted Commander Burdine to the rear of the Chamber amid the applause of the Senate, the members rising.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: To come back to the business of Mr. O'Leary's order or motion, I would like to say here that I too am on the County Government Committee. I am also on the Liquor Control Committee. At the time that 17-A took place on the County Government Committee, I was not present due to other chores with the Liquor Control Committee which I thought were more important. Therefore, if I had been there, they would not have had a 17-A. I would have held that bill. So I do concur with Senator O'Leary from Oxford. Thank you.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: I have a note here, and it would seem that some of my remarks were perhaps misinterpreted. I am not trying to say in any way that the good Senator from Somerset, Senator Corson, was neglecting his duties by not being at the budget meeting. I know that he was sick and I know that he does care. He is a very capable legislator and he is very sincere in his efforts in behalf of the people of Franklin County, and he represents them very well and very ably.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that this morning we really shouldn't be talking about the merits of the bill because I think we have heard the procedural problem that this bill ran into, and that is that there was a signature of one of the members of the committee who couldn't be present who would have signed an Ought to Pass Report. I wholeheartedly agree with rule 17-A, I think it speeds up the legislative process, but it seems to me when you have a situation where a bill is reported out 17-A by inadvertence that the legislature should allow the order to revive the bill to pass and then to debate the bill on its merits. I think that is the issue really which we are debating here.

We could talk about whether Jay and

Livermore Falls really constitute one geographic and economic area, and I think they do, but I really don't think at this juncture that is the issue. I think the issue is whether or not, because a bill happened to slip under a rule which was designed to get rid of bills on which there was unanimous agreement that they shouldn't pass, a bill happened to fall under that category really by inadvertence, it shouldn't be in that category, that it should be debated on its merits. I think the issue before the Senate now is whether we will vote to allow the legislature to vote to allow the people to vote on this issue. I would hope that at least you could pass the order, let it come before the legislature, and then we could debate the merits. Thank you, Mr. President.

(Off Record Remarks)

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

Mr. JACKSON: Mr. President and Members of the Senate: In regard to Senator Carbonneau's remark, we posted notice, and it was delivered to every member of the committee, that there would be a working session held at 10:30 that Friday morning. We attempted to try to contact Mr. Carbonneau to sign the bill. We were unable to contact him. So we sent the bill out — everybody else on the committee was in agreement — we sent it out as 17-A, Ought Not to Pass.

To get back to Senator O'Leary's remarks as to the residents of Jay, that there was a large majority in favor, there was no evidence given to the committee, such as petitions or in the form of testimony, that the residents of the Town of Jay were in fact in favor of annexing from Franklin County to Androscoggin County.

I feel that we gave this bill a large amount of time, a lot of study, and it was the concensus, as I said, unanimous, except for the good Senator from Lewiston, Senator Carbonneau, and he was not present and was unable to be reached, that we pass this bill out as 17-A. I don't feel and I don't feel that any member of the committee feels that any injustice was dealt through this process. Thank you very much.

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

Mr. CONLEY: Mr. President and Members of the Senate: A few years ago, at least, either in the last session or the session before, I think, a very similar incident such as the one today occurred — I don't recall who the chairman of the committee was at that time — when a bill was allegedly signed out unanimous Ought Not to Pass, and because of the fact that the full membership of that committee has not really totally agreed on the bill, it was recommitted back to the committee for total signature of the committee. I feel that, as in the words expressed by the good Senator from Androscoggin this morning, that Rule 17-A is a very, very strong rule that we do deal with, and at no time has the Senate had before it really the bill that the Senator from Oxford, Senator O'Leary, speaks about.

I think the good Senator from Cumberland, Senator Jackson, has clearly stated that Rule 17-A in this case was violated and that the opportunity should be given the Senator from Oxford, Senator O'Leary, at least to debate the merits of the bill on the floor of the Senate. I would urge the Senate to vote along with the order to recall the bill from the legislative files.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: My good friend and colleague, Senator Jackson, seems to have intimate that I was not around Friday, that particular day. It so happens that I was here until 4:30 like I usually am daily. Now whatever effort was made to reach me I don't know, I wasn't there. I do know that there was another bill that was being worked on in a working session with Senator Graffam from Cumberland, and that bill was L. D. 4. On that day I think we heard something in the neighborhood of 25 or 30 kids — I call them kids, they were 18 years old — they wanted to present their view on that bill. We had a hearing there that lasted two and a half hours with these people, and then we worked on the bill and we have not come out with it yet. However, I want to put one thing straight: I was around until 4:30 in the afternoon, and if I had been around to vote on that bill, 17-A would not have taken place. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: I think we are seeing here the proper treatment of what to do if you are not satisfied with 17-A. And incidentally, Mr. President, I would hope we might continue this debate uninterrupted now because we seem to sometimes lose the trend of thought here in recognizing people.

Senator O'Leary has had and is using this very proper method for debating the bill, and Senator Carbonneau is using very properly this occasion to debate the bill. This is in response to Senator Clifford from Androscoggin; this is their day in court right now and this is just what should be happening. So let's talk about the bill now. If an honest mistake was made in the committee, and apparently it certainly was honest, there is a question whether there was even a mistake made, and to put this into proper perspective, we need a two-thirds vote now to recall this from the legislative files when the vote is taken on this matter.

If we are going to pursue this same course that was referred to in the matter of Brunswick and Cumberland County, we are going to start along a road here that we started before, and it caused a great deal of pain and anguish before it was terminated by the voters of Bath and Sagadahoc County when they turned the issue down finally.

In response to Senator O'Leary, for whom I have a great deal of respect and generally find myself in complete resonance, he has brought up several incidents of annexation which have nothing to do with this situation. They are annexations of towns to towns, and every instance he cites I am totally in support of. But we are talking here about playing around with valuations and moving a community from one county to another for the sake of the buck. I ask you to conjure in your imagination what would happen if Wiscasset wanted to get out of Lincoln County? Or Sersport gets an atomic plant and wants to get out of Waldo County and go to Hancock, some place where they can get a better deal on their taxes? This is really what we are talking about.

You can take any large assessed property, preferably on the edge of a county, but perhaps some way we will get around that restriction too, and come in here and lobby to get it done. I don't think, this is good government. I think that we should vote against the motion to admit this bill.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I am a little surprised at the good Senator from Cumberland, Senator Berry, who seems to be endorsing the sacred nature of county lines. It doesn't seem to be consistent with some of his other pronouncements on that form of government. As for Wiscasset and other communities, I think that each one, if there is some reason, geographic, economic, political, for them to change county lines, I think they should be taken up individually on their merits. But I think the Senator from Cumberland, Senator Berry, touched on the problem here, and that is the two-thirds problem. That is the problem that makes the imposition of Rule 17-A unfair in this particular situation.

This bill really is not a 17-A matter. There is at least one of the committee members who says that he wanted to sign an Ought to Pass Report. This bill should be considered on a majority pass situation and not two-thirds, and I would hope as a procedural matter you would allow the Senator from Oxford, Senator O'Leary, and the Senator from Androscoggin, Senator Carbonneau, the courtesy of getting this back before the legislature so that the legislature can decide and vote whether or not the people are going to vote on this matter. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question is the passage of item 4-2, an order presented by the Senator from Oxford, Senator O'Leary, in reference to L. D. 187. A division has been requested. Will all those Senators in favor of the passage of this order please rise in their places until counted. Will those opposed please rise in their places until counted.

A division was had. 14 having voted in the affirmative, and 16 having voted in the negative, with 14 being less than two-thirds of those Senators present and voting, the Order Failed of Passage.

Committee Reports House

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 Provide for the Protection of Fringe Benefits as Wages." (H. P. 558) (L. D. 687)

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax." (H. P. 183) (L. D. 232)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Relating to Operation of Motorcycles or Motor Driven Cycles over the Land of Another." (H. P. 146) (L. D. 174)

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.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

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

Mr. BERRY: Mr. President, I move the Senate reconsider its action whereby it accepted the committee report, and would speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it accepted the Leave to Withdraw report of the Committee in reference to Item 6-4. Is this the pleasure of the Senate?

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I spoke to the Chairman of the Committee on this last item and he advised me that the committee felt that the laws on the books now relative to trespass take care of the problem. This causes me a little concern, and I speak to this item and the preceding item on helmets.

Through the years I have come to realize very obviously and easily that we have some emotional problems that keep recurring here in the Maine Legislature. The first one of the type I am thinking about were the snowmobiles, and I have seen that grow to a problem where I question anybody has the intestinal fortitude to properly consider the problems. I saw the all-terrain vehicle issue several sessions ago get quietly shelved in the spirit that it was too thorny a problem for the Maine Legislature to handle. I now see here in L. D. 74 perhaps a further step along the road of the legislature refusing to accept its responsibilities.

There is a pretty good editorial in the Portland Press Herald this morning on the subject in general, and I would read part of it very briefly to you. "Perhaps legislation to save lives in this manner is excessive control of the individual. If the auto driver or the suicide seat passenger prefers the risk of death or serious injury to the restraint of the seat belt, perhaps he should be permitted to exercise the option. If the motorcyclist wants to feel the wind and the rain in his hair, and winds up with gravel and pavement in his skull, it is, after all, his skull. So perhaps it should be his decision." I think maybe we are helping him make the decision by not facing to the issue.

Now, L. D. 174, if we are solving the problem by saying our present trespass laws take care of the issue, we are certainly neglecting the rights of Maine residents. And I mean the resident who doesn't drive an all-terrain vehicle. I am thinking of the property owner who is not there to protect his property, if that is the word. I am thinking of the resident who sees the all-terrain vehicle going up and down his property every day, eroding the grass and the cover, creating noise and confusion, perhaps fear in some people's minds, and we say that our present trespass laws take care of the case, and we know they don't.

I think, as this editorial goes on to say, that if these people — and I refer to snowmobilers as well as the all-terrain vehicle people — if these people do not regulate themselves and support some type of legislation for the public weal, we are going to see oppressive legislation eventually passed by public pressure that no one wants.

Now, we know very well that you cannot use the present trespass laws to enforce trespass on your property. You would be the object of any sort of a hatred campaign that might result in injury. You would be

subject to expense that you should not be forced to pay to install and maintain signs on your property every so many feet.

Now, I cite what could happen if the legislature doesn't take its responsibility. The laws in California, where the situation didn't get out of hand but could have, were solved by anybody for any purpose on anybody else's land has got to have a piece of paper in his pocket signed by the owner of that land giving him express permission to go on it. Now, if that is the way we are going to end up in Maine because we are not facing the problem today, look at what this is going to do to the hunting industry, the fishing industry, the trapping industry, and everything else that we in Maine love to do and love to have people come from outside of Maine into Maine to do and, incidentally, leave a little of their money in the process.

I cite this, Mr. President and Members of the Senate, as an overall problem that we are not facing. And I will say again I infer no criticism of the chairman or his committee; I can understand their viewpoint, although I certainly do not share it. But I do bemoan the fact that once again we are putting another nail in a situation here that sooner or later, unless we do have the intestinal fortitude to act properly, is going to end up as a situation that none of us are going to like.

Mr. President, I hope that the Senate votes against reconsideration.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would just like to cover a point on why the committee did ~~decide to allow a Leave to Withdraw Report on this bill.~~

Let me very quickly read what the bill says. "It shall be unlawful for any person to operate a motorcycle or motor driven cycle over the land of another unless the landowner has expressly granted him permission. Whoever violates this section shall be guilty of a misdemeanor." That is the bill. Now, here is the existing law today, Title 17, paragraph 3853: "Whoever willfully enters in and upon any land commercially used, including parking lots, or whoever willfully enters in and upon residential property or the improved lands appertaining to any farm, summer camp or cottage, whoever parks any motor vehicle in a private drive or in a way in a manner to block the same or in a public highway in such a manner as to block the entrance to public driveway, gate, byway, or whoever willfully permits cattle, horses, sheep, swine to enter in and upon residential property, including summer residences and cottages, after having been forbidden to do so by the owner or occupant thereof either personally or by an appropriate notice posted conspicuously on the premises, shall be guilty" — of the same thing.

It was the opinion of the committee that the bill as presented to the committee was almost an exact duplicate of the existing law. I think without any question the law today covers exactly what the bill asks for. That was the reason the committee granted Leave to Withdraw.

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

Mr. CORSON: Mr. President and Members of the Senate: I would like to state at this time that I personally spent many hours on this L. D. 174, working very closely with our committee's legal counsel, and looked at this matter from every angle we

could. We concluded, as the good Senator from Somerset, Senator Cianchette, has said, that the matter is covered by 17 MRSA, section 3853.

I met with the sponsor of the bill at some length in discussing this matter. I asked him if any of the people who had brought the problem to his attention had sought any remedy under the existing trespass law, and he said that no they had not. I was concerned that if they had sought remedy under the law, and the law was inadequate, that perhaps we should do something with it. But where they had not sought any remedy, from my interpretation, from the interpretation offered by the other members of the committee, and from the interpretation from our legal counsel, the laws we have on the books now are quite adequate. Thank you very much.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Mr. Berry of Cumberland withdrew his motion to reconsider.

The Committee on Legal Affairs on, Bill, "An Act to Require Minimum Standards for Automotive Fire Apparatus." (H. P. 637) (L. D. 788)

Reported that the same be granted Leave to Withdraw.

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 Judiciary on, Bill, "An Act Relating to the Preservation of the Constitutional Right of Trial by Jury." (H. P. 237) (L. D. 293)

Reported that the same Ought to Pass in New Draft under New Title: An Act Relating to the Transfer of Misdemeanor Proceedings without Trial to the Superior Court" (H. P. 1045) (L. D. 1111)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-104).

Which report was Read.

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

Mr. SPEERS: Mr. President, I would like to ask through the Chair of any member of the Committee on Judiciary for a brief explanation of the bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: This bill is commonly known as the transfer bill. Two years ago the legislature, following an urgent request from the courts, set up a procedure requiring that persons brought into the district court make a choice to either waive jury trial and be heard there or have the case transferred to the Superior Court. This procedure has just not worked in accomplishing its purpose. Its purpose was to get more cases heard and disposed of in the district court. But it didn't work out that way, and it has resulted in a tremendous logjam of cases in the Superior Court, many of them being taken there on the excuse that they want a trial by jury, which they never quite face up to when the time comes. So the courts, the justices, came with their committee before the leadership and before the Judiciary Committee and requested that we repeal the existing law and substitute something else.

There were two bills before the committee, one from Senator Clifford and one from Representative McKernan. We heard both bills, and Senator Clifford, Representative McKernan, and Senator Merrill worked out a new version, conferred with justices of our courts at the different levels, and the committee unanimously reported out this bill as the best measure that we can see at this moment to try to alleviate this problem. We hope that it will result in more cases being disposed of in the district court.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee.

Thereupon, the Ought to Pass in New Draft Report of the Committee was 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.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Allow a Trade-in Credit on the Sales Tax on Boats." (H. P. 185) (L. D. 233)

Reported that the same Ought to Pass.

Signed:

Sensors:

WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

MORTON of Farmington
MAXWELL of Jay
COX of Brewer
IMMONEN of West Paris
TWITCHELL of Norway
MULKERN of Portland
SUSI of Pittsfield

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

Signed:

Representatives:

DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE of Bridgewater

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

Which reports were Read.

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

Mr. KATZ: Mr. President, might I request through the Chair as to the loss of revenue on this bill?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I don't have the exact figure here, but it was developed at the committee hearing that the sale of boats to out-of-state people had virtually disappeared due to this tax. Now, there will be some loss of tax in one respect, but I think we will gain enough in renewed or more orders for boat building so that overall the state will benefit by it. Now, if the Senator from Kennebec wants the exact figures, I can get them for him.

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

Mr. SPEERS: Mr. President and Members of the Senate: I note that on the L. D. itself there is a fiscal note of a loss of revenue of \$100,000 per year. I would

respectfully ask whether or not the committee feels that the bill as drafted was wrong and whether its figures were correct, and if so, whether or not the bill should be amended so that a fiscal note could be drafted that would accurately reflect the situation.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and Specially Assigned for April 1, 1975, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Exempt Fuel Adjustment Charges from the Sales Tax." (H. P. 189) (L. D. 266)

Reported that the same Ought to Pass.

Signed:

Sensors:

WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

TWITCHELL of Norway
DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE of Bridgewater
MAXWELL of Jay
COX of Brewer
IMMONEN of West Paris
MULKERN of Portland

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

Signed:

Representatives:

MORTON of Farmington
SUSI of Pittsfield

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing." (H. P. 273) (L. D. 327)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-58).

Signed:

Sensors:

KATZ of Augusta
GRAHAM of Cumberland

Representatives:

TALBOT of Portland
RAYMOND of Lewiston
DAVIES of Orono
SAUNDERS of Bethel
BACHRACH of Brunswick

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

Signed:

Sensor:

TROTZKY of Penobscot

Representatives:

HUNTER of Benton
CONNERS of Franklin
TRUMAN of Biddeford
AULT of Wayne
HUTCHINGS of Lincolnville

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

Which reports were Read.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The very title of this legislation indicates that the bill would move in two directions: one, in the direction of prohibiting discrimination in rental housing solely on the reason that there are children in the family, and the other direction is to outlaw discrimination solely because the proposed tenants are recipients of certain social welfare programs.

It is my understanding that there may be a common meeting ground if part of this bill is deleted by amendment. I would hope that someone might table it perhaps until Wednesday to permit the parties to work out their differences.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for April 2, 1975, pending Acceptance of Either Committee Report.

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 Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names." (S. P. 98) (L. D. 354)

Second Readers

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

House

Bill, "An Act to Delete the Requirement that Taverns Serve Men Only." (H. P. 314) (L. D. 390)

Bill, "An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code." (H. P. 579) (L. D. 714)

Bill, "An Act Relating to Town Maintenance of Highways in Compact Areas." (H. P. 581) (L. D. 720)

Bill, "An Act to Clarify the Consumer Credit Code." (H. P. 599) (L. D. 742)

Bill, "An Act to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender." (H. P. 609) (L. D. 752)

Bill, "An Act to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General." (H. P. 618) (L. D. 764)

Bill, "An Act to Prohibit the Department of Inland Fisheries and Game from Issuing Licenses to Persons Convicted of Certain Offenses."

(On motion by Mr. Reeves of Kennebec, tabled and Specially Assigned for April 2, 1975, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act to Permit Furloughs for Prisoners of County Jails." (H. P. 427) (L. D. 521)

Bill, "An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees." (H. P. 490) (L. D. 609)

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

Enactors

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

An Act to Revise the Laws Relating to the

State Board for Registration of Architects. (H. P. 179) (L. D. 196)

(On motion by Mr. Reeves of Kennebec, tabled and Specially Assigned for April 2, 1975, pending enactment.)

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

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

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

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

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

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

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

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

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

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

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

Emergency

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)

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.

Emergency

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

This being an emergency measure and having received the affirmative votes of 28 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 Exempting Solor or Wind Power Facilities from Sales Tax." (S. P. 402) (L. D. 1171)

Tabled — March 26, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Merrill of Cumberland to Indefinitely Postpone Bill and Accompanying Papers.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think that this bill was pretty well debated the other day, and probably well understood, and I would hope that the motion to indefinitely postpone would be defeated so that the amendment could be offered. I think that Senator

Berry's amendment is a great addition to the bill, in that it also includes under the sales exemption clause the materials that would be used in research and development, to help us increase the possibility of having something other than oil for energy.

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

Mr. SPEERS: Mr. President and Members of the Senate: One of the wisest moves that the 106th Legislature made was to create the Office of Energy Resources, and that office was specifically directed and charged with the duty to propose various solutions to a very serious problem that has been facing this nation and the State of Maine, the energy problem, the energy crisis. That office, I feel, discharged its duties very adequately and made several very distinct specific proposals to be acted upon by the Governor and the 107th Legislature of the State of Maine.

Many of these proposals were modest proposals. One or two were rather far-reaching. But one of the proposals that was made was to attempt to use the tax exemption method of encouraging additional sources of energy and encouraging additional means of producing and delivering energy. One of those specific proposals was such an exemption as we have before us here today.

Now, the good Senator from Washington, Senator Wyman, the Chairman of the Committee on Taxation, has indicated that this would not have an affect on the State of Maine as far as revenues are concerned because the State of Maine is realizing practically no revenues whatever at the present time from this type of sale. And it does seem to me that if this legislature, the last legislature, and the people of the State of Maine are serious about attempting to find alternative sources of energy that we should be serious in accepting some of the recommendations that were made by the Office of Energy Resources, an office, as I have mentioned, which was specifically set up by the last legislature to make such recommendations. And particularly we should follow those recommendations where it does not affect our financial picture in an adverse way, as this particular bill would not.

So I would urge the Senate to vote against the motion to indefinitely postpone, so that we may then adopt amendments which may be needed to this bill, or which may be desirable, and sent it along its way.

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

Mr. MERRILL: Mr. President and Members of the Senate: If this Senate wants to create the impression that it has done something about the energy problem, then we can pass this bill. I sincerely hope though, for the sake of everybody's sanity here, that the impression won't be believed by the members. How can you argue on the one hand that it will have no effect on revenue and on the other hand argue that it will encourage something.

If some sales are going to result, if we are going to have some sales in this industry of windmills or solar heating devices, then there would be a tax that could be levied on those sales under our present law. And if we pass this, we will not get that tax. Now, if there aren't going to be any sales, admittedly, we will have no loss of revenue, but of course it will have no effect either.

I think that if we want to effect some changes in the energy consumption patterns of this country, or the places that

we get energy from, we ought to face it square on. If a good proposal is put forward here that would allow us to subsidize or to help or encourage the development of alternate energy sources through appropriations in the proper place, that will work in the proper way, I am ready to vote for those. And if it means a tax increase somewhere, I am ready to support it. This is meaningless legislation, legislation designed so that we can say that we have done something when in fact we haven't.

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

Thereupon, on motion by Mrs. Cummings of Penobscot, a division was had. Five having voted in the affirmative, and 26 having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Mr. Berry of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-39, was Read.

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

Mr. MERRILL: Mr. President, I would like to inquire through the Chair exactly what equipment and parts are contemplated under this amendment, and what loss of revenue is going to result from the passage of it?

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The equipment that would be exempt from the sales tax would be the generating equipment alone. This would be the tower it stands on, the generator which is on top of the tower, and the line leading to the building. This is what would be exempt. In order to be exempt, it has to be approved by the Energy — the good Senator from Kennebec, Senator Speers, stated the office, and I don't know exactly or I can't remember right off-hand what it is — but this office, or if this office has to be absolved, another office would take part of it. I hope this answers your question. Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate: In fact, I don't believe the answer was responsive, and I would like to rephrase my question. This amendment, which is what the question was directed to, contemplates that equipment and parts that is going to be used in research and development. We are not talking, I would take it, the amendment has any meaning at all, about the generating equipment itself here. We are talking about some equipment that is going to be used in some way in the development. I would like to know what this contemplates. Does that mean that every hammer and screwdriver that the person has to buy? What does it mean? What is the effect of this amendment?

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

Mr. BERRY: Mr. President and Members of the Senate: I think it is rather plain in the wording of the amendment that we are talking only about integral parts of equipment. Now, this would, for instance, apply to solar cells which would be used in constructing a solar cell battery to

generate electricity that way. This would apply to the propeller part of a wind-driven generator. I think the language is quite clear in the amendment and certainly does just exactly what has been said it would do in the debate here.

The PRESIDENT: The pending question is the adoption of Senate Amendment "A". The Chair will order a division. Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted. Will those opposed please rise in their places until counted.

A division was had. 23 having voted in the affirmative, and six having voted in the negative, Senate Amendment "A" was Adopted.

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

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, has requested a roll call. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call please stand in their places until counted.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I am glad a roll call has been offered in this case because some future recommendations of that same commission will be coming before this body later on; for example, not taxing electricity used in the home, and I will be anxious to make a comparison in regards to the consistency of the members of this body when it comes to voting on that.

The PRESIDENT: The pending question before the Senate is the engrossment, as amended, of L. D. 1171. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Huber, Jackson, Katz, Marcotte, O'Leary, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Cianchette, Conley, Graham, Johnston, Merrill, Pray.

ABSENT: Senators Hichens, McNally.

A roll call was had. 24 Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators being absent, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

House Report — from the Committee on Transportation — Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles." (H. P. 411) (L. D. 499) Ought to Pass.

Tabled — March 26, 1975 by Senator Greeley of Waldo.

Pending — Motion of Senator Merrill of Cumberland to Indefinitely Postpone Bill and Accompanying Papers.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-63).)

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and

Members of the Senate: I was informed this morning by the sponsors of this legislation that they would like to have this bill indefinitely postponed. So for the purpose of accommodation, I move the pending question.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that this bill and accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mrs. Cummings of Penobscot,

Adjourned until Tuesday, April 1, 1975, at 10 o'clock in the morning.