

# 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, April 10, 1975

Senate called to order by the President.

Prayer by Father John Anderson of Old Town:

Almighty eternal God, you know the longings in the hearts of men and you protect the rights. In your goodness watch over those in authority, guide them with your holy spirit that all of their acts, deliberations and decisions may be for the common good. This we ask through Christ, our Lord.

Reading of the Journal of yesterday.

Papers from the House  
Non-concurrent Matter

Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 419) (L. D. 1287)

In the Senate April 2, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-125), in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

## House Papers

Bills and Resolves today receive from the House requiring Reference to Committee were acted upon in concurrence, except the following:

Bill, "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals." (H. P. 1015) (L. D. 1520)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Taxation.

Comes from the House referred to the Committee on State Government and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on Taxation in non-concurrence and Ordered Printed.

Sent down for concurrence.

## Orders

On motion by Mr. Conley of Cumberland,

WHEREAS, it appears to the Senate of the 107th Legislature that the following is an important question of law and that the occasion is a solemn one; and

WHEREAS, it is the desire of the 107th Legislature to enact legislation to amend the Alcoholism Intoxication and Treatment Act; and

WHEREAS, there is pending before the Senate of the 107th Legislature a bill entitled "An Act to Amend the Alcoholism Intoxication and Treatment Act," Senate Paper No. 422, Legislative Document No. 1389; and

WHEREAS, Article I, Section 6-A of the Constitution of the State of Maine provides that no person shall be deprived of life, liberty or property without due process of law; and

WHEREAS, the constitutionality of the proposed bill has been questioned as it relates to the Constitution; and

WHEREAS, it is important that the Legislature be informed as to the answer to the important and serious legal question hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the

Constitution on its behalf, their opinion upon the following question, to wit:

Question: Would the provisions of the Legislative Document No. 1389 (Exhibit A) an Act now pending before the Senate of the 107th Legislature, if enacted into law, unconstitutionally deprive a person of life, liberty or property without due process of law in violation of the Constitution of the State of Maine?

Which was Read and Passed.

Committee Reports  
House

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

Bill, "An Act to Permit Controlled Hitchhiking." (H. P. 89) (L. D. 108).

Bill, "An Act to Authorize Special Rates by Public Utilities for Older Citizens." (H. P. 561) (L. D. 690)

Bill, "An Act Amending the Charter of the Augusta Sanitary District." (H. P. 677) (L. D. 866)

## Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Irreconcilable Marital Differences." (H. P. 72) (L. D. 84)

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

The Committee on Taxation on, Bill, "An Act to Exempt Scouting Supplies and Equipment from State Sales Tax." (H. P. 521) (L. D. 638)

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, "An Act Relating to Voter Registration of Persons Born United States Citizen in a Foreign Country." (H. P. 13) (L. D. 21)

Reported that the same Ought to Pass.

Comes from the House, the Bills Passed to be Engrossed.

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

## Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, "An Act to Extend Date for Closing of Open Burning Dumps." (H. P. 130) (L. D. 154)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1464) (L. D. 1502).

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

Which report was Read.

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

Mrs. CUMMINGS: Mr. President, I would like to direct a question through the Chair as to L. D. 1502. I can't see that it changes the date that enforces the closing of opening burning dumps, if someone would care to clarify that.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: Maybe a brief explanation of L. D. 1502 is in order at this

point. A great many towns in the State of Maine are having problems in closing their open burning dumps. The law right now states that open burning dumps have to close July 1, 1975. The State of Maine is bound, let me say, by the federal laws, the Clean Air Act of 1970, and standards have been set and agreements have been entered into. So the bill that was originally proposed for a three year blanket extension of open burning would have violated the federal standards and allowed the federal government to step in and sue the towns.

What this bill does here is allow two more months. It extends the open burning until September 1, 1975, by two opens. The towns that have to keep open burning because of different problems, such as economic problems or they don't have facilities for land fill, can apply to the DEP before September 1st for a variance. The variance procedure is very simple, it is a very simple application. If the DEP denies this variance to continue open burning, the town shall then have two years to work out a schedule with the DEP to stop burning.

Essentially what this bill does is allow for the extension of open burning for two years and three months minimum, but it doesn't gut all the environmental laws that the original bill would have done. Also, if the DEP does grant the variance, the DEP will attempt to remove that town from the air quality standards set up by the United States Environmental Protection Agency, so the DEP will step in and try to protect the town during that period of time. But the Committee worked on this hard and felt that this was a good compromise.

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, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

## Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act Establishing the Civil Rights of Hemophiliacs." (H. P. 161) (L. D. 202)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec  
TROTZKY of Bangor  
GRAHAM of Cumberland

Representatives:

TALBOT of Portland  
RAYMOND of Lewiston  
CONNERS of Franklin  
HUNTER of Benton  
BACHRACH of Brunswick  
AULT of Wayne  
DAVIES of Orono  
TRUMAN of Biddford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 840) (L. D. 986)

Signed:

Representatives:

SAUNDERS of Bethel  
HUTCHINGS of Lincolnville

Comes from the House, the Minority report Read and Accepted and the Bill in New Draft Passed to be Engrossed, as Amended by House Amendment "A" (H-118).

Which reports were Read.

On motion by Mr. Wyman of

Washington, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State." (H. P. 369) (L. D. 463)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

DRIGOTAS of Auburn  
MORTON of Farmington  
FINEMORE of Bridgewater  
IMMONEN of West Paris  
SUSI of Pittsfield  
TWITCHELL of Norway  
MAXWELL of Jay  
MULKERN of Portland  
DAM of Skowhegan

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

Signed:

Senator:

MERRILL of Cumberland

Representative:

COX of Brewer

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 Education on, Bill, "An Act to Prohibit Corporal Punishment of Pupils." (H. P. 275) (L. D. 417)

Reported that the same Ought Not to Pass.

Signed:

Senator:

THOMAS of Kennebec

Representatives:

BAGLEY of Winthrop  
LYNCH of Livermore Falls  
CARROLL of Limerick  
FENLASON of Danforth  
POWELL of Wallagrass  
TYNDALE of Kennebunkport  
LEWIS of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-115).

Signed:

Senators:

KATZ of Kennebec  
BERRY of Androscoggin

Representatives:

INGEGNERI of Bangor  
CONNOLLY of Portland  
MITCHELL of Vassalboro

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

Which reports were Read.

Mr. Katz of Kennebec moved that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: A corporal punishment bill is not new to this chamber. We had one last session. I call your attention to the fact that in your advance journal the Senator

from Kennebec, Senator Thomas, appears as a signer of the Ought Not to Pass Report. I don't know whether this was a clerical error or not, but all three Senators on this Committee feel the bill should pass.

It is a very emotional bill, and for the students present, they might be interested to know the question before us is whether a teacher should have the right to whack a kid, and that puts it as clearly as I can spell it out.

We found in our Committee hearings that by and large teachers which did use corporal punishment very rarely used it on senior boys in high school who are 6 foot 2 and over, but most of the time corporal punishment is used, with propriety of course, it is on smaller kids of lower age levels.

The feeling of those of us who signed the report that corporal punishment should not be tolerated in the State of Maine is, that it is a dehumanizing kind of approach of using discipline and a good classroom teacher has all kinds of things at her or his disposal to keep order in the classroom. Consequently, my motion is to accept the Ought to Pass Report.

The PRESIDENT: The pending motion before the Senate if the motion by the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Senate

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

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

Bill, "An Act to Provide Social Security Benefits to State Employees." (S. P. 238) (L. D. 816)

Resolution, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 3) (L. D. 3)

#### Leave to Withdraw

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Additional Construction Costs of International Arrivals Building at Bangor International Airport." (S. P. 129) (L. D. 415)

Reported that the same be granted Leave to Withdraw.

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Expansion of Portland International Jetport." (S. P. 187) (L. D. 621)

Reported that the same be granted Leave to Withdraw.

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Improvements at Northern Maine Regional Airport at Presque Isle." (S. P. 274) (L. D. 898)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

#### Ought to Pass

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 230) (L. D. 774)

Reported that the same Ought to Pass.

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

#### Ought to Pass — As Amended

Mr. Graham for the Committee on State Government on, Bill "An Act Relating to the State Soil and Water Conservation Commission." (S. P. 135) (L. D. 474)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-54).

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

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code." (S. P. 297) (L. D. 1023)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec  
JOHNSTON of Aroostook  
REEVES of Kennebec

Representatives:

CLARK of Freeport  
PEAKES of Dexter  
BOWIE of Gardiner  
TIERNEY of Durham  
HIGGINS of Scarborough  
RIDEOUT of Mapleton  
BYERS of Newcastle  
PIERCE of Waterville  
BOUDREAU of Portland

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

Signed:

Representative:

DeVANE of Ellsworth

Which reports were Read.

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

#### Second Readers

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

##### House

Bill, "An Act Relating to Action or Claim of Insured against Insurer under a Policy of Insurance." (H. P. 207) (L. D. 252)

Bill, "An Act to Amend the Maine Securities Act." (H. P. 574) (L. D. 709)

Bill, "An Act to Provide for Multiple Initial Licenses and Clarification of License Category under the Insurance Code." (H. P. 594) (L. D. 733)

Bill, "An Act to Provide a Right to Examine and Return Life Insurance Policies." (H. P. 665) (L. D. 839)

Bill, "An Act to Authorize the Real Estate Commission to Administer Oaths and Affirmations at Hearings." (H. P. 679) (L. D. 868)

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

**House — As Amended**

Resolve, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine. (H. P. 318) (L. D. 387)

Bill, "An Act Relating to Dealers in Used Personal Property." (H. P. 502) (L. D. 618)

(On motion by Mr. Carbonneau of Androscoggin, Tabled and Specially Assigned for April 14, 1975, pending Passage to be Engrossed.)

Bill, "An Act to Aid Municipalities in the Purchase of Surplus State Property." (H. P. 643) (L. D. 796)

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

**Senate — As Amended**

Bill, "An Act Relating to Motor Vehicle Certificates of Title." (S. P. 217) (L. D. 716)

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

Sent down for concurrence.

**Enactors**

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

An Act Relating to Definition of Out-of-State Service under State Retirement System. (H. P. 73) (L. D. 85)

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

An Act Relating to Subsidized Adoptions. (H. P. 203) (L. D. 248)

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

An Act Creating Uniform Standards for Disqualification of Applicants with Prior Criminal Convictions for a License or Permit to Practice a Trade or Occupation Regulated by the State. (H. P. 330) (L. D. 402)

(On motion by Mr. Pray of Penobscot, Tabled and Tomorrow Assigned pending Enactment.)

An Act to Protect Recipients of Certain Benefits Against Discrimination in Rental Housing. (H. P. 273) (L. D. 327)

An Act to Prohibit the Department of Inland Fisheries and Game from Issuing Licenses to Persons Convicted of Certain Offenses. (H. P. 1139) (L. D. 1139)

An Act to Protect the Rights of Persons Seeking Benefits under Maine's Workmen's Compensation Law. (H. P. 1222) (L. D. 1210)

(On motion by Mr. Conley of Cumberland, tabled and Specially Assigned for April 14, pending Enactment.)

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

**Indefinitely Postponed**

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

Comes from the House, Indefinitely Postponed.

On motion by Mr. Collins of Knox, tabled and Specially Assigned for April 16, 1975, pending Enactment.

**Emergency**

An Act Relating to Expenditures of the

Town Road Improvement Fund. (H. P. 1247) (L. D. 1266)

This being an emergency measure and having received the affirmative votes of 30 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 Reorganize the State Personnel Board. (H. P. 1238) (L. D. 1264)

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

**Emergency**

An Act to Amend the Charter of the Van Buren Light and Power District. (H. P. 740) (L. D. 921)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Orders of the Day**

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

Bill, "An Act to Create the Commission on Governmental Ethics and Election Practices." (S. P. 487)

Tabled — April 8, 1975 by Senator Corson of Somerset.

Pending — Reference.

(The Committee on Reference of Bills suggests that this Bill be referred to the Committee on State Government.)

On motion by Mr. Speers of Kennebec, the Bill was referred jointly to the Committees on State Government and Election Laws and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (S. P. 4) (L. D. 4)

Tabled — April 8, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-40).)

(In the House — Indefinitely Postponed, in non-concurrence.)

Mr. Katz of Kennebec moved that the Senate Recede from its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: The Senate passed this bill as a 20 year limitation on drinking the other day. The other body, of course, is in disagreement. I think it is no secret that the very interested audience here are constituents of mine from Cony High School, who have handed me a petition, and I think it is no secret that I have disagreed with the point of view that they espouse here today.

I think that there are just a handful of issues every session which come before the legislature that have deep emotions involved. Liquor has always created deep emotions, and you can also identify questions of the Equal Rights Amendment, questions of abortion, and in a lighter vein questions pertaining to our moose population as subjects that raise deep

emotion, on which there is very, very sincere and differing opinion on the subject.

In this case, I ask you to support my motion to recede from our action, which then means that we will have an opportunity to change the Senate's position by amendment. It is my understanding that there are a couple of possible amendments that we might put on. One of them might be to change the age of drinking from its present level of 18 not to 20 but to 19. It is my understanding that the good Senator from York, Senator Hichens, has an amendment, which I understand he is prepared to offer, which actually will put this entire question out to the referendum of the people so that statewide on this emotional issue, an issue that concerns our most precious resource, our young people, that everyone will get an opportunity to vote. If you pass this, there will also be a responsibility on all citizens to express their opinion at the polls. And I would presume too that our young people must realize that the only way their point of view is going to be expressed is by voting. Unfortunately, most young people have not taken advantage of their legal right to register to vote and vote.

If the Senate agrees with my proposal, and if the House goes along, there will be a referendum on the question so that all the people of the state will have a chance to say whether they want their young people to be able to legally vote at 18 or 20, and perhaps in the last analysis that is the way it should have been from the first.

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

Mr. CLIFFORD: Mr. President, I would make a parliamentary inquiry as to the motion of the good Senator from Kennebec, Senator Katz, as to whether it needs a majority vote or whether it needs a larger vote. I would also make a parliamentary inquiry as to whether or not a motion to recede and concur would take precedence.

The PRESIDENT: The Chair would inform the Senator that a simple majority vote is all that is required to recede, and of course, the motion to recede would take precedence over the motion to recede and concur.

Mr. CLIFFORD: The motion to recede would take precedence over the motion to recede and concur?

The PRESIDENT: That is right.

Mr. CLIFFORD: Thank you, Mr. President. I hope that we would oppose the motion to recede. It seems to me that passing this matter to referendum is passing the buck. I think we were elected to make these decisions, they are hard decisions, but I think we were elected to make them. I think we ought to make them and I think we ought to make them now.

I think we have discussed the 19 as opposed to 20. I voted for the amendment to reduce it from 20 to 19, but I would prefer to leave the law alone. I think we have discussed the rights that we have given the young people, the complete adult rights, and it seems to me to be backing off this in only one area and it is a little inconsistent with legislative history in this area.

I hope you would defeat the motion of the good Senator from Kennebec, Senator Katz, and then we could recede and concur with the other body. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes

the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to take this opportunity to explain my position and the reasons for the way I voted in the past and the way I am going to vote this time.

I voted against raising the age from 18 as the legal age to buy alcoholic beverages in the state and also to sell them because I feel that we are talking about adult rights, and to single out a particular area of adult rights is inconsistent and not a good position for this legislature to take.

I am going to support the motion to recede and hope that there will be a referendum amendment put onto this bill, and I am going to support that one. The reason I am going to do that is this: there is a problem in the State of Maine with young people drinking. I think that problem ought to be out in the open. I think it ought to be out there for everybody to see, young and old. I believe that a referendum question on this particular subject will draw a lot of interest from the voting public, 18 and 19-year olds included. I think, further than that, it is going to initiate a lot of discussion between the parents and children not only 18 but younger who the record clearly shows are having a problem and are misusing alcoholic beverages. I don't think there is any better way to attack the problem than to get it out in the open, understand it, and make sure everybody does understand it.

I think this legislature will be doing a great service to the state to put this question before all of the people, and hopefully education, and education alone, will help alleviate the problem that does exist. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to share with you this morning my thinking on this subject as a parent and as a legislator who voted for the 18-year olds. I would also like to share with you as to why I will support the 19-year old motion and nothing else.

First of all, we talk about adult rights, and it would be inconsistent for us to select just one of the adult rights and try to bring in some changes. Well, when this was sold to us, I for one bought two arguments. One was the argument that if they were old enough at 18 to serve in the armed forces they were old enough to have adult rights. Let's analyze this a little bit. First of all, you were drafted at 18 years old before adult rights came along. In the armed service, first of all they are subjected to discipline which they do not have at home, if they stay home. Also, at that age, between 18 and 20, those are your best ages physically, and what the army needs at that time is a good strong body. The thinking is done by the officers. So I would say that from the standpoint of the armed forces this doesn't stand up.

The second argument was the voting. In '71, as you know, there was unrest on the campuses, and we were told if we made these 18-year olds, these young people, part of the decision making process that it would quiet down this unrest. Let's analyze the outcome of this right. In 1972, statistics show that only 50 percent of the teenagers registered to vote, and only 50 percent of that 50 percent voted. So apparently they are not using that adult right to the limits that we thought they would.

Let's analyze another one, marriage. They say if you are an adult at 18 and you can get married, then you should have all the other rights. Statistics also show that teenage marriages have the highest mortality or the highest divorce rate of any age groups in the nation. So there again, apparently, they haven't been mature enough at that age to handle that adult right.

Contracts, they say they can sign contracts. In a contract there are two parties, and usually it rests on the other party to see that this teenager who is going to sign the other part of the contract is responsible, and in most cases they require the parent or another adult to co-sign on that adult right.

This brings us down to the last one, drinking. Drinking, to me, is possibly the most important of all the adult rights. It is almost in the same situation as handing somebody a stick of dynamite without safeguards and saying "Blow it up". You know what happens; in many cases it is going to blow in your face. And this is exactly what is happening to the 18 and 19-year olds in regard to drinking. They are not mature enough to handle the situation.

Also, the fact that we decreed that they are adults does not necessarily mean that they are adults. Unfortunately, many parents have let down their teenagers just on that pretext. They are now adults and, therefore, they don't need the same amount of guidance and the same amount of discipline that we used to have in families. And this is what is breaking down. It is not the fault of the teenagers. It is the fault of the parents, because they are not providing the proper guidance, under the guise that we decreed they are now adults. We know that these are the trying years of a person. These are the years that you are inclined to be defiant, to be rebellious, and these are the years that you need guidance.

Now, I said that I would be in favor of bringing it to 19 years old. Why? Because 19-years old seems to be the dividing line in your life. In high schools today, this is where the alcohol problem is, in high schools. In high schools 19-year olds are a minority. What happens when you have a school dance or school party, when now they are supposed to be adults at 18 and, therefore, they are allowed drinking? In many cases you may have an 18-year old who will escort a young lady 17 or even 16 years old. Now, are you going to sit all evening as a boy 18 years old drinking beer and not passing a sip once in a while to the 17-year old escort? This is how the 17, the 16, and even the 15-year olds are being introduced to drinking. Now, I say that 19 is the breaking year because if you are out of high school and are in college the 18-year olds become the minority, and I think this is a realistic breaking point to bring this back to 19-year olds and let's take the drinking away from the high schools.

So I will support the motion to recede from our former action, and I will then support an amendment to make it 19-year olds, but I will not support a referendum.

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

Mr. DANTON: Mr. President, a point of information: Has this bill gone by the point where an amendment can be offered?

The PRESIDENT: The Chair would advise the Senator that if the motion to

recede prevails, it would then be in a posture to be amended.

Mr. DANTON: If the motion to recede prevails, then we can amend it in this body?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. DANTON: Mr. President and Members of the Senate: As you well know, I realized, being a member of the Liquor Control Committee, that something had to be done, and at that point Senator Carbonneau from Androscoggin County and myself both signed the report, Report "B" I believe it was, to bring the drinking age up to 19 years old. So I would like to support the motion to recede, and at that point, if I could get someone to table it for one day, I would like to offer the amendment tomorrow making it 19 years old.

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

Mr. Graffam of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the Senate Recede from its action whereby the Bill was Passed to be Engrossed.

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

Mr. KATZ: Mr. President, may I ask a question to the Chair please? If the motion to table does prevail, does this mean we will not be able to vote on the motion which we all want to vote on this time?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question to the Chair.

The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. Graffam of Cumberland then withdrew his tabling motion.

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

Mr. PRAY: Mr. President and Members of the Senate: We discussed this matter at length before and I would like to review some of the opinions that have been expressed in discussing this issue.

Our young adults are attempting to establish their identity as a man or a woman. Things that adults do are now their right to do when they turn 18. These things that have been prohibited to them as youth are now vested with particular importance and excitement. This does not mean necessarily that each new adult will run out and get married, enter a legal binding contract, establish a business, vote or, as the Senator from York put it the other day, drink to get drunk.

The problem, as I see it, is with us as parents to raise our children, and not with this body. The problem is with the schools to enforce their policies and regulations, and not with this body. The problem is with enforcing the present statutes on the books before we start making more laws.

Minors are being served in our bars and in our stores, and true, some adults do buy for minors, but we have statutes that cover this. Let's stop the storeowner who sells to anyone, the bartenders who will serve anyone, the adults who will buy for minors, and let's enforce the present statutes.

I believe that this bill is a step in the wrong direction for the mothers and fathers in the state. This bill takes one more responsibility away from the parents and throws it into the statutes of Maine. The parents should be made to be more responsible.

I believe that this piece of legislation will also create a false sense of security that this is solving the problem for those who have a drinking problem, and I am afraid that many of those people will go unnoticed; if this L. D. is passed. They will not get the help that they need, and the people that believe this legislation will solve that problem are wrong. People who are afraid of some things and who cannot be bothered to take the time to deal with the problem very often respond to some sweeping legislation proposal. That is not the answer.

I think the Senator from Somerset, Senator Cianchette, was very correct when he said that education is the answer to the problem, and I agree. I do not agree on some of the issues of maturity. Maturity is not necessarily defined by age. I know a lot of individuals in my age bracket, in the late 20's and 30's, who are immature, and I know a lot of individuals older than that who are definitely immature once they take a drink, but that is not the question before us.

I oppose this legislation because I think it is a fragmentation of the adult rights and privileges that we have given to all adults from 18 on. I heard the Senator from Aroostook, Senator Cyr, talk about the 18-year old who has a date with a 16-year old, but if the law goes to 20, then what about the 20-year old who takes out an 18-year old or a 19-year old? We haven't solved the problem.

Today is also not a day for us to stand here and sway in the wind. We have discussed it, and the people have elected us here to make the decision. I think that if a referendum and the voice of the people are so important that it should have been introduced in the original legislation.

I urge defeat of the motion made by Senator Katz of Kennebec.

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

Mr. BERRY: Mr. President and Members of the Senate: I read with a great deal of interest an editorial in the Boston Globe of last week that I felt I would like to read to the Senate on the problem. This indicates that the problem is not unique to Maine and the information here, I think, while it was headed for Massachusetts, certainly will help us in our consideration of the bill.

The editorial reads, "The Massachusetts House has approved a bill which would raise the legal drinking age from 18 to 19. By passing such a law, the legislators apparently believe 18-year olds would be discouraged from drinking and would thus get into less trouble and cause less trouble for other people. However, we doubt such a change in the law, no matter how well intentioned it may be, would help much.

"In the first place, those who seriously want to obtain liquor usually manage to do so and always have. The 21-year old drinking limit did not stop many 18, 19 and 20-year olds from finding alcohol nor stop bars and liquor stores from selling it to them. A more important point is that such a change would be unfair and inconsistent with the rights and duties of this class of young people. The 18-year old today may vote and can be drafted into the armed services." And this is interesting: "He can also be elected to office. The idea that somebody who is old enough to be a state legislator or a selectman can at the same time be too young to buy a bottle of beer is preposterous. Maybe we are headed for

the days when these august bodies will have the benefit of services of 18-year old people.

"Nobody could deny that alcohol abuse is a problem among young people. However, the Division of Alcoholism of the State's Department of Public Health has seen no evidence that it is more of a problem among them that it is with older people, although they did observe an increase when the drinking age was lowered two years ago. In any case, it is not a problem that can be dealt with successfully by passing a discriminatory law. For better or for worse, alcohol seems to be here to stay, and the best way to handle it is through education about its very serious effects on those who abuse it."

I think this editorial points out two points that have been made several times in our debate: education and the constitutional rights which are going to be removed.

I also would make the observation that a public vote on this, while I have indicated my support of the proposal, could be a very devious issue a year and a half from now. I would hope that it would not set the young against the older. And as Senator Pray from Penobscot has indicated, I think all of us are mature enough to stand up and cast our vote.

I would oppose the motion of the Senator from Kennebec, Senator Katz, and I hope that later we could recede and concur.

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

Mr. CARBONNEAU: Mr. President, I request a roll call.

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, now requests a roll call. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede from its prior action whereby the Bill was passed to be engrossed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, McNally, O'Leary, Roberts, Speers, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Clifford, Curtis, Graham, Huber, Marcotte, Pray, Reeves, Thomas, Trozky.

ABSENT: Senator Merrill.

A roll call was had. 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

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

Mr. CONLEY: Mr. President, now that the Senate has receded from its former action, I would ask through the Chair as to whether or not, since the 19-year amendment has been offered and defeated, is it now acceptable to the Senate to be able to present that amendment?

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

Mr. SPEERS: Mr. President, I would

submit that the Chair is being asked to rule on an amendment which has not been offered and which is not before the Senate, and I do not see how the Chair would be able to rule on an amendment which it has not seen.

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

Mr. BERRY: Mr. President, I think the parliamentary inquiry was very much in order. The Senator from Cumberland, Senator Conley, was making an inquiry as to the effect of a reconsideration motion having been acted upon.

The PRESIDENT: The Chair would advise the Senator that as the amendment which would be offered is identical to an amendment which was defeated previously the Senate must recede from its action whereby the other amendment was indefinitely postponed.

The Chair recognizes the Senator from York, Senator Danton.

Mr. Danton of York then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Thereupon on motion by Mr. Hichens of York, a division was had. 18 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

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

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 8, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Majority Report.

(In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107).)

(In the Senate — Motion to Indefinitely Postpone lost; subsequent motion to Accept Minority Report lost.)

Mr. Collins of Penobscot moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: I hope this is the last time that you will have to suffer me on this bill. I dislike to take issue with my colleague on the Judiciary Committee, the Senator from Androscoggin, Senator Clifford. He is a tower of strength of that committee and 90 percent of the time I agree with him and I respect his judgment a great deal.

I feel it is my duty, however, as a member of that committee to be sure that the Senate understands all that this bill does and does not do. I think it is important that we recognize, first of all, that this is not a party issue, although the voting has somewhat followed party lines. I would suggest to you that you consider in this respect the fact that I, a Republican Senator, am trying to support the position of the Department of State which is headed by a person who is a Democrat.

I have in my hand a letter from the Department of State Motor Vehicle Division, signed by Charles E. Wyman, Director of that Division. I took the trouble of talking to Secretary of State Gartley and Deputy Secretary of State Ross about this matter to see whether they inclined to



repudiate the letter given to this Senate by the Director of the Division which comes under their department, and they did not repudiate it. They did indicate that they were inclined to make further study of some of the problems of this part of our motor vehicle laws, but they did not repudiate his statement. So I feel that I am supporting a position which is not partisan but which has to do with two factors of legislative policy: one is the question of how we regulate our new drivers, and the other is the question of do we want to discriminate in favor of new drivers as related to the position held by the rest of us who are non-provisional license holders.

This letter from Mr. Wyman, Director of the Motor Vehicle Division, talks about two bills, and you will be hearing, I think, later in the session about the other one, so I won't try to include any part of the letter that has to do with the other bill. But he says this: The provisional license law has been continually under attack since its inception in 1969. Four times a bill has been introduced that provides for hearings under the suspension provision of the provisional license, and that bill would further set aside any suspension order under the provisional license bill when a person suspended applies for a hearing. The rescission of the suspension would remain in effect until the hearing was heard. L. D. 405 is the present legislative document. This is the one that we are considering today, and as of this date it is tabled in the Senate.

I think we have to look at the provisional license law as continuation of education and control of the new licensee. I would like to point out at this time that this law only affects a person getting a license for the first time. It does not apply to an out-of-state license resident coming here from another jurisdiction. It is the first license only. It is difficult to measure the effectiveness of highway safety legislation but this particular law, I feel, definitely acts as a deterrent to the new licensee violating motor vehicle laws during the first year of operation, and hopefully it develops a pattern of good driving in the future.

I think this is the essence of the matter. Now suppose, for example, that any of us, and I assume that we all hold drivers' licenses that are not provisional, that any of us has one or two speeding charges, passing a stop sign charges, possibly even a reckless driving charge, and we reach the point accumulation that causes the Secretary of State to suspend our license, and we get a notice from the Secretary of State that our license is suspended and an indication that a hearing may be had at some future time. If you or I immediately write in to the Secretary of State and say we want a hearing, we don't immediately get our license back. But this bill would immediately give back to the first year driver his license.

The Secretary of State has the power under the present law to suspend your license and my license without a hearing. This may or may not be good. I do not debate that here, but that is the present law. And if we pass this bill that is before you now, the youngster, usually sixteen or seventeen years old, who has a new license which is provisional for the first year or until his next birthday, will be accorded the privilege of retaining that license until he has a hearing. That you and I do not have under the present law. With all respect to our young people, I do not think they are entitled to that privilege that we

do not have. And the result of this law will be to provide those youngsters who have particular affluence, particular access to money and to lawyers and channels of communication, with a means of getting back their license. And by the time it gets to hearing, they probably will have had a birthday and no longer be in the provisional licensee category, so in effect we will have completely gutted the rules that are set up in this legislation established in 1969 to provide a little extra discipline for the new licensee. That is the legislative policy issue that is before you.

I urge you to do this: I have never won any popularity contest, and I don't want anyone to vote for this because they have any particular respect for me. I can hardly compete with a man that has been on four television channels in two days in very important postures, and I wouldn't be talking today if I hadn't gained a little courage from watching him last night. And he did a very fine job, I want to say, in a very good cause in supporting WCBB on the television auction. But at one point in that procedure the master of ceremonies said of my brother from Lewiston, he said this: "Even a former mayor of Lewiston, even a distinguished lawyer, even a State Senator can sometimes make a mistake." And I thought, well, by golly maybe that is right, and I will make one more try. Perhaps this time his judgment isn't perfect and perhaps I can explain this to the Senate and hope that they will see another position with respect to highway safety and vote strictly on the merits of it. Thank you.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It is pretty tough to follow an act like the Chairman of the Committee on Judiciary. I was hoping he wouldn't make this a personality contest because he would win.

However, I notice that the other member of the Judiciary Committee who voted in the majority, the Senator from Cumberland, Senator Merrill, is being admitted into the bar. I know he has an interest in this bill and I would hope that because of his absence one of my colleagues might table this bill for one legislative day until his return. Thank you, Mr. President.

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

Mr. Berry of Androscoggin then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Collins of Knox that the Bill be indefinitely Postponed.

On motion by Mr. Jackson of Cumberland, a division was had. 16 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

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

Senate Report — from the Committee on Judiciary — Bill, "An Act to Change Limits under Small Claims Actions." (S. P. 207) (L. D. 697) Ought to Pass as Amended by Committee Amendment "A" (S-52).

Tabled — April 9, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

The Ought to Pass as Amended Report of the Committee was then Accepted and the

Bill Read Once. Committee Amendment "A" was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think the Senate should very well understand what is involved with this particular bill. It raises the limit from \$200, as it presently exists, to \$500 in the bill and to \$800 in the amendment as to when an individual on his own motion may bring a small claims action into the district court.

I have some philosophical concern about this particular bill in that very often an individual who feels or may feel that he has a particular claim can speak to the clerk of the district court and have that clerk fill out printed forms, and the prospective defendant is served with these forms and must answer to them; otherwise he is defaulted, and the individual who has just simply walked in off the street and made this claim becomes the owner of a judgment against the individual against whom he has made the claim and can prosecute that judgment in the courts of the state, as can any other owner of a claim.

This has given cause to some frivolous claims made in the past. I have spoken with the good Senator from Knox, Senator Collins, regarding this matter. He does not feel there is too much of a problem with frivolous claims, however, I do feel that there are some frivolous claims that have been made under this small claims law. I think it is a good law, however. I think there should be provisions whereby individuals who do have small claims may very easily and quickly be able to bring this kind of action into the courts and obtain a judgment.

My personal feeling as to the \$800 limit, however, is that perhaps this is just a little too much. And the law as it exists at the present time, at \$200, in the economic conditions that we are experiencing, perhaps is a little too little. I personally would go along with the \$500 limitation. I do think that \$800 is a little bit too much, that if a person does have or feels he has a claim in that regard or to that extent, that perhaps there should be a more formalized procedure before the courts.

Therefore, Mr. President, and I am speaking as the individual Senator from Kennebec and not as majority leader, I would move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: When this matter was debated in committee, we recognized that we also had a second bill that wanted a limit of a thousand dollars in the small claims court. This \$800 figure is obviously a committee compromise after discussion there.

I have not found abuses in my area of the small claims court. What anyone can do in a small claims court without a lawyer, of course, is limited. The collection of money from another person these days is a much different process than it was five years ago. You cannot, for example, bring an attachment against real estate, against motor vehicles, or against wages without first going into a court, after notice, having a hearing and getting the permission of the



court to undertake those measures. So that nowadays many lawyers feel that it is not practical for them to attempt to collect bills that are less than \$500. The cost of the several trips to court and the time spent in preparation of papers and in the court room makes it necessary to make a charge that is all out of proportion to the amount of money that the creditor is attempting to collect. So it is a judgment question.

I have not seen plaintiffs trying to collect bills or even small tort claims abusing this law. If it were being abused, I would certainly join in the opinion of the Senator from Kennebec, Senator Speers, that lay people should not have absolute access to the courts. It might result in the cluttering up of our district courts with a lot of unfounded and ill-prepared claims which would just snow them down with work that they are really not equipped to perform.

I remember when the small claims law was first proposed to the legislature, because I was in law school and followed the bill at that time. When it was first enacted it had a limit of \$100. It has been increased to its present level of \$200. If we were to measure the unit of the dollar, the economic situation, against the value when the court was established by this legislation, which I think was about 26 years ago, I think \$800 would be a proportional economic measurement. While I have no strong feelings about it, I would feel that I should support the \$800 limit that the Committee came out with.

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

Mr. ROBERTS: Mr. President and Ladies and Gentlemen: This is a bill that I sponsored and I agree entirely with what my brother, the Senator from Knox, Senator Collins, has said. It is a matter of judgment as to where you set the figure.

I am a little older than he and I want to correct him in one respect. I think it started out at \$35. And the reason I know is because I was a municipal judge at the time.

The experience then and still today in York County, and I think probably this is true pretty much through the state, is that as far as civil cases are concerned, there are very few of them tried in district court. And whether or not you leave the amount at which you can go into small claims at \$200, or you move it to \$500, or you move it to \$800, I don't think it is going to have much of any effect on civil cases because there are very, very few civil cases tried in district court today, not any more than there were 20 years ago when I was a municipal judge.

I do feel, however, that there were two other problems the average person has. One is that, at least in my part of the state, attorneys are so busy that they won't bother to even take these cases, No. 1. No. 2, is they do take them, they insist on taking a percentage of the recovery which is at least a third, and in some instances half, so the member of the public who wishes to collect his bill is sort of discouraged from even going to an attorney because he is going to lose so much of it.

This I feel is a good compromise and I hope you will go along with it.

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

Mr. SPEERS: Mr. President and Members of the Senate: I really don't feel all that strongly about this, but I do think

that I should explain my concern about the way in which some of these problems can come about.

I did have a client come to me very much upset because he had been served with a piece of paper which demanded that he appear in court, and being a little upset about that, he did come to me to represent him. And as the facts of the case developed, he was not even the individual whom the plaintiff had intended to sue. The individual whom the plaintiff really had the complaint against was this person's brother. And this is what concerned me very greatly, because any one of us or any citizen of the state can be merrily walking down the street and all of a sudden the sheriff comes up and hands him a piece of paper, and he is being sued. Then he has to appear in court, he has to hire himself an attorney if he is nervous about that, and defend the action against him that the individual who is the plaintiff has put into motion, put all of this into motion, simply by going to the clerk of the district court and saying I would like to have these forms filled out.

Now, the clerk of the district court is not an attorney, and even if he or she were, it would not be his duty or his responsibility to investigate or even ask any questions whatever about the facts of the case to find out whether or not the individual had any semblance of a valid claim and to find out whether or not he was even attempting to sue the correct individual.

So this is just a little bit of my concern regarding this particular procedure. I think perhaps the procedure itself could be looked at, but we don't have that bill before us. As I said, I am not terribly concerned or upset about it, but I do feel that we should understand some of the problems that have developed.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate indefinitely postpone Committee Amendment "A". Will all those Senators in favor of the indefinite postponement of Committee Amendment "A" say yes; those opposed, no.

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

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

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

Bill, "An Act Relating to Pulmonary and Cardiac Diseases under the Workman's Compensation Act." (H. P. 230) (L. D. 286)  
Tabled April 9, 1975 by Senator Berry of Androscoggin.

Pending Passage to be Engrossed.  
(In the House Passed to be Engrossed as amended by Committee Amendment "A" (H-85).)

(In the Senate — Senate Amendment "B" (S-47) as amended by Senate Amendment "A" thereto (S-49), Adopted.)

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: It has been brought to my attention that last night there was a steering committee meeting of the Maine Municipal Association, to which all of the Maine towns belong — as to the Association, I mean. There were 100 people that showed up, and 80 of them were

eligible to vote, it being a one town-one vote type of an organization. And of the 82 who were eligible to vote, 82 voted that this bill was not to their best interest.

I would like to move that we indefinitely postpone this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that L. D. 286 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to oppose the motion and I would speak on it.

I would like to quote from an act of Congress, which is the Federal Fire Prevention and Control Act that was passed last November 5, 1973, and just quote from page 2, lines 23 to 26.

"Firefighting is the nation's most hazardous profession, with a death rate 15 percent higher than that of the next most dangerous occupation."

Now, I am sure most of us are aware but some of us tend to forget the danger that is involved in firefighting, which is even greater than that which we think of with the police in fighting crime.

The number of heart failures or heart attacks in the group called the firefighters or the men in blue, if you are in a city where they wear uniforms, runs from three to five times the number of heart attacks that a similar group of people the same age have over the country as a whole. And the motion which is presented before us is a motion to amend the bill as it now stands before us and to take away from that bill the cardiac portion of the bill.

The PRESIDENT: The Chair would interrupt the Senator from York and state that the motion presently pending is the motion to indefinitely postpone this bill and all accompanying papers.

Mr. ROBERTS: I am sorry, Mr. President.

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

Mr. BERRY: Mr. President and Members of the Senate: If I may, I would just make a clarification of the statement made by my good friend, the Senator from Penobscot, Senator Cummings.

The reason for my tabling the bill yesterday was the fact that I knew there was a meeting of the Maine Municipal Association last night. She is correct in stating that 82 members were present. But I think it is important to note that, myself being a member of the Maine Municipal Association through my seat on the Auburn City Council, the Maine Municipal Policy Steering Committee is made up of city managers and people in key positions, which naturally are the people in opposition to this bill, and not one time, to my knowledge, has the Maine Municipal Association ever polled their entire membership to find out what the true feelings are. So I think we are really talking of 82 people, which represents a very small percentage of the people involved in this situation.

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

Mr. REEVES: Mr. President and Members of the Senate: I would like to speak against the motion of the Senator from Penobscot, Senator Cummings. All of

the New England states except for Maine have a similar law, and some 34 states across the country have this law. I think our firefighters deserve this protection.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would hope that the motion made by the good Senator from Penobscot, Senator Cummings, would be defeated. I concur with the thoughts expressed by the good Senator from Androscoggin, Senator Berry, that if we were to leave the chores of enactment or defeating bills before this legislature to the Maine Municipal Association that they would walk off with the entire Appropriations Table. I think the bill is a good and sound bill and it certainly is one to benefit any physical handicap that does come to the fireman. I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Cummings, that this bill and all of its accompanying papers be indefinitely postponed. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise and stand in their places until counted.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I think perhaps just a word about the posture of the bill as it presently exists is in order. The bill, as it originally came out of committee and went through to the present position that it exists in now, did create some very serious problems, I feel, for a number of the smaller towns. Because of those problems, the bill was tabled and tabled repeatedly, and finally amended. And the amendments themselves were corrected to be put into the proper form to remove many of the problems that the small towns were so vehemently objecting to. I think they still do object to the bill, I am not suggesting that perhaps they are not, but I would suggest that perhaps the very serious problems that existed with the bill in the first place, and to which they were objecting very vehemently, have been removed from the bill. So the bill in its present posture I hope would continue along its way, and hope that the motion would not prevail.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Cummings, that this bill, L. D. 286, and all of its accompanying papers be indefinitely postponed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, R.; Cummings, Curtis.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senators Merrill, Wyman.

A roll call was had. Three Senators having voted in the affirmative, and 27 Senators having voted in the negative,

with two Senators being absent, the motion did not prevail.

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

Sent down for concurrence.

(Off Record Remarks)

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

Mrs. CUMMINGS: Mr. President, it is nice to know that everyone will agree with me when I move that we stand adjourned until tomorrow at 12 o'clock noon.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate stand adjourned until 12 o'clock noon tomorrow. Is this the pleasure of the Senate?

The motion prevailed.