

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 9, 1975

Senate called to order by the President.

Prayer by The Honorable Hayes E. Gahagan of Caribou:

Father, on this beautiful spring day I thank you that we have the opportunity to be gathered here. I thank you that as we enter our 200th birthday of this nation that we can again come to the greatness of your word, Father. I thank you for the good health and the prosperity of these people gathered here this afternoon. I thank you for their safe trips home this weekend, and I just claim a spiritual blessing on each one of the people gathered here this afternoon, in the name of your son, Christ Jesus. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Reconsidered Matter

The following Bill was held on May 8, 1975 at the request of Senator Clifford of Androscoggin, pending Consideration:

Bill, "An Act Relating to Termination of Tenancy in Mobile Homes." (S. P. 375) (L. D. 1202)

(In the Senate — Leave to Withdraw Report Read and Accepted.)

On motion by that same Senator, the Senate voted to reconsider its action whereby the Leave to Withdraw Report of the Committee was Accepted.

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

Papers from the House

Non-concurrent Matter

Bill, "An Act Concerning Listing of Tax Exempt Real Property for Town Reports." (S. P. 496) (L. D. 1843)

In the Senate April 25, 1975, Passed to be Engrossed.

In the House May 6, 1975, Passed to be Engrossed as amended by House Amendment "A" (H-248), in non-concurrence.

In the Senate May 7, 1975, the Senate voted to Insist.

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

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

Non-concurrent Matter

Bill, "An Act Creating the Dickey-Lincoln Power Authority." (S. P. 189) (L. D. 662)

In the House May 2, 1975, Passed to be Enacted.

In the Senate May 7, 1975, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Conley of Cumberland moved that the Senate Recede and Concur, and Mr. Speers of Kennebec subsequently requested a division.

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

Mr. GAHAGAN: Mr. President, I request permission to pair my vote with the Senator from Penobscot, Senator Cummings, who, if she were here, would be voting against passage.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, asks leave to pair his vote with that of the Senator from Penobscot, Senator Cummings, who, if she were here, would be voting against

the bill, and the Senator from Aroostook, Senator Gahagan, would be voting for the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I request that my vote be paired with Senator Curtis, who would be voting against the bill, and I would be voting for it.

The PRESIDENT: The Senator from Hancock, Senator McNally, asks leave to pair his vote with the Senator from Penobscot, Senator Curtis, who, if he were here, would be voting against the bill, and the Senator from Hancock, Senator McNally, would be voting for the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

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

The PRESIDENT: A roll call has been requested. 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 Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I ask leave to pair my vote with that of the Senator from Cumberland, Senator Merrill, who, if he were here, would be voting in favor of the motion, and I against.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, asks leave to pair his vote with the Senator from Cumberland, Senator Merrill, who, if he were here, would be voting for the bill, and the Senator from Kennebec, Senator Reeves, would be voting against the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. SPEERS: Mr. President, I certainly have no objection to granting that leave, however, I would like to ask a question of the Senator through the Chair as to whether or not the request was specifically made by the Senator from Cumberland, Senator Merrill, as that is the requirement under pairing a vote.

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

Mr. CONLEY: Mr. President, in response to the question addressed to the Senator by the Majority Floor Leader, I would only state that the good Senator from Cumberland, Senator Merrill, asked me to ask one of the two Democratic Senators who have been opposed to this bill if they would pair with him, and it was I who asked Senator Reeves if he would pair with Senator Merrill on Senator Merrill's behalf.

The PRESIDENT: The Chair will state the question. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House in relation to Bill, "An Act Creating the Dickey-Lincoln Power Authority." A

"Yes" vote will be in favor of receding and concurring with the House; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Johnston, Marcotte, O'Leary, Pray.

NAYS: Senators Berry, R.; Collins, Corson, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Katz, Roberts, Speers, Thomas, Troitzky, Wyman.

PAIRED: Senators Gahagan-Cummings; McNally-Curtis; Reeves-Merrill.

A roll call was had. 11 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with six Senators pairing their votes, the motion did not prevail.

Thereupon, on motion by Mr. Troitzky of Penobscot, the Senate voted to Adhere.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action whereby it voted to adhere on this bill, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it voted to adhere. All those in favor of reconsideration will say "Yes"; those opposed, "No".

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

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
House of Representatives
Office of the Clerk
Augusta, Maine 04330

May 8, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine 04330

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827)

Rep. COONEY of Sabattus

Rep. GREENLA of Stonington

Rep. SUSI of Pittsfield

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Legal Affairs

May 8, 1975

Honorable Joseph Sewall

President of the Senate

Senate Chamber

Augusta, Maine 04330

Dear Senator Sewall,

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented

Unanimous Reports	101
Leave to Withdraw	27
Ought Not to Pass	21
Ought to Pass	27
Ought to Pass as Amended	22
Ought to Pass in New Draft	2
Referrals	2
Divided Reports	21
Total Number of Amendments	34
Total Number of New Drafts	3

Sincerely,
 Signed: NEAL C. CORSON
 Senator

Which was Read.

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

Mr. SPEERS: Mr. President, I would like to not have this simply go under the hammer without calling this very significant report to the attention of the Senate.

This is the first standing committee which has now reported that it has accomplished all of the duties and responsibilities assigned to it by this session of the legislature. I think it quite significant that this report is being filed on this date, May 9th, and I would like to offer hearty congratulations to the chairman of that committee, Senator Neal Corson, for accomplishing all of the business at this early date.

I simply hope that this will urge and spur on all the rest of the chairmen and the rest of the members of the committees to do the work. You will note that the total number of bills presented to this committee was 122, which is not an insignificant number, by any means, and some of the bills were of quite complicated note as well. So it is not impossible for the work to be done, and I know that most of the other committees are close at hand also to accomplishing their work, and I hope that this will give them ever more serious incentive for getting their work done so that we can indeed adjourn without day toward the early part of June. I know there are a lot of comments flying around that that is an optimistic target date, but I still feel that it is a very realistic target date, if the work is actually done and if we really do apply ourselves and get the bills out of committee.

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

Mr. CONLEY: Mr. President and Members of the Senate: I also would like to add my congratulations to the very able, distinguished Senator from Somerset, Senator Corson, but I would also like to call attention to the Senate that we have two other illustrious members from this branch, the good Senator on my left, Senator Danton, and also the good Senator from Somerset, Senator Cianchette, on that committee.

I would like to just briefly state to the Senate that I did have the occasion many times this session to appear before the Legal Affairs Committee, and I would like to say that it is one of the finest committees I have honestly had the pleasure of having to present a bill to. Not only did the bills move along and the hearings move along very smoothly but there was extreme courtesy extended by each of the members of that committee, and I just say my hat is off to all three, plus the members from the other branch.

I hope the report on our desks this afternoon will give some significance to what the Majority Floor Leader has stated

today, that perhaps the rest of us can get moving so perhaps we will get out of here some time by the middle of June.

The PRESIDENT: The Chair would also like to add his congratulations to the good Senator from Somerset, Senator Corson, the Senator from Somerset, Senator Cianchette, and the Senator from York, Senator Danton. I really congratulate them on a job very well done, and I would like to thank them. (Applause)

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, because the Senator is a first-termer in this body, he probably is unaware of Senate tradition, that the committee chairman who finishes first in the session is available for helping the other committees, and we are meeting at 1:30 on Monday. (Laughter)

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

It is a vote.

**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 Concerning Transcripts of Hearings held before the Land Damage Board." (H. P. 1304) (L. D. 1586)

Bill, "An Act Concerning Chainsaw Repairmen." (H. P. 1232) (L. D. 1599)

Bill, "An Act Relating to Vacation and Employment of State Employees who are Members of Volunteer Fire Departments." (H. P. 1314) (L. D. 1632)

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act Establishing Criminal Penalties for the Owners of Dogs who Attack Minors." (H. P. 1414) (L. D. 1689)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Retirement Benefits for Spouses of Deceased State Wardens." (H. P. 206) (L. D. 251)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Relating to the Regulation of Dams and Reservoirs by the Bureau of Civil Emergency Preparedness." (H. P. 1107) (L. D. 1396)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Amend the Law Relating to the Maine Guarantee Authority." (H. P. 1268) (L. D. 1569)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Establishing the Office of Resource Conservation and Development." (H. P. 1233) (L. D. 1809)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act Increasing Compensation to Members of the Campaign Reports Committee." (H. P. 328) (L. D. 400)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act Relating to Form of Referendum Question to be Voted on by the People." (H. P. 1449) (L. D. 1723)

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 — As Amended

The Committee on Legal Affairs on, Bill, "An Act Relating to Playing Card Games for Prizes." (H. P. 573) (L. D. 708)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-260).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission." (H. P. 702) (L. D. 882)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-254).

The Committee on Labor on, Bill, "An Act to Enable the State to Recover 100 Percent of the Cost of Extended Benefits under Certain Conditions as Provided by Federal Legislation." (H. P. 758) (L. D. 932)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-256).

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.

The Committee on Election Laws on, Bill, An Act to Provide for Supervision of Elections by Municipal Clerks. (H. P. 907) (L. D. 1106)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-191).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "C" (H-274) Thereto.

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear. (H. P. 959) (L. D. 1207)

Reported that the same Ought to Pass.

Signed:

Senators:
 CORSON of Somerset
 CIANCHETTE of Somerset
 DANTON of York

Representatives:
 DUDLEY of Enfield
 GOULD of Old Town
 PERKINS of Blue Hill
 HUNTER of Benton
 SHUTE of Stockton Springs
 JOYCE of Portland
 CAREY of Waterville
 COTE of Lewiston
 FAUCHER of Solon

The Minority of the same Committee on

the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

BURNS of Anson

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Concerning Candidates for Public Office who are Running as Independents." (H. P. 953) (L. D. 1192)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H. 230).

Signed:

Senators:

CORSON of Somerset

O'LEARY of Oxford

Representatives:

BOUDREAU of Portland

DURGIN of Kittery

MACKEL of Wells

BIRT of East Millinocket

BUSTIN of Augusta

KENNEDY of Gray

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

Signed:

Senator:

BERRY of Cumberland

Representatives:

CALL of Lewiston

SHUTE of Stockton Springs

TALBOT of Portland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Clifford of Androscoggin then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: I have a feeling how this is going to come out, but it seems to me that attempts by the legislature to further restrict independent candidates smacks of political retribution, and I don't think that this bill or a previous bill which backdated the time for filing really serve any legitimate purpose.

It seems to me that if someone wants to run as an independent candidate it really shouldn't make any difference whether he is enrolled in a political party, because he is allowing or attempting to allow the voters to make the choice as to whether or not he should be elected to public office. So I would think that this kind of bill, and this is not the first we have seen, and I suspect from what I have heard that it won't be the last, is not the kind of legislation that this legislature should be enacting at this time. Thank you, Mr. President. I would request a division.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 14, 1975, pending the motion by Mr. Clifford of Androscoggin that the

Senate accept the Minority Ought Not to Pass Report of the Committee.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers." (H. P. 480) (L. D. 599)

ask leave to report: that the Senate recede from its action whereby it indefinitely postponed the Bill and concur with the House in passing the Bill to be engrossed.

On the Part of the House:

BACHRACH of Brunswick

COX of Brewer

SUSI of Pittsfield

On the Part of the Senate:

GRELEY of Waldo

HICHENS of York

CYR of Aroostook

Comes from the House, the report Read and Accepted,

Which report was Read and Accepted in concurrence.

Senate

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

Bill, "An Act Concerning Snowmobile Registration Fees." (S. P. 295) (L. D. 1021)

Leave to Withdraw

Mr. Pray for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Nonresident Hunting and Fishing License Agents' Fee." (S. P. 90) (L. D. 261)

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Cianchette for the Committee on Legal Affairs on, Bill, "An Act to Establish the Public's Right to Know Governmental Business and to Repeal Statutory Authority for Executive Sessions." (S. P. 149) (L. D. 512)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

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

Mr. REEVES: Mr. President, L. D. 512, regarding changes in the law on open government, is the bill which was drafted by four Senators, including myself, working with members of Common Cause. It is listed on today's calendar as Leave to Withdraw because, I suspect, of a cross in the signals. And I feel that with certain amendments this bill is worth consideration by the Senate.

Specifically, we would like to cut this bill down to workable dimensions in the area of public notice, reasons for holding secret meetings, keeping of minutes, and other matters. We want our government to be accountable, but we also realize in the course of public hearings, and in speaking with members of the committee, that we must give flexibility to our government officials to do their job. The amendments we are proposing will give that flexibility.

I have discussed this matter with the Chairman of the Legal Affairs Committee, Senator Corson, and the two other members of the Legal Affairs Committee from the Senate, Senator Danton and Senator Cianchette, and I believe that they are willing to extend the courtesy in order to give the members of the Senate a chance

to consider this bill on which so many people have worked.

I now move that this bill be substituted for the committee report, and then if someone would be willing to table this bill until next Tuesday, we will have time to prepare the amendments. Thank you, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now moves that the bill be substituted for the leave to withdraw report of the committee.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would pose a question through the Chair to any member of the Committee on Legal Affairs who may wish to answer. First, I would like to try and clarify a statement. As I understood the good Senator from Kennebec, Senator Reeves, my impression from his comments was that amendments were ready and amendments were already prepared to offer so that this body could debate these various items that would be contained in these amendments. If that is the case, it would not be necessary to table this bill because the bill would be substituted for the report and given its first reading, and then would come up again on Monday.

Now, as I understand the good Senator from Kennebec, the amendments are not prepared. Perhaps he has them in mind. I would hope that he has pretty much in mind what he would like to offer because, otherwise, this could lie around and wait for another week or so, and again, we are getting into the point in time in this session where if we start to let things lie around in waiting for some suitable amendments that would hopefully make everyone happy we would extend a considerable amount of time.

But my question specifically to the members of the Legal Affairs Committee is whether or not they feel that this bill is in such a posture that it could be amended, or whether or not there are other bills that are coming along, that have already been reported out of committee, that might be amended as they come along. I don't wish to deny the good Senator an opportunity to save the bill and to offer the amendments, but I do hope that we all keep very much in mind the time schedule that is fast approaching and closing in on us. And I would like to ask that question through the Chair as to the feeling on the part of the Legal Affairs Committee as to whether this particular bill should be kept alive.

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: In answer to the question posed by the good Senator from Kennebec, Senator Speers, the Legal Affairs Committee has reported out two bills dealing with the public's right to know governmental business; specifically, they are L. D. 899 and L. D. 1035, which are bills initiated in the other body and currently being processed there.

The amendments, of course, could be offered to either of these other bills, or this bill could be revived. I personally have no strong feelings one way or the other. I don't feel constrained to defend the committee position unless amendments are offered which would be in conflict with

the committee's feelings on these bills. So I would leave the decision to the members of the Senate.

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

Mr. CONLEY: Mr. President, I hope the Senate would vote to substitute the bill for the report, and for only one or two good reasons; one being that "Leave to Withdraw" would certainly indicate to the members of this Senate that the sponsor of such legislation has asked leave to withdraw. If the committee in its wisdom thought that the bill was not a workable item, then it would have been reported out under Rule 17-A as a unanimous ought not to pass report.

I feel that if the good Senator from Kennebec, Senator Reeves, does have amendments drafted, or certainly in the process of being drafted, that we should consider the amendments on their merit during the second reading of the bill.

I certainly hope that all committees would adhere to the rules as adopted by this body in referring bills out. If they are not workable, then I think they should be reported out under Rule 17-A. And if they are going to be withdrawn by the sponsor of the bill, then so be it, and we would anticipate no further action on the part of the sponsor of the bill. So I would hope the Senate this afternoon will substitute the bill for the report and at least give us an opportunity to see what the proposed amendments do look like.

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

Mr. CORSON: Mr. President and Members of the Senate: I am reiterating my position on the bill, but I feel that some clarification may be necessary due to the questions raised by the good Senator from Cumberland, Senator Conley.

When the committee working session on this bill was held, all the members present did vote the bill ought not to pass. However, we have always had a policy in the committee that we don't put a bill out finally until we have checked with members who unfortunately were not able to be there at the working session. Such was the case with the good Senator from Somerset, Senator Cianchette, who was serving very ably on another committee which at that same time was hearing some very important bills. He was one of the co-sponsors, and when I talked to him the next day regarding this matter he asked for a leave to withdraw. We reassembled the committee and the committee granted the leave to withdraw request of one of the co-sponsors who is also a member of the committee.

The PRESIDENT: Is it now the pleasure of the Senate to substitute the bill for the report?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I find it relatively difficult to stand and question this matter, but I do find it very questionable as to whether or not we should begin the process of substituting bills for the report when it is quite obvious that all thirteen members of the committee felt that this particular bill was not worthy of even a single member's signing an ought to pass report in any form, whether it be in the original form or ought to pass as amended.

Now, there are other bills that are coming along to which amendments could be attached or proposed dealing with this

same subject. The good Senator from Somerset, Senator Corson, has mentioned that these matters have been reported out and are now in the other body.

I just find myself very reluctant to go along with substituting a bill for a report from a committee which felt unanimously that the bill should not be kept alive.

The PRESIDENT: The pending question is the motion by the Senator from Kennebec, Senator Reeves, that the Senate substitute the bill for the report. The Chair will order a division. Will all those Senators in favor of substituting the bill for the report rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A roll call has been requested. 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 Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I realize that we don't want to drag out the session and I realize this is a very unusual move to substitute the bill for the committee report, but it is something that I did discuss with the three Senate members of the committee and they were willing to go along. The amendments are ready. They are not in the little yellow sheets and that is why I am not offering them today, but they would be ready at the next session of the Senate. I believe it would be in the interest of the Senate to see these and to consider them in the context of this bill rather than some other bill. Thank you.

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

Mr. CIANCHETTE: Mr. President, I feel maybe a quick explanation of my position on this may be in order. In a working session of the committee we considered that this particular bill could be put out "Leave to Withdraw", and I as a co-sponsor authorized that, with the understanding that there are other bills before the committee that would cover similar subjects. After we had done that, the Senator from Kennebec, Senator Reeves, explained a couple of things that we had overlooked, and I support going back to the original bill and amending that bill to that kind of language.

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

Mr. SPEERS: Mr. President, I really did not feel when I stood to begin with that this was a matter worthy of a roll call vote, but I am happy that it has been requested because obviously it has been escalated to that point. But I would like to make just a couple of remarks.

This bill has been around since the very beginning of the session. In fact, it has been discussed and known since before the beginning of the session. It is not just simply a matter that was thrown in the works and looked at very quickly so that one or two things may have been overlooked. It is not a question of one or two things having been overlooked. If they were overlooked, there is no excuse for having overlooked them.

I happen to know that this particular bill and the subject matter involved here,

which I personally consider a very important subject matter and which I hope this legislature deals with as a very important subject matter, has been a matter of discussion not only of this particular bill in the committee but also at various seminars and various panels that have devoted themselves to this discussion around the state, in which members of the committee and others have participated. So it is not just simply a little fly-by-night bill that happens to have had a few things overlooked in it. The bill simply has a great deal of problems with it.

It is my feeling that there certainly were members of that committee, the Senator from Somerset, Senator Cianchette, being one of them, who indeed in fact signed the leave to withdraw report. And it seems to me that what is being asked of us here now is to resolve ourselves into a committee of the whole to consider a bill, which has had so many problems with it and so many unworkable matters with it; that it has been given a unanimous, thirteen member committee leave to withdraw, simply so that this Senate and the other body can resolve themselves into committees of the whole to resurrect it and to correct the very many deficiencies that it has.

Now, I can only reiterate that there are other bills that obviously have been considered by this committee to be much better vehicles, to be much better written bills, so that they make a good deal more sense, to which the amendments that have been prepared can be offered. It just seems to me that it makes more sense to go along with the committee when it has felt this strongly and this completely about the unworkability of a particular bill than to take something that is obviously so unworkable and to try and make something out of that rather than using the bills which make a great deal more sense and to try and attach the amendments to those.

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

Mr. CONLEY: Mr. President, what is being asked this morning is a request by the good Senator from Kennebec, Senator Reeves, that the Senate substitute the bill for the leave to withdraw report, a simple courtesy. And I would call to the attention of the Senate the first item that we heard this morning, as reported on page 9 of the Senate advance calendar, L. D. 1202, where, without a whimper, a substitution of the leave to withdraw report went right under the hammer and the bill was then placed on the table for further consideration. We are not even asking to go that far. We are asking to give the Senator from Kennebec until next Monday as an opportunity to present those amendments, and if the Senate as a whole wishes to reject them, we can reject the item then.

Secondly, many times this session already the Senate has acted as a committee of the whole by not even referring bills to a committee and under suspension of the rules a bill was given its first reading, second reading, and sent forthwith to the other body.

I would ask the Senate again to extend the courtesy to the good Senator from Kennebec, Senator Reeves, of an opportunity to present the amendments on Monday for this particular bill.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I have been utilizing the very informative and factual debate to read the bill, and I don't think amendments can do anything to it. I think that Senator Reeves has an obligation to the body to explain what his amendments would do. He obviously has put a lot of thought into it, and I think we would attend his remarks with a great deal of interest now.

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

Mr. CIANCHETTE: Mr. President, I would be happy to try to explain to the Senate what the proposed amendment will look like. If you care to look at L. D. 512, you notice it is five pages long, and with the amendment I believe that probably a total of at least three pages would be stricken from the bill. It would be amended to zero in on public notice, and would be a very liberal public notice bill with the amendment, I feel.

Without going into a great deal of detail, the bill as printed here would not be parallel at all to what the amendment would offer, I assure you, and I don't think the amendment is that far out that the amended bill would be extremely objectionable to this body. It might be a good clean way to deal with the matter right face-to-face of whether or not this Senate favors public notice of elected officials' meetings.

I think it is a reasonable request to substitute the bill for the report, and I hope you will support that motion.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 13, 1975, pending the motion by Mr. Reeves of Kennebec that the Bill be Substituted for the Report.

Mr. Collins for the Committee on Veterans and Retirement on, Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees." (S. P. 157) (L. D. 531)

Reported that the same be granted Leave to Withdraw.

Mr. Curtis for the Committee on State Government on, Bill, "An Act Creating the Machias Bay Industrial Port Authority." (S. P. 179) (L. D. 624)

Reported that the same be granted Leave to Withdraw.

Mr. Pray for the Committee on Fisheries and Wildlife on, Bill, "An Act Establishing a Limited Open Season on Moose." (S. P. 348) (L. D. 1148)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

nt down for concurrence.

Ought to Pass

Mr. Hichens for the Committee on Health and Institutional Services on, Bill, "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs." (S. P. 430) (L. D. 1417)

Reported that the same Ought to Pass.

Which report was Read.

Thereupon, on motion by Mr. Hichens of York, Recommended to the Committee on Health and Institutional Services.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights." (S. P. 339) (L. D. 1127)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-132).

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

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources." (S. P. 440) (L. D. 1456)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-133).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 13, 1975, pending Adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Concerning Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432) (L. D. 1418)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-131).

Signed:
Senator:

CORSON of Somerset

Representatives:
FAUCHER of Solon
COTE of Lewiston
PERKINS of Blue Hill
SHUTE of Stockton Springs
CAREY of Waterville
BURNS of North Anson
GOULD of Old Town
HUNTER of Benton
JOYCE of Portland

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

Signed:

Senators:
CIANCHETTE of Somerset
DANTON of York

Which reports were Read.

On motion by Mr. Corson of Somerset, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leonard Sprague of Machias." (S. P. 388) (L. D. 1248)

Reported that the same Ought Not to Pass.

Signed:

Senators:
COLLINS of Knox
O'LEARY of Oxford
CLIFFORD of Androscoggin

Representatives:

THERIAULT of Rumford
POWELL of Wallagrass Pt.
LEONARD of Woolwich
LAVERTY of Millinocket
MacEACHERN of Lincoln
NADEAU of Sanford
MORTON of Farmington
CURTIS of Rockland
USHER of Westbrook

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

Signed:

Representative:

KELLEY of Machias

Which reports were Read.

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

Mr. WYMAN: Mr. President and Members of the Senate: I move that we accept the Minority Ought to Pass Report. Like the good Senator from Androscoggin, I don't have any illusions as to what is going to happen to this bill, but since I introduced it, I would like to explain the position of Leonard Sprague in this matter.

He worked for the Highway Department a number of years ago when there was no retirement fund back in the 1920's and 30's, so obviously he couldn't contribute. Since 1945, the Commissioner of Transportation, Roger Mallar, advised me, he cannot contribute. If he worked one day since 1945 he would come under this, but he didn't work one day and it is not possible for the fund to accept contributions for him now. The man is 75 years old, so the state wouldn't have to pay this for too long. This is the reason I introduced the bill, and I suspect it will fail because it had a 12 to 1 committee report on it.

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

Mr. COLLINS: Mr. President, this is again a case where the committee felt we should not award retirements to people who did not contribute. This has been the standard policy of the committee this year, and to depart from it would violate that policy.

I would ask for a division and urge you to vote against the motion.

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

Mr. WYMAN: I just want to say one word: the way the law is written, the man cannot contribute. I don't know why, but that is what Commissioner Mallar told me.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass Report of the Committee. A division has been requested. Will all those in favor of accepting the Ought to Pass Report of the Committee please rise in their places until counted.

A division was had. Seven having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Provide for

Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients." (H. P. 1265) (L. D. 1631)

Bill, "An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax." (H. P. 1326) (L. D. 1627)

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

House — As Amended

Bill, "An Act Relating to Innkeepers, Victualers and Lodging Houses." (H. P. 1115) (L. D. 1406)

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

Senate

Bill, "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board." (S. P. 335) (L. D. 1121)

Bill, "An Act Relating to Definition of Automobile Graveyard." (S. P. 401) (L. D. 1287)

Bill, "An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers, Streams and Brooks Need Permits." (S. P. 514) (L. D. 1876)

(On motion by Mr. Trotzky of Penobscot, tabled and Specially Assigned for May 13, 1975, pending Passage to be Engrossed.)

Bill, "An Act to Provide for Prompt Determinations under all of the Statutes Administered by the Department of Environmental Protection." (S. P. 515) (L. D. 1877)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Restrict the Possession of Radio Receiver Crystals Used to Receive Certain Governmental Frequencies." (S. P. 188) (L. D. 622)

Bill, "An Act to Expand Transportation Services at the Bureau of Maine's Elderly and to Provide Transportation of Blind, Disabled and Handicapped Persons." (S. P. 466) (L. D. 1519)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Ballots Containing Improper Write-in Votes. (S. P. 84) (L. D. 225)

(On motion by Mr. Corson of Somerset, tabled and Specially Assigned for May 13, 1975, pending Enactment.)

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)

An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

(On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Application of Payments under the Maine Consumer Credit Code. (H. P. 1065) (L. D. 1345)

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 to Validate the Election of Municipal Officials in the City of Hallowell in 1971 through 1974. (H. P. 1310) (L. D. 1592)

This being an emergency measure and having received the affirmative votes of 25 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 Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

Tabled — May 7, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Pray of Penobscot that the Senate Recede from Passage to be Engrossed.

(In the Senate — Passed to be Engrossed as amended by Senate Amendment "A" (S-102).)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-251).)

Thereupon, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

On motion by Mr. Pray of Penobscot House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "B", Filing No. S-128, 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 second tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act Relating to Trade-in Credit on All Sales or Exchanges of Personal Property." (H. P. 1008) (L. D. 1276) Majority Report — Ought Not to Pass; Minority Report — Ought Not to Pass.

Tabled — May 7, 1975 by Senator Jackson of Cumberland.

Pending — Motion of Senator Wyman of Washington to Accept the Majority Ought Not to Pass Report.

(In the House — Majority Report Read and Accepted.)

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 403) (L. D. 492)

Tabled — May 8, 1975 by Senator Johnston of Aroostook.

Pending — Motion of Senator Conley of Cumberland to Recede and Concur.

(In the House — Passed to be Engrossed.)

(In the Senate — Majority Ought Not to Pass Report was Read and Accepted, in non-concurrence.)

(Comes from the House, that body having Insisted.)

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

Mr. CONLEY: Mr. President, there is an amendment being prepared for this bill, and I wish that someone would table it until Monday next.

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

Thereupon, on motion by Mr. Graham of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Senate Recede and Concur.

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

House Reports — from the Committee on Education — Bill, "An Act to Require Bicycle Safety Education in Public Schools." (H. P. 1079) (L. D. 1359) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — May 8, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Katz of Kennebec to Accept the Minority Report.

(In the House — Passed to be Engrossed.)

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

Mr. BERRY: Mr. President and Members of the Senate: If I may, I would like to thank the Senate for tabling this on a day I was absent. I did sign out the majority report, but on the assumption that this was something that the schools could not do on their own. Since then I have found out that the local board does have the prerogative to implement the program if they see fit. So I would support the Senator from Kennebec on his motion.

The PRESIDENT: Is it the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee?

The motion prevailed.
Sent down for concurrence.

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

Bill, "An Act to Improve the Management of the Public Lands." (H. P. 703) (L. D. 930)

Tabled — May 8, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-247).)

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

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

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

Bill, "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration." (H. P. 752) (L. D. 927)

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

Pending — Consideration.

(In the Senate — Passed to be Engrossed.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-218).)

On motion by Mr. Speers of Kennebec, the Senate voted to Recede from its prior

action whereby the Bill was Passed to be Engrossed.

Thereupon, on further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Establish County Commissioner Districts in Cumberland County." (H. P. 223) (L. D. 279)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for May 13, 1975, pending Passage to be Engrossed.

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

Bill, "An Act to Authorize the University of Maine to Proceed with the Department of a School of Medicine as Part of the Teaching Program of the University System." (S. P. 224) (L. D. 773)

Tabled — May 8, 1975 by Senator Wyman of Washington.

Pending — Adoption of Senate Amendment "A" (S-124).

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 13, 1975, pending Adoption of Senate Amendment "A".

On motion by Mr. Speers of Kennebec, Adjourned until May 12, 1975 at 10 o'clock in the morning.