

# 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**

Tuesday, April 15, 1975

Senate called to order by the President. Prayer by Rev. Sidney Buzzell of the Corinth Methodist Church:

Let us be in the spirit of prayer. Our loving and most holy God, the one who always was, who is, and who ever shall be, the one who hears the most eloquent and also the most meager prayers, the one who notices even a sparrow's fall, we individually express our adoration for you as the supreme architect, creator, and the concerned sustainer of our world and all of mankind. In the midst of all technology and intellectual knowledge, we realize our inadequacies to fully know and operate completely under your will. We therefore confess our shortcomings and mistakes and we seek direction and forgiveness.

We thank you, Father, for our country and for the opportunity to serve. We are grateful for the prosperity over the years and we ask your guidance in all our decisions. May we always realize that it may not be what we desire ourselves that may be the best for those around us. So give us the insight, Father, to know long range what is best in your sight. And as we serve and as we express our belief in Thee, may we always be conscious of holding you first in our lives. May we reveal your love in everything we say and in everything we do, and we pray in the name of Jesus, the Christ. Amen.

(Off Record Remarks)

Reading of the Journal of yesterday.

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

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.

In the House March 26, 1975, referred to the Committee on State Government and Ordered Printed.

In the Senate April 10, 1975, referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

**State of Maine**

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

**Joint Resolution  
In Honor Of**

Mr. & Mrs. Markham L. Gartley

WHEREAS, the forty-third Secretary of State of this great State is the Honorable Markham Ligon Gartley of Greenville; and

WHEREAS, the said Markham Ligon Gartley did, on April 5, at Citadel Summerall Chapel in South Carolina, wed Sherrel Elaine Wilcox of Charleston; and

WHEREAS, at that grand moment Markham Ligon Gartley, keeper of the Great Seal did seal his heart to a lovely bride with a super attestation; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, now assembled in regular session, do cordially express to Markham Ligon Gartley and his dear wife, Sherry Elaine Wilcox, the best wishes of the Legislature for future happiness and

success in their new home at Winthrop; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared by the Secretary of State and transmitted by the Secretary of State to the aforesaid Markham Ligon Gartley, Secretary of this State in honor of the union. (H. P. 1495)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**State of Maine**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Five

WHEREAS, The Legislature has leaned of the Outstanding Achievement and Exceptional Accomplishment of

**WINTHROP HIGH SCHOOL  
WINNERS OF THE 1975  
MOUNTAIN VALLEY SPEECH  
CONFERENCE**

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. 1493)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, Governor James B. Longley has recommended a 70.1 million dollar budget for the University of Maine for the next biennium which is 20 million less than that considered necessary for operation by the university; and

WHEREAS, this reduction comes in the face of severe economic conditions caused by inflation and rising fuel costs which are unavoidable and have served to heighten the impact of the reduction; and

WHEREAS, the presidents of the various campuses have expressed concern over the potential effect of these reductions; and

WHEREAS, such budget constraints, if adopted by the Legislature, will have far-reaching effects which could result in the deterioration of a quality institution and a loss of enrollment; and

WHEREAS, the Governor indicated to the Legislature on February 13th that "one of the greatest needs of education in Maine is long-range planning and a complete examination of our goals and priorities within our university system;" now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized to examine, in conjunction with such committees as it may direct, the operation of the university system of this State to determine, among other considerations, whether or not its budget is fair and equitable in view of the volatile economy and difficulties of the times and what consideration was given in the proposed budget for meeting the needs of the university and the expectations of the people of Maine in the university; and be it further

ORDERED, that the study of any subject or matter adjudged by the council

to be relevant to the subject of this examination or helpful to it in its work shall be deemed within the scope of the council's inquiry hereunder; and be it further

ORDERED, that the council be directed to report its findings and recommendations, accompanied by final drafts of any necessary legislation, to the next special session of the 107th Legislature and no later than November 1, 1975. (H. P. 1492)

Comes from the House, Read and Passed.

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

Mr. KATZ: Mr. President and Members of the Senate: This involves a rather comprehensive study of the University, and I wonder whether somebody might table this until we get a notion of what the order does include.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage.

**House Papers**

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

**Committee Reports**

**House**

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

Bill, "An Act Relating to Method of Turning at Intersections." (H. P. 621) (L. D. 768)

Bill, "An Act to Amend the Farm and Open Space Land Law." (H. P. 580) (L. D. 715)

**Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act to Permit Officials of the Town of South Berwick to Initiate District Court Criminal Prosecutions in Either the District Court at Kittery or the District Court at Sanford." (H. P. 707) (L. D. 886)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Property Rights upon Dissolution of Marriage." (H. P. 1012) (L. D. 1279)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act." (H. P. 285) (L. D. 337)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Providing for the Use of Green and White Lights on Civil Emergency Preparedness Vehicles for the Right of Way of these Vehicles and for the Qualification of Certain Civil Emergency Preparedness Personnel." (H. P. 676) (L. D. 865)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Original Drivers' Licenses Issued to Persons 18 Years of Age or Older who Have Successfully Completed a State Approved Driver Education Course." (H. P. 855) (L. D. 1069)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Establish a Homestead Tax Exemption." (H. P. 80) (L. D. 128)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Amend the Elderly Household Tax and Rent Refund Act." (H. P. 538) (L. D. 654)

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 Taxation on, Bill, "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place and Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments." (H. P. 865) (L. D. 1074)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

Which report was Read.

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

#### Change of Reference

The Committee on Judiciary on, Bill, "An Act to Clarify Municipal Obligation for Relief under the Pauper Laws." (H. P. 245) (L. D. 326)

Reported that the same be referred to the Committee on Health and Institutional Services.

Come from the House, the report Read and Accepted and the Bill referred to the Committee on Health and Institutional Services.

Which report was Read and Accepted and the Bill referred to the Committee on Health and Institutional Services in concurrence.

The Committee on State Government on, Bill, "An Act Relating to Personnel Classification and Functions of the Reivew and Evaluation and Fraud Investigation Division of the Department of Audit." (H. P. 1122) (L. D. 1409)

Reported that the same be referred to the Committee on Performance Audit.

Come from the House, the report Read and Accepted and the Bill referred to the Committee on Performance Audit.

Which report was Read and Accepted and the Bill referred to the Committee on Performance Audit in concurrence.

#### Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Eliminate the Position of Farm Supervisor of the Department of Mental Health and Corrections." (H. P. 516) (L. D. 634)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act to Repeal References to Dairy and Farm Institutions within the Department of Mental Health and Corrections." (H. P. 514) (L. D. 632)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Providing for a State Developmental Disabilities Planning and Advisory Council." (H. P. 871) (L. D. 1077)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Sale of Stuffed

Toys." (H. P. 669) (L. D. 843)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Concerning Refinancing of Credit Sales on Consolidation under the Consumer Credit Code." (H. P. 610) (L. D. 753)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-152).

The Committee on Business Legislation on, Bill, "An Act to Require a Notice of Default to be given within Prescribed Intervals, as Applicable for Open-end Credit Transactions under the Consumer Credit Code." (H. P. 608) (L. D. 751)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-151).

The Committee on Business Legislation on, Bill, "An Act Prohibiting Increase of Finance Charges on Outstanding Balances of Open-End Accounts under the Consumer Credit Code." (H. P. 600) (L. D. 743)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-150).

The Committee on Legal Affairs on, Bill, "An Act to Remove the Limitation on the Amount of Real or Personal Property Authorized to be Held by the Portland Diet Mission." (H. P. 647) (L. D. 799)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-154).

The Committee on State Government on, Bill, "An Act Relating to Compensation and Benefits under the State Classified Service." (H. P. 406) (L. D. 495)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-153).

The Committee on Business Legislation on, Bill, "An Act Concerning Annual Notification Fees under the Consumer Credit Code, Concerning a Lender Collecting and Enforcing Loans without a License, and Requiring the Payment of Certain Investigation Fees to the Superintendent of the Bureau of Consumer Protection." (H. P. 607) (L. D. 750)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" 149).

Come from the House, the Bills passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Require the Executive Council to Inform the Governor and the Legislature of its Activities." (H. P. 219) (L. D. 275)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1483) (L. D. 1620)

The Committee on Legal Affairs on, Bill, "An Act Relating to the Sale or Possession of Commercial Slingshots and the Possession of Pellet Guns in Motor Vehicles." (H. P. 239) (L. D. 295)

Reported that the same Ought to Pass in

New Draft under New Title: "An Act to Include Pellet Guns within the Definition of Firearm" (H. P. 1487) (L. D. 1679)

The Committee on Business Legislation on, Bill, "An Act to Clarify the Law Relating to Group Insurance Certificates." (H. P. 617) (L. D. 763)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1485) (L. D. 1677)

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

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

#### Divided Report

The Majority of the Committee on Elections Laws on, Bill, "An Act to Provide for Open Filing in Primary Elections." (H. P. 624) (L. D. 770)

Reported that the same Ought Not to Pass.

Signed:

Senators:

O'LEARY of Oxford  
BERRY of Cumberland

Representatives:

MACKEL of Wells  
BOUDREAU of Portland  
SHUTE of Stockton Springs  
DURGIN of Kittery  
TALBOT of Portland  
BIRT of East Millinocket  
BUSTIN of Augusta

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

Signed:

Senator:

CORSON of Somerset

Representatives:

CALL of Lewiston  
KENNEDY of Gray  
ALBERT of Limestone

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

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Amending Certain Laws Relating to Games of Chance." (H. P. 483) (L. D. 602)

Reported that the same Ought to Pass in New Draft under same Title (H. P. 1486) (L. D. 1678)

Signed:

Senators:

CORSON of Somerset  
CIACHETTE of Somerset  
DANTON of York

Representatives:

DUDLEY of Enfield  
PERKINS of Blue Hill  
GOULD of Old Town  
HUNTER of Benton  
SHUTE of Stockton Springs  
BURNS of No. Anson

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

Signed:

Representatives:

CAREY of Waterville  
JOYCE of Portland  
COTE of Lewiston  
FAUCHER of Solon

Come from the House, the Majority report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

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

Mr. REEVES: Mr. President, I was wondering if I could ask through the Chair for an explanation of this new draft?

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Ladies and Gentlemen of the Senate: The purpose of the new draft is basically that it is a vehicle to close up a loophole in the existing gaming laws. Primarily it is put in at the request of the Attorney General's Office and the Maine State Police, who are very concerned about the introduction of certain gambling machines which are not outlawed under the existing law. They felt that an emergency situation existed, and the majority of the committee agreed that the question of legalized gambling should be met face on, and not by the back door through a loophole. The purpose of this new draft is simply to close this loophole, and it does not mean that the content of the original bill is not still under consideration. There are several bills before the Committee dealing with the subject matter of games of chance and they are still being considered.

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 Majority 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.

#### Senate Leave to Withdraw

Mr. Graffam for the Committee on Liquor Control on,

Bill, "An Act Relating to Business Days and Hours under the Liquor Laws (S. P. 365) (L. D. 1168)

Reported that the same be granted Leave to Withdraw.

Mr. Huber for the Committee on Appropriations and Financial Affairs on,

Bill, "An Act Making Supplemental Appropriations for the Substitute Care Program." (S. P. 318) (L. D. 1

95)

Reported that the same be granted Leave to Withdraw.

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

#### Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on,

Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers. (S. P. 327) (L. D. 113)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Resolve Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Mr. McNally for the Committee on Labor on,

Bill, "An Act to Clarify the Definition of Employee in the Workmen's Compensation Act." (S. P. 131) (L. D. 436)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 492) (L. D. 1821).

Mr. Pray for the Committee on Labor on,

Bill, "An Act Relating to a Close

Corporation Under the Unemployment Compensation Laws." (S. P. 11) (L. D. 43)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 493) (L. D. 1822).

Which reports were Read and Accepted, the Bills in New Draft. 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 Making Supplemental Appropriations for the Maine Human Services Council." (H. P. 626) (L. D. 772)

Bill, "An Act Relating to Borrowing by Hospital Administrative District No. 1 in Penobscot County." (H. P. 887) (L. D. 1062)

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

##### House - As Amended

Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405)

Which was Read a Second Time.

On motion by Mr. Clifford of Androscoggin, the Senate then voted to reconsider its prior action whereby House Amendment "B" was Adopted.

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

Senate Amendment "A", Filing No. S-58, to House Amendment "B" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 21, 1975, pending Adoption of Senate Amendment "A" to House Amendment "B".

##### Senate

Bill, "An Act Relating to Exemption of Law Enforcement Agencies and Courts under the Human Rights Act." (S. P. 283) (L. D. 997)

Bill, "An Act Concerning Residence Facilities of State Patients Released into the Community." (S. P. 491) (L. D. 1738)

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

Sent down for concurrence.

##### Enactors

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

An Act to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State. (S. P. 262) (L. D. 859)

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

Resolve, Providing for Purchase of Copies of Town Histories. (H. P. 1381) (L. D. 1410)

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

##### Emergency

An Act Amending Chapter 6 of the Private and Special Laws of 1975, Relating to the Borrowing Capacity of School Administrative District No. 19. (H. P. 1484) (L. D. 1682)

This being an emergency measure and having received the affirmative votes of 31 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:

JOINT ORDER — Relative to Joint Select Committee on State Property Tax Valuation. (S. P. 490)

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

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

House Report — from the Committee on Education — Bill, "An Act to Correct Deficiencies in the School Funding Law." (H. P. 472) (L. D. 526) Ought to Pass in New Draft With New Title Bill, "An Act to Fund Public School Education." (H. P. 1437) (L. D. 1452).

Tabled — April 11, 1975 by Senator Cummings of Penobscot.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by House Amendments "A" (H-135), "G" (H-141), "J" (H-144), "M" (H-147), and "N" (H-148).)

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

Mr. KATZ: Mr. President and Members of the Senate: As I understand the desire of the Senate, this morning we will be asked to accept a committee report and act on certain amendments which were adopted by the House. I am sure that the Senate wants all the questions answered without unnecessary and tedious debate. Might I suggest, if it is agreeable to the Senate, that I will point out to the Senate on page 17 of the bill a factual statement of the twelve most important changes made in the law under the statement of fact.

Next, Mr. President, I would suggest that perhaps it might be helpful that as each amendment comes up for our consideration today, I would be more than glad to briefly respond to the content of these amendments. Therefore, I move the pending question.

The PRESIDENT: The pending question is the acceptance of the Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

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.

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

Mr. KATZ: Mr. President, House Amendment "A" properly would have been Committee Amendment "A" if the time had existed for us to incorporate it into the bill ourselves. The bill contains a significant error in draftsmanship: inadvertently the forgiveness of the so-called over-collection communities was included in the bill, which was not the committee intent, and this corrects that error. There are also a couple of other minor inclusions in it, one of which is a flexible ceiling which answers the plea for help from such communities as Portland and Cape Elizabeth. It also extends the time for moving into a fiscal year until a year from July.

The amendment itself, I think, completely strengthens the law, and I move its adoption.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Katz, regarding that provision of the amendment which refers to extending the deadline of changing to the new uniform fiscal year. My question really has to do with the relationship between the fiscal year which the state has of July 1st to June 30th, the fiscal years which various communities have, particularly for their school budgets, and what I understand is to be the new fiscal year that the federal government is going into which has to do with an October to October arrangement. I guess my question is: did the Education Committee give careful consideration to this, as I understand it, proposed change or definite change in the new federal fiscal year?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, my answer is in the affirmative. We considered the proposed new federal year, which is an October 1st year. Our motivation was twofold: one, we wished to extend the time the legislature had to debate questions when we came here in January to a more convenient time. Right now, of course, when the legislature meets in January every regular session we are faced with an emergency.

Second, and perhaps even as important, for the first time we wanted to get the entire school year; in other words, the September to June segment, into a fiscal year so that all over the state taxpayers who have been asked to perplex over this darn fractional business, because when they pass their budget they are just passing it from September until December, we feel that it is extremely advantageous to have the whole school year so that taxpayers will clearly understand if they vote two new positions in the school system what the entire impact in dollars will be over the school year. So we did consider the federal establishment's change and we felt that it was not a pressing change as far as we were concerned.

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

Thereupon, House Amendment "A" was Adopted in concurrence and House Amendment "G" was Read.

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

Mr. KATZ: Mr. President, House Amendment "G", under Filing 141, addresses itself to the limited but very important problems of isolated communities, mainly Maine's island communities, and it does away with the necessity for geographically isolated communities in raising the full requirements of the law before they make application to the State Board of Education for benefits under our so-called geographic isolation grants.

The PRESIDENT: Is it the pleasure of the Senate to adopt House Amendment "G"?

Thereupon, House Amendment "G" was

Adopted in concurrence and House Amendment "J" was Read.

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

Mr. KATZ: Mr. President, House Amendment "J", under Filing H-144, puts a restriction on the total purchases of school buses which may be made statewide in a single year. The figure is 3 million dollars. You will recall earlier in the bill itself there is a limitation on authorization for school construction, and this follows that same pattern.

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

Mr. CLIFFORD: Mr. President, the statement of fact talks about increases in the income tax that raises the general fund's share in future years. Could that be explained? I think we ought to know what we are voting on.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would refer the Senator's attention to House Amendment "J", under Filing H-144, a very short amendment which restricts its attention to the acquisition of buses.

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

Mr. CURTIS: Mr. President, again I would like to pose a question to the Senator from Kennebec, Senator Katz. And the reason I am asking some of these questions is that I met with some of the school boards in several of my communities last night, and I would just like to get some of these things clarified, and preferably on the record. What is the rationale for the limit to 3 million dollars for the purchase of school buses?

The PRESIDENT: The Senator from Penobscot, Senator Curtis, poses a question through the Chair to the Senator from Kennebec, Senator Katz, who may answer if he desires.

The Chair recognizes that Senator

Mr. KATZ: Mr. President, this amendment came out of the other body. It was not considered by the Committee on Education. The Committee on Education has no objection to it. It is a further response to those who insist that the total cost of education be tightened up so that every possible loophole can be identified and dealt with. The rationale behind this limitation is that there have been abuses around the state in rapid and rather unsupported acquisitions of buses, and this is a response to that demand.

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

Thereupon, House Amendment "J" was Adopted in concurrence and House Amendment "M" was Read.

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

Mr. KATZ: Mr. President, under present law, the Commissioner of Education is required every year to report to the Division of Taxation his estimated total cost of education in the State of Maine. The School Finance Act of 1975 changes this procedure whereby the Commissioner will make his recommendations through normal channels to the Bureau of the Budget, the Office of the Governor, and thence to the

Legislature. This House Amendment "M" establishes a joint order as the route by which the legislature will transmit its findings—the Division of Taxation

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

Thereupon, House Amendment "M" was Adopted in concurrence and House Amendment "N" was Read.

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

Mr. KATZ: Mr. President, one of the perplexing problems facing the Committee on Education was the fact that some communities, particularly in the Cumberland County area, were bumping against their legal ceiling; they could not raise enough money to meet their basic school needs. In the School Finance Act of 1975 we addressed ourselves to the problem where a community could prove to the satisfaction of the Commissioner, and the Commissioner could then give them a little flexibility in pursuing a second local maintenance of effort fully funded by the local community. This amendment changes a single word. Where the committee's position was "the Commissioner may grant them relief", this amendment says "the Commissioner shall grant them relief". It is a change completely acceptable to the Education Committee because there are significant guidelines already in the law which pretty much control the action of the Commissioner of Education.

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

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

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

Bill, "An Act to Extend Date for Closing of Open Burning Dumps." (H. P. 1464) (L.D. 1502)

Tabled — April 11, 1975 by Senator Jackson of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

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

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

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

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 22, 1975, pending Passage to be Engrossed.

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

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)

Tabled — April 11, 1975 by Senator Cianchette of Somerset.

Pending — Passage to be Engrossed.

On motion by Mr. Speers of Kennebec,

retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Dealers in Used Personal Property," (H. P. 502) (L. D. 618) Tabled — April 14, 1975 by Senator Carbonneau of Androscoggin.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as amended by House Amendment "C" (H-124) as amended by House Amendments "A" (H-129) and "B" (H-130) thereto.)

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I have been receiving a great deal of mail about this bill. There are in my district many antique dealers and most of them are very small, and this would really put on them a big burden for keeping these records. One of the House amendments even reduces the value of the articles that should be recorded down to merely \$25, and their protests are — some of the owners of these shops I know personally — that it really puts a great financial burden on them, and they also feel that they don't want to be investigated at any drop of a hat.

I have sponsored legislation in the past that would help sheriffs and the police to recover stolen goods, and I think we are making progress in that direction. But I do not think this is a good bill and I think it will do more harm than good, so I now move indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that this bill, L. D. 618, together with all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President and Members of the Senate: We heard this bill in the Business Legislation Committee, and I disagree with the Senator from Penobscot, Senator Cummings, in that I think it is a good bill. It is a law and order bill.

I think basically what this bill does is address itself not so much to the sale of used personal property by the antique dealers but to the purchase of the property. It has been amended back and forth now from nothing to \$75, and there is talk of \$100. The present House amendment is \$25 or more, and I think that is little enough because there is no question, in my mind at least, that rural crime in Maine is a serious problem.

Now, if the antique dealers by statute must register the property that they purchase from people, and get the name and address of those people and the registration of their car, which the bill and amendments provide for, I think it helps a lot those dealers in used personal property who either wittingly or unwittingly, at least they do become an unwilling or a willing fence. I think there is some question as to whether or not when somebody comes into a used personal property dealer with a television set that is obviously worth \$175, and offers to sell it for \$25, that maybe the origin of that particular piece of personal property might be a cause of some concern for the dealer.

I don't think it puts any great pressure or

inordinate pressure on the dealer in used personal property to keep these records. When you go and buy a \$1.95 lunch, you get a slip, and the people running the lunch counter keep the slip on record. So I think it is a good bill and I just don't think it should be indefinitely postponed. I think it should be passed into law.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I agree with the Senator from Aroostook, Senator Johnston; I think this is a vital bill.

Breaking and entering in rural Maine is becoming a rampant crime, and many of these items then find their way into the hands of antique dealers. I think this bill will put a brake on that sort of thing. It will prevent antique dealers from just accepting things that are brought to them.

As to the \$25 limit, any antique dealer who pays \$25 for something is probably getting something that is worth a lot more, so I think this is a minimum figure.

Really, I can't explain the crisis that is going on in some parts of rural Maine regarding this breaking and entering. On the road I live on every house that has been vacant has been broken into at one time or another. My house was. Sunday I had lunch with some people, and their house had been broken into and several thousand dollars worth of goods stolen. And some of these goods have been found in the hands of antique dealers who simply cannot account for these goods. If they are forced to keep records, then they will have to account for them and they will be reluctant to purchase goods which obviously have been stolen.

Therefore, I think this is a vital bill, and I urge you to vote against the motion before the Senate.

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

Mr. THOMAS: Mr. President and Members of the Senate: I am in the odd position of agreeing with everyone who has spoken on this bill. This bill was really sponsored by the State Police to prevent the breaking entering that we have had, particularly in the residences that are vacant during the winter and so forth, as Senator Graham just mentioned.

However, I did not see any of the amendments until last Friday. I will agree with the amendment, House Paper 124, and House Amendment "A" clarifies it. But I do think the \$25, which is House Amendment "B", should have stayed at \$75, as it was in House Amendment "C". I must agree with Senator Cummings of Penobscot that a lot of these shops are one-man or one-woman operated shops, and if they park the car about a block away, how are they going to get the registration number? If they leave the shop then everyone will be stealing. So now we have a problem with all these amendments, and frankly, I don't know what to do.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am a bit confused about the effect of this bill on the existing law, and I would like to pose a question through the Chair so maybe this confusion could be cleared up.

As I read the existing law, dealers in used personal property are presently required to keep a record of those properties which

they buy. And as I read the original bill, it seems to be the intent to have them keep a record of the items of which they sell. It would seem to me, in looking at this from the standpoint of enforcement of laws against receiving and selling stolen goods, that they are two separate questions to be looked at in regards to each of those issues. My request is whether we could clear up the status of the present law, with respect to the records kept on purchase and selling so that we could understand better the effect of this law on the existing law.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: The question is a good one. That is the way I read the bill originally, Senator Merrill, and I had clarification from Mrs. Clark in the House on this. The records to be kept, as I understand the way she explained it to me, are only on those that you buy. These are the only records that you keep, on the merchandise that you buy, and not the merchandise that you sell. Maybe Senator Thomas can explain more on this.

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

Mr. REEVES: Mr. President and Members of the Senate: Also, in presenting this bill the gentleman from the State Police brought up a case in which he described a dealer who had just received, within hours or a day, some television sets in a trade, and as I understood the real intent of this bill, it was to cover those items that were received in trade, so that when a dealer took in goods and gave out other goods in that trade the records of the goods that he had received were in some way recorded. And then there was added to this bill an amendment to have the dealer be responsible for some proof of ownership, such as the license plate of the car of the person who is making the trade.

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

Mr. BERRY: Mr. President and Members of the Senate: House Amendment "C" and House Amendment "A" appear to be merely clarifying language, and House Amendment "B" is the change from \$75 to \$25. I would hope that we would defeat the motion of the Senator from Penobscot, Senator Cummings, and then indefinitely postpone House Amendment "B", going back to \$75.

As has been pointed out here, this is a matter of rural crime particularly, and it is not going to be too onerous if we talk \$75 as a minimum amount. It is a regrettable situation that exists in the State today. There is one county in the state where it is common knowledge that you can place your order to purchase stolen goods; you tell them what you want and they will get it for you. I think we have got an opportunity here and we should do something about it, so I would hope that the motion would not prevail.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I am going to disagree with Senator Berry. If you break into a home, for instance, and you steal some property from the home, and let's say — everybody has been using a

television set, so let's say that it is a rug, and let's say that it is an oriental rug that is worth \$1,000, and you have stolen it and you want to get rid of it. You take it in to a used personal property dealer, an antique dealer, and you get the value now on this piece of merchandise. Let's say you set it at \$24. So he accepts the stolen property for \$24, and that is the end of the transaction. I think \$75 is too high. I think \$25 is too high, but \$25 seems to be acceptable to the House and I think it should be acceptable to this body.

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

Mr. KATZ: Mr. President and Members of the Senate: May I express the interest of a very special interest here. We are talking about antique dealers and we are talking about dealers in used furniture, but the implications for a great part of the retail community are apparent.

I am in full support of the intent of the bill, but House Amendment "C" is just absolutely extraordinarily unwieldy for someone who is running a retail business on Main Street and is dealing with completely different problems. Now, perhaps if the construction business is particularly good and Senator Cianchette comes in here and wants to buy a thousand dollar Rolex watch, and trade in his old clunker that probably has a value of \$25 this is going to require me in the jewelry business to get his registration slip from him and record it, the registration of his car, if his old watch was transported in his car. It is going to affect every kind of a trade-in sale in the state, and it is going to create a significant amount of dislocation in ordinary routine retail business that goes far beyond the intent of the act. I hope that before we pass this bill to be enacted we will be able to more effectively zero in on the motives that we have without placing an extraordinary burden on the whole retail community.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to expand, I guess, a little bit on the confusion that I have with this bill. In looking at the original document, L. D. 618, the words added to the existing law were to include when a dealer in used personal property sells or trades with any person an item. Now, if we require somebody to keep a record when he sells an item, I can see the value of that. The value of that would be then that if the police apprehended a person with property that was stolen that was used property, and they requested from that person an explanation of how he came by it, with the intent of building a case for receiving stolen goods, and the person said that he bought it at an antique auction or something, then they could go back and see if there was a record. And the absence of a record would be proof which would lead to the inference that the person hadn't bought it, there would be a way of proving that he had in fact received stolen goods, that he knowingly received stolen goods. Now, that is one purpose, and it seems to me as I look at the original law that is what they were trying to get at.

As I look at the amendment — and maybe I am overlooking something; I would be glad to be corrected — the amendment seems to have forgotten that problem, and instead focused back on the other problem that we have where a dealer could knowingly or unknowingly act as a fence. The effect of the amendment seems

to be focused back on the dealer in used property, and is to try to set up a record-keeping system with some teeth in it so as to discourage the dealer from either knowingly or unknowingly acting as a fence for stolen goods.

In looking at the problem of the dealer buying property that may be stolen, it seems to me that there are different considerations to be had as to what we have to do in order to make possible successful prosecutions than when we were looking at the situation where the dealer sells, and also it seems to me that it poses different sorts of problems. It seems to me that the amendment just goes in a different direction completely than the original bill, and the effect of it is to deal with a different problem. That confusion, I think, falls back on whether or not we want to set a limit of \$75 or \$25, or whatever. So I would ask that someone table this bill for some period of time so maybe we can get this straightened out.

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

Thereupon, on motion by Mr. Carbonneau of Androscoggin, tabled and Specially Assigned for April 17, 1975, pending the motion by Mrs. Cummings of Penobscot that the Bill and accompanying papers be Indefinitely Postponed.

(Off Record Remarks)

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

Mr. HICHENS: Mr. President and Members of the Senate: I believe that many of you have been in the same situation that I find myself in this morning. Several weeks ago I was given information that the 5th day of April was the birthday of one of our distinguished Senators. I composed an appropriate poem, and then two days before I was getting ready to read it I was told that I had been given the wrong information and that his birthday was the 15th of April, so I tucked the poem away and saved it for today. Now this morning I have been informed that the first information was correct, so I am ten days late in reading the poem. But after all the deliberation, the sweat and the consternation that I had in composing this poem, which took probably three minutes, I feel that I should share it with you this morning.

This is the day that we all must remember. For the 15th of April our tax forms are due;

But for one of our number it's also important, for this is his birthday if what I hear is true.

Yet now he has told me that I am mistaken, that this isn't the day we remember his birth.

Twas the 5th of the month - my informant's in error - But I'll still read my poem - for what it is worth.

Now we recognize one who has joined our hallowed number

By winning an election over odds that few encumber.

He's brought new views along with him from a State greater in size

Than Maine - not in topography, but population wise.

A bit confused with gongs on (this by his own admission)

He soon got in the swing of things with promise of fruition.

It's not so hard to find the things about him I would say,

But difficulty with his name - to wish a happy day!

And the best of luck in days ahead, as we all work together

In deciding what is best for Maine - in fair and stormy weather,

For try and try as best I could, I admit that I could notsky

Find a word in any book that I could rhyme with Trotzky.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot, Adjourned until 10 o'clock tomorrow morning.