

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 22, 1975

Senate called to order by the President.
Prayer by Rev. Sumner L. Morrison, Nazarene Church, Augusta: Shall we pray. Our blessed Heavenly Father, it is with delight that we come into your presence this morning. We thank you, God, for the opportunity that we have to call upon you for special help. We thank you, God, for the beautiful day that you have given to us. We thank you for the privilege that is ours to be Americans, to live in a country of a land that is flowing with literally milk and honey and a land, Lord, of plentifulness. We thank you, God, for the privilege to worship according to the dictates of our hearts. We thank you, God, for the opportunity that is ours to speak our minds and to say what we think and to have this privilege.

We thank you, God, for the type of government that we have, the party system in which, Lord, we serve as a measure of checks and balances upon one another. We thank you, God, for these men this morning who have given of themselves that this state and this government may be run adequately, that our state may be upheld, and we pray, O God, today that as the business of the day begins to unfold before them that, God, Thou will give them wisdom, that, Lord, you will help them to vote with integrity. Help them, O God, to vote with honesty both for their own convictions and for the people that they represent.

We pray, O God, that your will may be accomplished in our state and that our state may continue to be a great state in the great nation of which we are a part, in Thy name we ask Thee. Amen.

Reading of the Journal of yesterday.

Order

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Penobscot, Mrs. Cummings, to deliver the message, and Mrs. Cummings subsequently reported that she had delivered the message with which she was charged.

At this point a message was received from the House, through Representative Neil Rolde, concurring in the proposition.

The Senate then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

In Senate

Called to order by the President.

Papers from the House

**Joint Order
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement

and Exceptional Accomplishment of Kevin Nelson of Monson in both, the Academic Field and in the Sport of Basketball

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. 1525)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Karen Elizabeth Colburn of Bangor 1975 National Freestyle Champion of the United States Ski Association

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. 1526)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Bridgton Junior Rifle Club Junior Team State Junior Rifle Champions for the Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1527)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and

Exceptional Accomplishment of the Bridgton Junior Rifle Club Sub-Junior Team State Sub-Junior Rifle Champions for the Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1528)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

**Communications
THE SENATE OF MAINE
Augusta, Maine 04330**

April 21, 1975

The Honorable Joseph Sewall
President, Maine State Senate
Senate Chambers
State House
Augusta, Maine 04330

Dear Mr. President,

As confirmed by discussions which I have had with members of the legislative leadership and the Attorney General's office, it is both my right and responsibility to abstain from voting on matters which would create, in my own mind and that of Maine citizens, the possibility or even the appearance of a conflict of interest.

Specifically, this will in my instance apply to matters relating directly to the railroads and freight transportation.

Sincerely,

Signed:

GERARD P. CONLEY
Senate Minority Leader

Which was Read and Ordered Placed on File.

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 Appropriating Funds to the Department of Health and Welfare for Emergency Medical Training of Ambulance and Rescue Personnel. (H. P. 498) (L. D. 616)

Bill, "An Act Providing for Incoming WATTS Lines to State Offices." (H. P. 957) (L. D. 1196)

Bill, "An Act Relating to Hunting Buck Deer." (H. P. 766) (L. D. 937)

Bill, "An Act to Eliminate the Bureau of Civil Emergency Preparedness." (H. P. 828) (L. D. 1011)

Bill, "An Act Relating to Eligibility Conditions for Benefits under the Employment Security Statutes." (H. P. 666) (L. D. 840)

Bill, "An Act to Require Certain Safety Equipment on Bicycles." (H. P. 692) (L. D. 854)

Leave to Withdraw

The Committee on Education on, Bill, "An Act to Place the University of Maine

under the Administrative Control of the Department of Educational and Cultural Services." (H. P. 426) (L. D. 519)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Payments to Providers of Health Care Services by the Department of Health and Welfare." (H. P. 697) (L. D. 873)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Providing for Four-Year Terms for Legislators. (H. P. 1070) (L. D. 1350)

Reported that the same be granted Leave to Withdraw.

The Committee on Performance Audit on, Resolve, to Study the State Budget Process, Including a Change in the Fiscal Year, Annual Sessions for Budgets and Emergencies and the Form and Time for Budget Submissions. (H. P. 909) (L. D. 1108)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Authorize Bond Issue in the Amount of \$10,000,000 to Improve Highways." (H. P. 670) (L. D. 844)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Providing for Bicycle Registration." (H. P. 729) (L. D. 906)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Use of Bells and Sirens on Certain Emergency Vehicles under the Motor Vehicle Laws." (H. P. 812) (L. D. 983)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Resolve, Proposing a Study to Investigate the Feasibility of Developing Foreign Trade Zones in this State. (H. P. 985) (L. D. 1250)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to Fees of Bail Commissioners." (H. P. 614) (L. D. 757)

Reported that the same Ought to Pass. (Senator Clifford of Androscoggin abstains).

The Committee on Veterans and Retirement on, Bill, "An Act Relating to the Payments of Retirement Pay of State Police Officers." (H. P. 962) (L. D. 1208)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Increasing the Maximum State Payment for Grade Sheep Killed by Dogs or Wild Animals." (H. P. 786) (L. D. 957)

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 Natural Resources on, Bill, "An Act to Allow the Board of

Environmental Protection to Grant Variances to Statutory Time Schedules." (H. P. 566) (L. D. 702)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Service Retirement for the Chief and Deputy Chief of State Police and Payment of Benefits to State Police Retirees." (H. P. 572) (L. D. 707)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

The Committee on Education on, Bill, "An Act to Establish a Cooperative Education Support Program." (H. P. 640) (L. D. 795)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-171).

The Committee on State Government on, Resolve, Authorizing Conveyance of State Land and Easements to City of Calais for Drainage and Road Construction Regarding the High School Project. (H. P. 917) (L. D. 1131)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

The Committee on Education on, Bill, "An Act Concerning School Entrance Age Requirements." (H. P. 993) (L. D. 1257)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-172).

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

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

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act Relating to the Lease or Acquisition of Certain Railroad Lines by the Department of Transportation." (H. P. 809) (L. D. 982)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1514) (L. D. 1831).

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

Which report was Read.

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

The Committee on Veterans and Retirement on, Bill, "An Act Relating to the State Police Retirement System." (H. P. 802) (L. D. 978)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1513) (L. D. 1830)

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

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

Senate

Change of Reference

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432) (L. D. 1418)

Reported that the same be referred to the Committee on Legal Affairs.

Which report was Read and Accepted and the Bill referred to the Committee on Legal Affairs.

Sent down for concurrence.

Ought to Pass

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to Maternity Benefits for Unmarried Women Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders." (S. P. 121) (L. D. 407)

Reported that the same Ought to Pass.

Mr. McNally for the Committee on Labor on, Bill, "An Act Concerning the Definition of Child and Student under the Workmen's Compensation Statute." (S. P. 353) (L. D. 1153)

Reported that the same Ought to Pass.

Mr. Cianchette for the Committee on Legal Affairs on, Resolve, to Refund Clyde Wardwell of Mexico a Portion of Liquor License Fee Due to Loss of Business by Fire. (S. P. 376) (L. D. 1227)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills and Resolve 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 the Employment of Veterinarians by the Commissioner of Agriculture to Ensure Compliance with the Harness Racing Statutes." (H. P. 616) (L. D. 761)

Bill, "An Act Relating to Construction Requirements for Sanitary Facilities in School Buildings." (H. P. 942) (L. D. 1181)

Bill, "An Act Relating to Minimum Group Life Insurance Premiums." (H. P. 983) (L. D. 1246)

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (H. P. 1033) (L. D. 1339)

Bill, "An Act Concerning the Qualification of Persons Allowed to Vote at District Budget Meetings of School Administrative Districts." (H. P. 1108) (L. D. 1385)

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

House — As Amended

Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (H. P. 59) (L. D. 71)

Bill, "An Act Converting Dallas Plantation into the Town of Dallas." (H. P. 578) (L. D. 713)

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

Senate

Bill, "An Act Concerning the Registration of Certain Pickup Trucks." (S. P. 117) (L. D. 382)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend the Employment Security Law as to Separation Reports." (S. P. 241) (L. D. 793)

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 to Repeal References to Dairy and Farm Products of Institutions within the Department of Mental Health and Corrections. (H. P. 514) (L. D. 632)

An Act to Eliminate the Position of Farm Supervisor of the Department of Mental Health and Corrections. (H. P. 516) (L. D. 634)

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)

An Act Relating to Sale of Stuffed Toys. (H. P. 669) (L. D. 843)

An Act to Require the Executive Council to Inform the Governor and the Legislature of its Activities. (H. P. 1483) (L. D. 1620)

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

An Act to Include Pellet Guns within the Definition of Firearm. (H. P. 1487) (L. D. 1679)

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

Emergency

An Act Relating to Single Payment Loans under the Maine Consumer Credit Code. (S. P. 201) (L. D. 668)

This being an emergency measure and having received the affirmative votes of 26 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 Prohibit Corporal Punishment of Pupils." (H. P. 275) (L. D. 417)

Tabled — April 15, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed. (In the House — Indefinitely Postponed.)

(In the Senate — Committee Amendment "A" (H-115) Adopted.)

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

Sent down for concurrence.

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

Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 419) (L. D. 1267)

Tabled — April 16, 1975 by Senator Graham of Cumberland.

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone.

(In the House — Passed to be Enacted.)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Cianchette of Somerset that the Bill be Indefinitely Postponed.

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

Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 1223) (L. D. 1211)

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

Pending — Passage to be Engrossed. (In the House — Bill and Accompanying Papers Indefinitely Postponed)

Mr. Greeley of Waldo presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-84 was Read.

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

Mr. GREELEY: Mr. President and Members of the Senate: This amendment changes the 90,000 down to 80,000. It also strikes out the 6-axle vehicle. The rest of the bill, L. D. 1211, remains as it is at the present time.

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

The motion prevailed.

Mr. Merrill of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-81, was Read.

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

Mr. MERRILL: Mr. President, I would just like to briefly explain the effect of Senate Amendment "B" on this legislation. One of the things that this legislation does, to recommend it to those who are concerned about the problems of the weight of vehicles being used on our roads, is that it offers a fixed fine schedule based on the percent of overweight that the vehicle is found to be guilty of at the time that it is weighed.

One of the things that concerned me about fixing the fine schedule as it was proposed in the law is that there was nothing built into the law to require that the fines would be higher on repeated offenses, because usually we leave some leeway for the courts and they take that into consideration when assessing a penalty. I think in this specific area there is a good case to be made for having specific penalties and not giving the courts the leeway that I am normally in favor of giving them in setting those penalties, but it seemed to me if we were going to do that, then we ought to set up some procedure whereby the fines would be greater for second, third and fourth offenses.

What this amendment would do, and this is under Filing S-81, is required that when a vehicle was caught the second, third and fourth, and repeated times within a three-year period, that the fine as laid out in the law would be levied, and added to that would be the percentage of that fine which represented the total percent overweight that that vehicle had been found guilty of in the last three years.

For example, if the vehicle was found to be 13 percent over, the normal fine would be \$160. But if that same vehicle had been found guilty four times within the last three years of being 25 percent over each time, that would be a total of 100 percent over in the last three years, so the fine, which would normally be \$160, would be increased by 100 percent of \$160, and the total fine then having to be paid would be the total of those two numbers, which I guess is \$320.

The purpose of the amendment I think is clear. One of the things that concerns me about the truck weights problem, and I think one of the things that concerned the voters when the previous legislature acted in this area, is that one of the arguments for the passage of truck weights legislation is that the present legislation isn't being followed. To use that as an argument for

changing the law in the direction of the abuse is an argument that troubles me a great deal when the basic law is a good one and serves a good purpose for the state.

It seems to me then that if we are going to move in the direction of increasing the truck weights, as this legislation would do, that we would be derelict in our duties if we didn't make sure that this law had enough teeth in it so that the law will be obeyed and won't be honored in its non-support and in its abuse. So I would hope that this amendment could be accepted. I think it would improve the bill and I think it would make the bill more acceptable to the people of Maine who are concerned about this problem and who have indicated that concern with the referendum that recently defeated the previous action of the 106th.

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

Mr. O'Leary of Oxford then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

On motion by Mr. Speers of Kennebec, a division was had. 13 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

Mr. BERRY: Mr. President and Members of the Senate: I think Senator Merrill's amendment goes part of the distance that we need to go, but I think there has been a lack of attention paid to some of the basic problems in the bill.

On pages 4 and 5 of the bill there is a table printed, and it consists of a percentage of overload in one column and the accompanying fine schedule in the other column, and I invite your attention that this bill provides as the last amount a 45 percent overload factor. Now, I would maintain that any vehicle that is loaded at 45 percent over its authorized weight is death driving the highway. It couldn't begin to stop, it can't maneuver quickly enough and it is just a loaded box of dynamite going down the road. I think this is a fatal flaw in the bill. We should not be legislating to permit people to break the law by 45 percent.

Of course, the basic problem is the same one that we faced two years ago, and that is that the pulp companies aren't paying the drivers enough money, and as a result they are trying to take it out on the citizens of Maine who drive on the highways, they are trying to take it out on the highways by breaking them up, and they are using our tax revenue from gasoline sources to maintain and rebuild the roads. It would be interesting if you were to ascertain the level of payments per cord for hauling pulpwood over the past 15 or 25 years.

The bill permits a maximum of 88,000 pounds on the road without any penalty at all. I maintain this is an excessive increase in weights. This is a legal increase to 88,000, practically 90,000 pounds. I think that an absolute weight of 80,000 would be a practical, meaningful increase. It would give the truckers something, but it would give the traveling public a little protection.

Finally, I would strongly suggest that we put into the bill some teeth for violation; not this 45 percent, which is a farce. I would suggest that we make it worth-while to people to obey the law, not depending on their pocketbook but upon their careful driving and their careful preparation for taking their vehicles on the road. For other similar situations we

provide for mandatory suspension of licenses. When a person overloads his truck 45 percent, 30 percent, 20 percent, 15 percent, he knows he is doing it. He is in open and willful violation of the law; the individual is, therefore, the individual should be made accountable.

The course that presents itself as a solution is that the driver's license should be placed on the line here, and I would strongly suggest that for the second offense of any significant amount there be a mandatory suspension of the driver's license. Criticism will be leveled that Canadian drivers or out-of-state pulpwood drivers cannot have their licenses affected. Well, they certainly can be kept off the roads of the State of Maine on a second offense very easily. I think these are things that we should be considering in this bill at this time.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: I would agree with many things the good Senator just stated, but when we say "the driver of the truck," I think we are missing it, because many, many drivers have no control whatever over what is put onto that truck; they are simply the ones that amble them down the road, and I think you would be defeating the purpose of what you are trying to correct.

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

Mr. KATZ: Mr. President, this is a subject that I perplex over. I just cannot believe that anyone can load or drive a truck with this kind of an overload without clearly understanding that he is willfully and knowingly putting that extra burden on Maine's highway.

If the Senator from Hancock, Senator McNally, says that it is not the driver, then if it is not the driver it must be the owner of the truck. But I cannot support a truck weight bill that offers this kind of a leniency without some very harsh treatment. I am not talking about the fellow who is ten percent over, but when somebody gets overloaded to the extent that he is a hazard on the highway, when he does damage to the highway and it is being done knowingly and willfully, I either want to see a license suspension or I want to see the registration of that vehicle removed so that at long last those people will understand we mean business. I don't think this bill as amended does it.

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

Mr. MERRILL: Mr. President, before we vote on Senate Amendment "B", the debate, although it has been very interesting, has gone a little bit afield from the subject matter of Senate Amendment "B" itself. I would just make clear that Senate Amendment "B" goes only to the fact that the fines will be increased to the owner on the second, third and fourth offense.

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

Mr. O'LEARY: Mr. President, I move for the indefinite postponement of this amendment and will speak very briefly to it.

The PRESIDENT: The Senator has the floor.

Mr. O'LEARY: Mr. President, in our district court if you walk inside you will see that there is a progressive fine for speeding. For each ten miles over the speed limit you are fined an extra amount of dollars,

whether it is a first, second or third offense. This here is another motor vehicle law and I think they all should be consistent. Therefore, I move for the indefinite postponement and ask for a division.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that Senate Amendment "B" be indefinitely postponed. A division has been requested. Will all those Senators in favor of the indefinite postponement of Senate Amendment "B" please rise in their places until counted.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I would like to ask a question through the Chair, is it "B" or "D"?

The PRESIDENT: The pending amendment is Senate Amendment "B" as in "Baker." Will all those Senators in favor of the indefinite postponement of Senate Amendment "B" please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

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

Bill, "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act." (S. P. 331) (L. D. 1117)

Tabled — April 18, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.
On motion by Mr. Corson of Somerset, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the fifth 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 18, 1975 by Senator Speers of Kennebec.

Pending — Enactment.
(In the House — Indefinitely Postponed)
On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 25, 1975, pending Enactment.

The President laid before the Senate the sixth 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 18, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.
(In the House — Passed to be Engrossed.)

Mr. Trotzky of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-83, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.
The President laid before the Senate the

seventh tabled and Specially Assigned matter:

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

Tabled — April 18, 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.)

(In the Senate — House Amendment "C" as amended, Indefinitely Postponed, in non-concurrence.)

Mr. Carbonneau of Androscoggin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-85, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President, the only thing that this amendment does is put a value on items to be purchased or sold by a used personal property dealer in excess of \$50 where they would have to keep records of same in two ways; that is, buying and selling.

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

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

Sent down for concurrence.
The President laid before the Senate the eighth tabled and Specially Assigned matter:

Bill, "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs." (H. P. 1491) (L. D. 1739)

Tabled — April 18, 1975 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-74).

(In the House — Passed to be Engrossed.)

Mr. Curtis of Penobscot then moved that Senate Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President and Members of the Senate: You may recall the very last item discussed on Friday before we adjourned last week was this matter of veterans preference points and what is being proposed by Senate Amendment "A" again under Filing S 74.

I am opposed to this because it provides a time limit restriction on the use of the veterans preference for preference points to five years. It seems to me that is an unfair discrimination and that the veterans preference ought to be available for use by the veteran as long as he is able to use it.

The other problems with the law that I mentioned before have been corrected by the redraft of the bill, the basic bill itself, L. D. 1739, in committee, and there are two distinct benefits to that. It is a rather complicated area. I offered last week to describe the specific problems in the way this veterans preference points system works to anybody, and if anybody during debate wants to hear that description, again, I would be glad to do it.

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

Mr. KATZ: Mr. President, the Senator

from Penobscot, Senator Curtis, has given half the basis for your consideration. The Senator favors continuation of veterans preference throughout the lifetime of the veteran, and I think that is a very clear-cut issue. If you want to continue veterans preference for those of us fuddy-duddies from World War II for another 20 or 30 years, as long as we last, obviously this amendment is not to your interest. If you think veterans preference is a vehicle to take the veteran who has been taken out of the civilian environment and served his country and make sure that he has ample opportunity to get relocated and get on the career ladder, then you will see merit in my amendment.

But more than that, the State of Maine is the largest employer in the State, and by not restricting veterans preference and letting it continue endlessly, you are very definitely restricting state employment very substantially, not only for those who are coming up in a new generation, but you are also effectively shutting women out from an equal chance of state employment. And it is hard to understand, unless you dig into it, but this bill probably has more significance for employment of women than the ERA amendment which we argued so bitterly about last session.

On those two bases, I ask for your favorable consideration of this amendment, and I ask you to support it with a division.

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

Mr. MERRILL: Mr. President, I would like to make an inquiry through the Chair to somebody who could clear it up. In trying to see the scope of this amendment, does this amendment also provide that the preference can only be used once by the veteran?

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 Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, the answer to that question would be in the negative. The veterans preference could be used as many times as possible within the five-year framework of the amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I would like to speak a second time on the substance of this matter in response to the comments made by the good Senator from Kennebec, Senator Katz.

Veterans preference in state employment is one of the few, one of the very few, benefits that are provided for veterans by the State of Maine. I would like to respond to the comments made previously that this veterans preference law is a very substantial restriction on state employment. I would suggest that it is not a very substantial restriction upon state employment, and will once again refer you to the comments I made last Friday about how infrequently this particular benefit actually is used; that is, the veterans preference usually five points, are available only to those veterans who pass the examination. Once they have passed the examination with, for example, the passing grade of perhaps 70, then those veterans' preference points are added to their point total, so they might get into the

realm of the top six from whom one would be chosen.

So, in other words, it is a benefit I don't think we should take away that benefit, but I don't look at it as a substantial benefit or any kind of a substantial restriction upon employment of other people.

The second thing is that I would like to refute the comments that this is a veterans preference that works to the detriment of women again by mentioning to you the situation in which the woman veteran, who usually does not look for state employment until many years after she has severed her ties with the military, would be cut off by the amendment because of the five year limitation from utilizing the veterans preference points after that five year time, which would usually encompass the time in which she might be raising children in her family.

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

Mr. CONLEY: Mr. President, I support the position of the good Senator from Kennebec, Senator Katz. I think what is really being offered is a fair solution, particularly to employment in state government.

I think it really was not the intent to put veterans in a position where from the day they were discharged until the day they died they would be given this preference. I think it is in fairness to all the citizens of this state that we adopt this amendment, as it really presents what I consider to be a very, very fair situation.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Curtis, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: The Senator from Cumberland, Senator Berry, has requested 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 motion before the Senate is the motion of the Senator from Penobscot, Senator Curtis, that Senate Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Clifford, Curtis, Cyr, Danton, McNally, O'Leary, Speers.

NAYS: Senators Carbonneau, Collins, Conley, Corson, Cummings, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, Merrill, Pray, Reeves, Thomas, Trotzky, Wyman.

ABSENT: Senators Cianchette, Graffam, Roberts.

A roll call was had. Nine Senators having voted in the affirmative, and 20 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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

Sent down for concurrence

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

Bill, "An Act to Specify the Future Use of Certain Lands in the City of Portland." (H. P. 768) (L. D. 939)

Tabled — April 21, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed)

On motion by Mr. Merrill of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers." (H. P. 480) (L. D. 599)

Tabled — April 21, 1975 by Senator Graham of Cumberland.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed)

On motion by Mr. Reeves of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act. (H. P. 230) (L. D. 286)

Tabled — April 21, 1975 by Senator Collins of Knox.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, a division was had. 23 having voted in the affirmative, and four having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Relating to the Prohibition Against Hitchhiking." (H. P. 1474) (L. D. 1564)

Tabled — April 21, 1975 by Senator Greeley of Waldo.

Pending — Adoption of Senate Amendment "A" (S-80).

(In the House — Passed to be Engrossed)

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The bill to allow hitchhiking has come out of the Committee on Judiciary and I think the amendment, if I am not mistaken, allows any municipality or the Department of Transportation to prohibit hitchhiking, which I think defeats the purpose of the bill.

I think the rationale for changing the hitchhiking law — and the change is not absolute but applies only to daytime hitchhiking — is to bring the law into line with reality. In fact, everyone hitchhikes. The law is not enforced, or if it is enforced it is enforced in a discriminating manner, and I think it was the feeling of the Committee on Judiciary that this discrimination which we now have in the hitchhiking law should end. But I think

that the amendment would, in effect, gut the bill, give the power back to the Department of Transportation and to the municipalities to prevent hitchhiking and, in effect, hitchhiking would again be prevented.

If the Senate does not wish to open up the hitchhiking law, then they should vote for the amendment. If they wish to keep the law as it is, it seems as though they should vote against the law itself, but I think the amendment really is an attempt to gut the bill and defeat the purpose and the intent of this bill.

I hope you would not adopt this amendment, and I would request a division, Mr. President.

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

Mr. GREELEY: Mr. President, as I understand the way the bill is drafted, it repeals part of our present law. This amendment would put back in the first underlined paragraph of the amendment and also the last underlined paragraph of the amendment which defines it. If you don't have a definition of hitchhiking, the way I understand it, you can't enforce the law.

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

Mr. BERRY: Mr. President and Members of the Senate: I always listen to the words of the learned counsel from Androscoggin, Senator Clifford, with a great deal of interest and attention because I find generally that he agrees with me and that we are both, of course, quite correct on some things. But right now I don't understand his definition of discrimination.

As it comes to me, is he saying that the chap who was picked up on the Interstate and had a joy ride to Houlton, and I think went across the Canadian Border without the customs checking him out, and did he get into Fredericton, and was there a ransom situation or something like that, is this discrimination? I think of the many, many, many instances when unknowing, unthinking, but apparently sympathetic women pick up hitchhikers. Is this the discrimination you refer to, Senator Clifford?

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

Mr. MERRILL: Mr. President, I haven't had a chance to study this amendment in any detail, but this amendment is what we are discussing, as I understand the procedures of the Senate. And it seems to me that all this Senate Amendment does is give the same status to the Department of Transportation that the bill, as written by the Judiciary Committee, gives to the towns.

The bill as presently written, and as it came out of the Judiciary Committee with a unanimous ought to pass report, provides that nothing in the section shall prohibit a municipality from regulating or prohibiting hitchhiking as long as it is posted on those roads. That language is repeated in this amendment, but there is included therein the Department of Transportation that is given like powers for state aid and highways.

Personally, I don't see where that is necessary. The reason that we provided the towns with this is to make it clear that the towns would continue to have this power, because of the individual situation that may develop in their towns and to make sure that they still had as much

freedom to pass ordinances in regards to this matter as they presently have. But if the legislature makes a determination that it is going to permit hitchhiking as a general rule throughout the state in the daytime hours, I can't see why the Department of Transportation, as opposed to the towns, should be given the power to change that. That seems to me to be asking to take away the law with one hand and then give the bureaucracy the power to reinstate it with the other. It doesn't seem to me to be a direct approach to take to this problem and, although I don't have any major objection other than that to the amendment, I think that the law would be clearer and more honest if we don't accept the amendment.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: In answer to the good Senator from Cumberland, Senator Berry, I do feel that the hitchhiking law is enforced in a discriminatory way, that those people with long hair are the ones who are always picked up, and the service people and the college kids are never picked up. I think it is in fact discriminatory, and I think it would be a step in the right direction to allow hitchhiking during the day so that the night prohibition would hopefully be enforced in a less discriminatory and perhaps more even-handed way.

I agree with the good Senator from Cumberland, Senator Merrill, that in effect this is giving back to the Department of Transportation what we are taking away from the state legislature; that is, the right to regulate hitchhiking during the day time. I think there is a big difference between a municipality being able to regulate hitchhiking in that they have an elected body, they pass ordinances, and there are public hearings. I think it is very different when an administrative bureaucratic department passes a regulation and there is not the same kind of public input that you can have in a municipality when an ordinance is passed. Thank you, Mr. President.

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to pose a question to the good Senator from Androscoggin, Senator Clifford, and ask him if he has never taken an access road onto the interstate and have the vehicle in front of him stop very quickly to pick up a hitchhiker and almost have a rear-end collision?

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

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I don't know if I will be answering the question but, as I understand this amendment, it is for the sole purpose of the interstate and the turnpike, especially where it would be dangerous stopping to pick up hitchhikers, so that they do have some regulation on it. I know as I have driven through other states that they most certainly have a law that is similar to this.

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

Mr. MERRILL: Mr. President, in

regard to this amendment, I think another question has been raised that I would like to speak to just briefly. It is my understanding that the interstate system is built with a great deal of federal money and that the federal government prohibits hitchhiking on the interstate roads that it has built, because it is the desire of the federal government that these roads be fast and that access will be limited, and that pedestrians, let alone hitchhikers, will be prohibited. So it is not necessary to give the Department of Transportation the power to prohibit hitchhiking on those roads, because the state couldn't change that if they wanted to. It will be prohibited because the federal government wants it to be so.

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 anybody who might care to answer. And that is, if we do not adopt Senate Amendment "B", what then would be the definition of hitchhiking in the Maine law?

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, the Judiciary Committee considered the question of whether it was necessary to include in the law a definition of hitchhiking. I don't think that it is. If a close inspection is made of how the law is amended, or proposed to be amended, I don't think it is necessary to have a definition of hitchhiking. If the word "hitchhiking" came before the courts in regard to the nighttime problem, then we on the Judiciary Committee thought that the court would follow its usual rule of construction and take the normal meaning of the word as it is defined. The meaning of the word seems to be fairly consistent through all the sources on the English language we looked to, and it was the feeling of Representative Hewes and others on the committee that the word was sufficiently clear in its normal context so that we didn't have to include a definition in the law.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This would not limit the Department of Transportation to prohibit hitchhiking only on the Maine Turnpike or highways. It says any state or state aid highway, which includes practically all of them.

If the Senate is interested in defining hitchhiking in the bill, well, that is a pretty good point, but it seems to me that it shouldn't be done by adopting this amendment which has another provision in it; it could be done in a separate amendment.

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

Thereupon, on motion by Mr. Greeley, of Waldo, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B"

Mr. Conley of Cumberland was granted unanimous consent to address the Senate:

Mr. CONLEY: Mr. President and Members of the Senate: This morning we had the I think unfortunate experience to learn of the shortage of revenue within the

Department of Education, and it is my hope that this legislature will be able to come to grips with the problem and to solve it by means which will be beneficial to the citizens of this state.

On the other hand, I would like to call the attention of the members of this Senate to the remarks made by the Governor this morning, which are on page three — if someone doesn't have a copy of those remarks, I am sure that they will be forthcoming — and I would like to quote from one of those paragraphs. It says, "I am also grateful to those Legislators who have come forward these last few days and offered to help, the proposed solutions which we are offering are the benefit of their input and thinking and we are grateful to the entire legislature for the cooperation they have shown, almost without exception, for the entire budget and this most recent problem of educational funding."

Mr. President and Members of the Senate: I feel it is imperative upon me as the Minority Leader of this Senate to explain briefly that in no way was I a part of these proposed optional plans of the Governor. I am always willing to work and cooperate with the Governor, but I must make it clear that the proposals that have been offered to us today by the Chief Executive were presented to us late yesterday afternoon at the meeting with the Chief Executive and the legislative leadership.

I am concerned with the financial situation that is now before us and I do not hesitate to state that I believe the Governor's budget is now the legislators' budget and that we collectively are going to have to sit down and iron out the problem. As to whether or not the solutions that have been offered by the Chief Executive is going to be the path that we will take to resolve the problem is another thing, but I just want to make it clear here today that in no way has the legislative leadership participated in these options.

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