

# 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**

Monday, May 19, 1975

Senate called to order by the President.  
Prayer by the Honorable Donald R. O'Leary of Mexico:

Lord, we pray that you will bestow your blessings upon all those who serve here today.

May they serve you and those who have placed in them their trust. Perhaps it should be remembered: We shall pass through this life but once. If there is any good we can do, let us do it now, for we shall not pass this way again.

Reading of the Journal of Friday, May 16, 1975.

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

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

IN THE House May 14, 1975, Passed to be Enacted.

In the Senate May 15, 1975, Failed of Enactment.

Comes from the House, that Body having Insisted.

Mr. Graham of Cumberland moved that the Senate Adhere.

Mr. Wyman of Washington then moved that the Senate Insist and Join in a Committee of Conference, and subsequently Mr. Pray of Penobscot requested a division.

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

Mr. CLIFFORD: Mr. President, I would like to make an inquiry through the Chair as to whether or not there had been a Committee of Conference and a report from that Committee of Conference relative to this bill.

The PRESIDENT: The Chair would answer in the affirmative, there has been a Committee of Conference. The Secretary will read the report, if you so desire.

The SECRETARY: The Senate joined in a Committee of Conference on April 25, 1975, and subsequently the Senate receded and concurred with the House. However, when the measure came back to the Senate on May 15, 1975, the measure failed of enactment.

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

Thereupon, on motion by Mr. Wyman of Washington; tabled and Tomorrow Assigned, pending the motion by that same Senator that the Senate Insist and Join in a Committee of Conference.

**Non-concurrent Matter**

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

In the Senate May 12, 1975, Passed to be Engrossed as amended by Committee Amendment "A" (H-260), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-358) There to, in non-concurrence.

Thereupon, on motion by Mr. Corson of Somerset, the Senate voted to Recede and Concur.

**Non-concurrent 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)

In the House May 1, 1975, Passed to be Engrossed as amended by House Amendment "A" (H-218), in non-concurrence.

In the House May 12, 1975, that Body having Insisted and Asked for a Committee of Conference.

In the Senate May 15, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-152), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry: Has the body adhered to asking for a Committee of Conference? Would it be in order for the Senate to join in a Committee of Conference at this point?

The PRESIDENT: The Chair would advise the Senator that if the Senate were to recede and concur then we would join in a Committee of Conference.

Mr. SPEERS: If this body receded and concurred, we would not be passing the bill to be engrossed?

I move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

Thereupon, the Senate voted to Recede and Concur, and Join in a Committee of Conference.

**Non-concurrent Matter**

Bill, "An Act to Permit Payment of Fines by Offers in Compromise From Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension." (H. P. 1072) (L. D. 1352)

In the Senate May 8, 1975, Passed to be Engrossed as amended by House Amendment "A" (H-250), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" as Amended by House Amendment "B" (H-342) There to, in non-concurrence.

On motion by Mr. Carbonneau of Androscoggin, tabled and specially Assigned for May 21, 1975, pending Consideration.

**Joint Order**

WHEREAS, the twentieth century has witnessed a rapid explosion of information-gathering activity in both the public and private sectors; and

WHEREAS, the extent of modern record-keeping operation and the introduction of computers to the record-keeping world pose a growing threat to the privacy of every citizen; and

WHEREAS, there are dangers in the need to know brought about by gathering too much information, unfair information practices and using information for purposes other than those for which it was gathered; and

WHEREAS, use of incorrect or incomplete information, sales of mailing lists, keeping of untimely data and denial of an individual to see or correct his own record can unjustly deprive an individual of his basic rights; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on

Legal Affairs, to study in depth the various kinds of record-keeping practices in use today in both the public and private sectors of this State to determine what kinds of record-keeping practices can lessen the potential harm to the individual who is the record subject and to recommend safeguards which will give individuals more privacy and control over information about themselves; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1597)

Comes from the House, Read and Passed.

Which was Read.

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

**Joint Order**

ORDERED, the Senate concurring, that Bill, "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties" House Paper 932, Legislative Document No. 1176, be recalled from the legislative files to the House. (H. P. 1594)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

(See Action Later in Today's Session)

**Joint Order**

WHEREAS, the statutes regulating the practice of barbering, Title 32, chapter 7, and the practice of cosmetology, Title 32, chapter 23, have many conflicts and inconsistencies; and

WHEREAS, these conflicts and inconsistencies cause many different bills amending these statutes to be introduced in each session of the Legislature; and

WHEREAS, there is therefore a need to revise these statutes in order to regulate the practice of barbering and cosmetology consistently and in the best interests of the people of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, though the Joint Standing Committee on Business Legislation, to examine the practices of barbering and hairdressing; and be it further.

ORDERED, that the State Board of Barbers, the State Board of Cosmetology and the Department of the Attorney General be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage, that suitable copies of this Order be transmitted forthwith to these agencies as notice of this directive. (H. P. 1599)

Comes from the House, Read and Passed.

Which was Read.

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

**Joint Resolution  
STATE OF MAINE**

Joint Resolution in Support of H.R. 1753 and H.R. 5035 Now Pending in the United States Congress

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, there are presently before the Congress two bills, H.R. 1753 and H.R. 5035, concerning the transmittal to the states of Decennial Census data which is highly desirable for use for state and local legislative apportionment and for state districting; and

WHEREAS, it is vital for legislatures and other bodies to have access to prompt and usable census data if they are to accurately accomplish necessary legislative apportionment and state districting; and

WHEREAS, passage of H.R. 1753 and H.R. 5035 would materially aid in prompt state access to usable Decennial Census data; now, therefore, be it

**RESOLVED**, that We, your Memorialists, do hereby respectfully request and urge that the United States Congress this year enact into law legislation, substantially the same as H.R. 1753 and H.R. 5035, to aid in the transmittal of federal census data to the states; and be it further

**RESOLVED**, that a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House of Representatives and to the President of the Senate of the United States Congress and to each member of the Maine Congressional Delegation. (H. P. 1600)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Resolution  
STATE OF MAINE**

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

Joint Resolution to Commend the President of the United States on his Vigorous Actions to Secure the Release of the Mayaguez and her Crew from the Cambodians

WHEREAS, on Monday, May 12, 1975 a Cambodian gunboat fired at and seized the unarmed United States Merchant Ship Mayaguez some sixty miles off the coast of Cambodia; and

WHEREAS, reflecting the mood of the nation, President Ford demanded the ship and its crew be freed, a demand which was backed by a show of force indicating that the United States would not accept harassment of ships on international sea lanes; and

WHEREAS, on the third day following this act of piracy and the vigorous diplomatic and military response of the United States, the vessel and crew members were successfully rescued from the Cambodians; now, therefore, be it

**RESOLVED**: That We, the Members of the Senate and House of Representatives of the One Hundred and Seventh Legislature of the State of Maine, now assembled, take this opportunity to

commend the efforts of the Honorable Gerald R. Ford, President of the United States and those in the service of our Federal Government who have successfully secured the safe return of the Mayaguez and her crew and hopefully demonstrated to the world that the United States will vigorously resist piracy of our ships on international sea lanes; and be it further

**RESOLVED**: That a copy of this resolution, duly authenticated by the Secretary of State be transmitted forthwith by the Secretary of State to the President of the United States and to the Senators and Representatives in Congress from the State of Maine. (H. P. 1601)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Communications**

**Answers of the Justices**

To the Honorable Senate of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the Questions propounded on April 25, 1975.

**QUESTION NO. I:** Would sections 9 and 1252 of section 1 of Legislative Document 314, as amended by Committee Amendment "A" if enacted into law, violate the Constitution, Article I, section 7?

**ANSWER:** We answer in the negative.

**QUESTION NO. II:** Would a crime be "infamous" within the meaning of the Constitution, Article I, section 7, if, irrespective of the length of possible imprisonment, a conviction for that crime could potentially result in a sentence of imprisonment at the State Prison even though the maximum length of that sentence is less than one year?

**ANSWER:** We answer in the negative.

Although the Senate has propounded two questions we find that they are directed in substance to a single constitutional issue.

The issue has arisen because prior decisions of the highest Court of this State have stated that crimes punishable by imprisonment in the State Prison are, for the purposes of Article I, Section 7 of the Constitution of Maine, "infamous" and must

1. Said Article I, Section 7 provides in part that:

"No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, be prosecuted by a grand jury indictment. Yet L. D. 314, as amended by Committee Amendment "A", if enacted into law, would (1) eliminate as determinative of the necessity of prosecution by the indictment of a grand jury that a crime is punishable by a sentence to the State Prison, 2 and (2) establish as the exclusive criterion of the crimes which "shall be prosecuted by indictment" the duration of the period of confinement by which the crime is punishable, to-wit: that the period of confinement can be one year or more.3

The key factor underlying our answers is the recognition that the prior references by the Law Court to a crime as "infamous" if it is punishable by imprisonment in the "State Prison" were intended to connote substantive content other than the features that the commitment is to a penal institution which bears the name "State

Prison" and is common to the State as a whole. The true intentment was, rather, to identify specific types of punishments for criminal conduct to which a person, because committed to the "State Prison", becomes subject.4

These kinds of punishments were identified in *Jones v. Robbins*, 8 Gray (Mass) 329, 349 (1857) as the subjection to "solitary imprisonment, to have...hair cropped, to be clothed in conspicuous prison dress,...to hard labor without pay, to hard fare, coarse and meagre food, and to severe discipline."

Or in such cases of offenses, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger."

2 This results insofar as under Section 1252 a person convicted of a Class "D" or a Class "E" crime can be sentenced to the State Prison regardless that the "definite period" of confinement for a Class "D" crime (by virtue of Committee Amendment "A") is "less than one year" and for a Class "E" crime "not to exceed six months."

3 This is the consequence of the provisions of Section 1251, those of revised Section 9 of Committee Amendment "A" and said Amendment's modification of the punishment for a "Class D crime" as "a definite period of less than one year."

4 The statement in *State v. Vashon*, 123 Me. 412, 123 A. 511 (1924) that a statutory felony is an infamous crime added nothing new in concept. It was merely a restatement in other terms of the "State

By virtue of P.L. 1971, Chapter 397 § 3 (now 34 M.R.S.A. § 701) the Maine State Prison has since 1971 been denied authority to utilize as punishments for criminal conduct either hard labor of solitary confinement. Because of this important modification, the penal institution which presently has the name "State Prison" and is "common to the entire State", is not the same institution, in terms of its punishment functions and powers, as the one in contemplation of the Law Court when it referred to a crime punishable by a sentence to the "State Prison" as "infamous"

We must conclude, therefore, that our present problem is essentially the same as that faced by the Massachusetts Court in 1857 when it decided *Jones v. Robbins*, supra, and established the foundational contours upon which both the Supreme Court of the United States and the Law Court of Maine had previously relied to give meaning to the concept of a crime as "infamous."

In *Jones v. Robbins* the Massachusetts Court reviewed the history of penological developments in the United States and noted the earlier use of the punishments of "pillory, sitting on the gallows, cropping one or both ears, branding on one or both cheeks, with indelible ink, the letter T for thief, or B for burglar, whipping, setting in the stocks;..." (p. 348) and the like. These were the kinds of punishments which by their degrading nature could readily be regarded as "infamous."

By 1857, however, these methods of punishment had been abolished. In the penology then current in Massachusetts confinement in a penal institution had become the essentially exclusive method of punishment (other than capital) for criminal conduct and, therefore, the

Massachusetts Court was obliged to acknowledge that:

Prison" criterion of "infamous" since, under R.S. 1916, Chapter 133 § 11 (now 15 M.R.S.A. § 451), "felony" was defined as including "every offense punishable by imprisonment in the State Prison."

"This practically took away all the degrading and ignominious punishments formerly provided by law; . . ." (pp. 348, 349)

Thus, the problem before the Massachusetts Court in 1857 was whether to hold that the then current penology had effectively eliminated the concept of "infamous" as the determinant of the constitutional necessity of prosecutions by grand jury indictment or to undertake to infuse "infamous" with a new substantive content reflecting the insights of the changed penological attitudes.

The Massachusetts Court adopted the latter approach. In so doing, the Court emphasized that

"the makers of the Constitution . . . intended to make a marked distinction between crimes of great magnitude and atrocity, and to secure every person against accusation and trial for them without the previous interposition of a grand jury in the first instance; . . ." (P. 347)

Proceeding from this foundational view that the "infamous crime" concept, as determinative of the necessity of prosecution by a grand jury indictment, was calculated to differentiate the crimes of "magnitude" from those which are "minor and petty", the Massachusetts Court concluded in 1857 that the kinds of punishment for criminal conduct which were authorized to be imposed at the "State Prison" included, as the most salient, solitary confinement or hard labor, or both, and these specific punishments could fairly be "substituted for all the ignominious punishments formerly in use; and, unless this is infamous, then there is now no infamous punishment, other than capital." (p. 349)

It was on this basis that in *Jones v. Robbins* the Massachusetts Court held that a crime punishable by the punishments then authorized to be imposed at the State Prison is a crime for which the "punishment is infamous." (p. 349)

This interpretation of *Jones v. Robbins* was pointedly clarified in subsequent decisions of the United States Supreme Court. *Ex Parte Wilson*, 114 U.S. 417, 5 S.Ct. 935, 29 L.Ed. 89 (1884); *United States v. Moreland*, 258 U.S. 433, 42 S.Ct. 368, 66 L.Ed. 700 (1922). The decision in *United States v. Moreland* is most illuminating on the issue since the Court there held that regardless of whether confinement be at a State Prison or at another penal institution, so long as the institution is authorized to use hard labor as a punishment for the criminal conduct, a crime punishable by confinement at such institution is subject to "infamous" punishment and is, therefore, an "infamous" crime constitutionally required to be prosecuted by a grand jury indictment.

Insofar as the Maine decisions commencing with *Butler v. Wentworth*, 84 Me. 25, 24 A. 456 (1891) are all derived from *Jones v. Robbins*, supra, as clarified in the subsequent United States Supreme Court decisions of *Ex Parte Wilson* and *United States v. Moreland*, they are properly interpreted to hold that the essential substance of the criterion fixing a crime as "infamous" is not that the

particular penal institution to which confinement can be ordered bears the name "State Prison", or is "common to the whole State", but rather that such institution has authority to utilize specific modalities of punishment for criminal conduct, — i.e., hard labor or solitary confinement, or both.

As noted above, however, since 1971 there is no longer in Maine a penal institution, whether the State Prison or any other, authorized to punish for criminal conduct by resort to solitary confinement or hard labor. Hence, the prior statements of the Law Court are substantively inapplicable to present conditions, and we are now obliged — as was the Massachusetts Court in 1857 — either to assert that there are presently no "infamous" crimes

5. These include, in addition to *Butler v. Wentworth*:

"*State v. Vashon*, 123 Me. 412, 413-415, 123 A. 511, 512-513 (1924); *State v. Arris*, 121 Me. 94, 115 A. 648 (1922); *State v. Cram*, 84 Me. 271, 24 A. 853 (1892)."

in Maine or to seek out other modalities of punishments which, presently, may be considered "infamous" as that concept "may be affected by the changes of public opinion from one age to another." *Ex Parte Wilson*, supra, at P. 427

Since we agree with the view of the Massachusetts Court in *Jones v. Robbins*, supra, that the concept of an "infamous" crime, as used in constitutional provisions mandating the necessity of prosecution by a grand jury indictment, was designed

"to make a marked distinction between crimes of great magnitude and atrocity" and those which are "minor and petty", we conclude that there is presently available an adequate criterion to serve this purpose.

Continuously since the statutory revision of 1841 (R.S. 1841, Chapter 167 §§ 2, 11) it has been a concomitant of the crimes punishable by confinement at hard labor or solitary confinement (as imposed at the State Prison) that the length of the confinement must be for a period of one year or more. Thus, for more than 130 years, public opinion in Maine has associated the punishments of confinement at hard labor or solitary confinement (as imposed at the State Prisons) with those crimes punishable by confinement for a year or more.

For this reason, it is our opinion that this standard, in terms of the potential length of confinement as one year or more, provides a criterion which sufficiently differentiates the crimes of magnitude from those which are minor and petty.

Accordingly, we conclude that under our current penology (1) the place of confinement is not a determinant of whether a crime is "infamous" within the meaning of Article I, Section 7 of the Constitution of Maine, and (2) the sole criterion thereof is the length of the period of confinement by which the crime is punishable, to-wit, that the crime can be punished by a confinement of one year or more.

Since L. D. 314, as amended by Committee Amendment "A", adheres to this principle, our opinion is that its provisions are consistent with Article I, Section 7 of the Maine Constitution. We have, therefore, answered in the negative each of the questions propounded to us by the Senate.

Dated at Portland, Maine, this sixteenth day of May, 1975.

Respectfully submitted:  
ARMOND A. DUFRESNE, JR.  
RANDOLPH A. WEATHERBEE  
CHARLES A. POMEROY  
SIDNEY W. WERNICK  
JAMES P. ARCHIBALD  
THOMAS B. DELAHANTY

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 Making Supplemental Appropriations for the Aid to Families with Dependent Children Program." (H. P. 605) (L. D. 748)

Bill, "An Act to Provide for the Licensing of Agricultural Fairs." (H. P. 639) (L. D. 808)

Bill, "An Act Relating to Stray Cats." (H. P. 1119) (L. D. 1399)

Bill, "An Act Revising the Pauper Laws." (H. P. 1172) (L. D. 1473)

Bill, "An Act Restricting Guide Licenses to Residents and Requiring Nonresidents to Have a Guide While Hunting or Fishing." (H. P. 1354) (L. D. 1656)

#### Leave to Withdraw

The Committee on Education on, Bill, "An Act Relating to Conferring Degrees by Beal Business School." (H. P. 995) (L. D. 1259)

Reported that the same be granted Leave to Withdraw.

The Committee on Agriculture on, Bill, "An Act Concerning the Retention Period for Sick, Stray, Injured or Abandoned Dogs Brought to a Licensed Veterinarian, Humane Society or Animal Shelter." (H. P. 1216) (L. D. 1530)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act to Require Proficiency Testing of Services Provided by Hospital Laboratories." (H. P. 362) (L. D. 453)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to Other Persons." (H. P. 918) (L. D. 1135)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Allowing Licensees under the Liquor Laws more Control over Licensed Premises." (H. P. 226) (L. D. 282)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act Revising the Laws Pertaining to the Penobscot Indians of Maine." (H. P. 1380) (L. D. 1771)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act to Clarify Assessment of the School Tax." (H. P. 569) (L. D. 705)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Authorize the Board of Environmental Protection to Grant a Time Schedule Variance to Users and Planned Users of Proposed Municipal or Quasi-Municipal Waste Treatment Facilities." (H. P. 780) (L. D. 951)

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 State Government on, Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title. (H. P. 954) (L. D. 1192)

Reported that the same Ought to Pass. The Committee on Public Utilities on, Bill, "An Act to Permit Interstate Public Utility Hearings." (H. P. 1254) (L. D. 1550)

Reported that the same Ought to Pass. Come from the House, the Bill and Resolve Passed to be Engrossed.

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

The Committee on Human Resources on, Bill, "An Act Further Defining the Definition of North American Indians Residing in Maine." (H. P. 1375) (L. D. 1688)

Reported that the same Ought to Pass. Comes from the House, Bill and accompanying papers Indefinitely Postponed.

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

#### Ought to Pass - As Amended

The Committee on Human Resources on, Bill, "An Act Relating to the Period for Commencing Civil Actions under the Human Rights Act." (H. P. 1269) (L. D. 1583)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-352).

The Committee on Human Resources on, Bill, "An Act to Clarify the Laws Relating to Human Rights." (H. P. 187) (L. D. 224)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-350).

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Searsport Water District." (H. P. 1235) (L. D. 1795)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-355).

The Committee on Judiciary on, Resolve, Authorizing Peggy Lanpher of South China or her Legal Representatives to Bring Civil Action Against the State of Maine. (H. P. 549) (L. D. 677)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-353).

The Committee on Human Resources on, Bill, "An Act to Amend the Human Rights Act to Prevent Discrimination Against the Mentally Handicapped and to Clarify the Provisions in the Human Rights Act Regarding Physical Handicap." (H. P. 1410) (L. D. 1791)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-351)

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.

The Committee on Local and County Government on, Bill, "An Act converting Allagash Plantation into the Town of Allagash." (H. P. 1276) (L. D. 1647)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-308).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-382).

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

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions. (H. P. 158) (L. D. 188)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-241).

Comes from the House, the Resolution Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-374) There to.

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

#### Divided Report

The Majority of the Committee on State Government on,

Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands." (H. P. 965) (L. D. 1209)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-326).

Signed:

Representatives:

FARNHAM of Hampden

LEWIN of Augusta

COONEY of Sabattus

WAGNER of Orono

STUBBS of Hallowell

SNOWE of Auburn

PELOSI of Portland

CARPENTER of Houlton

KANY of Waterville

QUINN of Gorham

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-327).

Signed:

Senators:

CURTIS of Penobscot

WYMAN of Washington

GRAHAM of Cumberland

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. Speers of Kennebec then moved that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. CURTIS: Mr. President, I would ask for a division on this matter, and would explain briefly that your Senate delegation on the State Government Committee was concerned about the problem of establishing criminal penalties for an attempt to, in this law, defraud the state of island properties that might belong to the state.

In my particular situation, and speaking personally, I was very much convinced by talking with an attorney who is in this Senate and who had dealt with coastal island properties and is very familiar with the problems that some of these titles have. There are situations in which peninsulas have been cut off by water and became islands, and in order to perfect the title of those islands the people who owned previously the peninsula and then the island established through a straw system a deed for that property.

There are also situations, as we all know, perhaps especially along the coast, in which there are, if not feuds, there are at least longstanding disagreements among families as to who owns what properties. It would seem to me that these things ought best to be settled using the civil laws of the state and not by a complaint to a district attorney and moving into the criminal aspect of our laws.

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

Mr. COLLINS: Mr. President and Members of the Senate: I support the statements made by the Senator from Penobscot, Senator Curtis. I would have to observe that one of the chief values of the coastal island registry law is that it created a lot of work for coastal lawyers. I was one of those lawyers, and I have probably been involved with more islands in the State of Maine than most any other lawyer, not only since that law took effect but prior thereto.

A very common situation with very small islands, some of them little more than rocks of a half acre or less and useful mostly for bird life and occasionally, if there is a little bit of vegetation, for having a picnic, a lot of these islands through the years have not been the subject of very intelligent conveyancing. There was an old rule apparently observed that if a rock or island was very close to your mainland or your larger island, and particularly if you could walk out to it at low tide without having to swim, it was considered that that piece of land went with the adjacent island or piece of the mainland.

I have, living as I do on the shores of Penobscot Bay, I have seen what happens when mother nature erodes the soil and moves the sand and the beaches and even the rocks considerable distances and changes geography. In this history, from time to time as lawyers search titles they discover these problems, and to enhance the title history and sometimes merely to record it they cause their clients to pass a deed to a straw man, who in turn passes

the deed back to the client. This, in my judgment, is not a fraudulent performance. It has always been in my experience supported by history, by occupation, by common usage and understanding, by tax assessing, and other acts and customs that do have validity, and many of these rocks and islands have been registered with the coastal island registry.

In my judgment, there is nothing fraudulent involved, and I think it is unfortunate to put this sort of thing in the category of a criminal act. I agree entirely with the Senator from Penobscot, Senator Curtis.

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

Mr. SPEERS: Mr. President, I certainly agree with the good Senator from Knox, Senator Collins, that this kind of action is not a fraudulent conveyance. Therefore, I would simply point out to the Senate that this is not the type of action that we are talking about in this law.

Very simply, the minority report that the good Senator from Penobscot, Senator Curtis, would have us accept, removes from the bill the criminal provisions for a fraudulent conveyance of an island.

I was privileged to be the Chairman of the Committee on State Government when this act was originally introduced in the last session of the legislature. The testimony before the State Government Committee at that time revealed really how very easy it is and would be for an individual to establish a claim to an island off the coast of the State of Maine simply by filing in the registry of deeds a quit claim or a warranty deed, whichever the individual happens to choose, from a fictitious character into his own name. And the whole purpose of this bill was to establish title in islands, title to which was unknown, to establish that title in the State of Maine. That is the whole purpose of the registry and the whole idea behind the bill.

Now, if it is that easy for an individual to come up with a deed and thereby lay claim to a particular island which would otherwise belong to the State of Maine, if it was with criminal intent or fraudulent intent that he created that deed and registered it or filed it with the registry of deeds, then it seems to me that he is committing a crime against the people of the State of Maine. He is in effect stealing an island. We have laws against stealing. We have laws against breaking and entering. We have laws which probably would come closest to this type of a situation, in my mind, against embezzlement.

Now, we are talking about the actual intent of an individual to establish a fraudulent claim, and that is what Committee Amendment "A" talks about, for that is what the criminal penalties talk about. Naturally that would be a element of proof, it would be something that the State would have to prove, that this individual actually had intent to defraud the State, and there would be criminal charges brought and he could have a trial just as under any other criminal provisions. But it does seem to me that when we are talking about establishing a fraudulent claim to an island, which would otherwise belong to the people of the state, that there should be criminal penalties involved, and I would hope that the Senate would reject the notion of accepting the minority report and go along with my

motion to accept the majority report with Committee Amendment "A".

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

Mr. CURTIS: Mr. President, very briefly I would like to point out that section 1207 of the bill as its written, and would be adopted either way, says that: "Title to each and every coastal island that is not registered by the true owner or authorized representative of such true owner with the Coastal Island Registry on or before December 31, 1975, shall vest in the State of Maine on January 1, 1976, subject to the exceptions and conditions set forth in sections 1208 and 1210."

Again, my suggestion is that this document — and I too served on this same committee as the gentleman from Kennebec, Senator Speers, two years ago when we considered this bill, and the State Government Committee sent it to the Committee on Public Lands, which pretty much rubber stamped the bill as it was drafted and sent it out, much to the concern of a number of the people who had good title to islands along the coast and were then required to send a \$10 fee to the state in order to register their land with the State of Maine. Regardless of that, I would like to see this bill amended as it is needed to be amended, go into effect, and I think that the provisions that I have just read in section 1207, which would be adopted, and provisions which would be included in the new criminal code, which we hope to see adopted, would all take care of any of the problems that have been discussed here without going to the requirements of the fraudulent registration section, 1218, which seems to be unnecessary and might very well lead to some problems.

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

Mr. SPEERS: Mr. President, since the good Senator from Penobscot, Senator Curtis, saw fit to read a portion of the bill, I would like to read that portion which Committee Amendment "B" would amend out of the bill, and which by adopting the majority report we would leave in the bill, and that is as follows: "Any person who knowingly registers a coastal island, not being the true owner of such island, with the intent of fraudulently obtaining an interest in such island, or with the purpose of deceiving the State as to ownership of such island shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months." I would submit that the controlling words are: "Any person who knowingly registers a coastal island, with the intent of fraudulently obtaining an interest in such island." It seems to me that under those circumstances there should be criminal penalties involved.

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

Mr. BERRY: Mr. President and Members of the Senate: I think all of us have watched the progress of the Island Registration Act and the subsequent activities with a great deal of interest and concern. I think that many of us have put ourselves in the place of these island owners, and I wonder how it would be if we received a letter in the mail some day or just happened to read in the paper that we had to prove title to a piece of property that we had thought for many, many years we

owned, and if we had to go to the expense, as Senator Collins has said, of hiring an attorney and spending registration fee and time and effort to prove the title to something that we thought we owned for a long time. I think this has been part of the problem I know that has bothered many of us. I have often felt that in fairness to those people who have proved title to their islands the state ought to see fit to reimburse them cashwise for everything they spent. I think this would be pure justice.

I would like to ask the Senator from Penobscot, Senator Curtis, as to these acts which he refers to as being covered in the section under amendment, would not acts like this be covered by the general statutes anyway?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to the Senator from Penobscot, Senator Curtis, who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, it is my understanding that they would be, but I really am not an expert in that section of the Maine statutes. But they certainly would be covered by apparently several sections of the criminal code which, again, we hope to adopt.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. A division has been requested. Will all those Senators in favor of accepting the Majority Report please rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

The PRESIDENT: The Chair will call the Senate's attention to Item 1-6, (H. P. 1594). The Chair would apologize to the Senate for a procedural error relative to this Joint Order. It went under the hammer, and in order to recall a bill from the legislative files requires a two-thirds vote of each branch of the legislature. So the Chair will order a roll call on this item which is Joint Order to recall Bill, "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties", H. P. 932, L. D. 1176, from the legislative files.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, would it be in order for me to request a division?

The PRESIDENT: It would be in order for the Senator to request a division. Will all those Senators in favor of recalling L. D. 1176 from the legislative files please rise in their places until counted.

A division was had. 30 having voted in the affirmative, and none having voted in the negative, the Joint Order received Passage in concurrence.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to the

Income Limitation of the Elderly Householders Tax and Rent Refund Act." (H. P. 418) (L. D. 504)

Reported that the same Ought Not to Pass.

Signed:  
Senator:

MERRILL of Cumberland

Representatives:

IMMONEN of West Paris  
MAXWELL of Jay  
SUSI of Pittsfield  
FINEMORE of Bridgewater  
MORTON of Farmington  
TWITCHELL of Norway

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

Signed:  
Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

COX of Brewer  
DRIGOTAS of Auburn  
MULKERN of Portland  
DAM of Skowhegan

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

Which reports were Read.

Mr. Wyman of Washington moved that the Senate accept the Minority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 21, 1975, pending the motion by Mr. Wyman of Washington to accept the Minority Ought to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide Employment Security for State Legislators." (H. P. 1224) (L. D. 1535)

Reported that the same Ought to Pass.

Signed:  
Senators:

CURTIS of Penobscot  
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus  
PELOSI of Portland  
WAGNER of Orono  
CARPENTER of Houlton  
STUBBS of Hallowell

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

Signed:  
Senator:

WYMAN of Washington

Representatives:

SNOWE of Auburn  
KANY of Waterville  
QUINN of Gorham  
LEWIN of Augusta  
FARNHAM of Hampden

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

Which reports were Read.

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

Mr. KATZ: Mr. President, this bill has an intriguing title, but the thrust of the bill is not directly in line with the title of the bill. As I understand it, it means that if we do serve in the legislature, that our jobs must be held open for us as we go back into the job market after our service in the legislature. For the first time, it seems to me, that the legislature is getting into the question of private employment, which is quite different from anything that we have

done before. On that basis, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: I have read this bill and I know the sponsor of the bill. I think maybe somehow, some way we should do something to try to get people here to serve in the Maine Legislature that are in the in-between age group, and I am referring to the age group between 30 years old and 60 years old. It seems that you either have to be a student in school or a student just out of school, someone retired, or someone in the business community. This bill will allow someone to serve in the Maine Legislature and find his job waiting for him after we adjourn. I think it is a good bill, and we perhaps can amend it to make it even better. I hope that you would support it.

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

Mr. KATZ: Mr. President, let me amplify my objections. Maine is essentially a state of small business. If you are running a small business with three employees, and it is necessary for you to live up to the implications of this law, it might be that you are going to hire somebody to replace a legislator on an interim basis and have him decide that he loves the scene up here and stay for six years. At the end of six years he goes back to his old job, and this means that somebody with six years in seniority in his job, who has been serving all this time in his job, essentially is going to have to be fired or laid off, or demoted, so that you can refill this job at the convenience solely of the legislator. I applaud the purpose, but I think it is very mischievous in its implication.

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

Mr. PRAY: Mr. President and Members of the Senate; Originally I was opposed to this bill, but after listening to a little bit of what has been said, I am going to be interested to see what possible amendments could be added to it. So, I will at this time vote for passage and see how Senator Danton or somebody else may come up with some amendments which will clarify a little bit more to protect these small business people such as Senator Katz talked about.

The PRESIDENT: The pending question before the Senate is the question of whether or not the Senate shall accept the Majority Ought to Pass Report of the Committee. A division has been requested. Will all those Senators in favor of accepting the Majority Ought to Pass Report of the Committee please rise in their places until counted.

A division was had. 18 having voted in the affirmative, and 12 having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Defining School Bus Transportation." (H. P. 332) (L. D. 404)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot

GREELEY of Waldo  
CYR of Arostook

Representatives:

SPENCER of Standish  
NADEAU of Sanford  
BERRY of Buxton  
TARR of Bridgton  
LITTLEFIELD of Hermon  
SAUNDERS of Bethel

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-368).

Signed:

Representatives:

GRAY of Rockland  
LEONARD of Woolwich  
KELLEHER of Bangor

Comes from the House, Bill and Accompanying Papers Indefinitely Postponed.

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

#### 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 Relating to the Construction of Electric Power Generating Facilities." (S. P. 384) (L. D. 1239)

#### Leave to Withdraw

Mr. Cianchette for the Committee on Energy on, Bill, "An Act Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Engine Efficiency." (S. P. 464) (L. D. 1517)

Reported that the same be granted Leave to Withdraw.

Mr. Roberts for the Committee on Labor on, Bill, "An Act to Simplify the Occupational Diseases Law and to Conform with the Recommendations of the National Commission on State Workmen's Compensation Laws in Regard to Occupational Diseases." (S. P. 227) (L. D. 759)

Reported that the same be granted Leave to Withdraw.

Mr. Roberts for the Committee on Energy on, Bill, "An Act Creating the Maine Industrial Authority." (S. P. 423) (L. D. 1617)

Reported that the same be granted Leave to Withdraw.

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

#### Ought to Pass

Mr. Trotzky for the Committee on Natural Resources on, Bill, "An Act to Clarify the Maine Mining Law to Reform Procedures for Handling of Licenses and Lease Negotiations and to Increase Income from Mineral Operations." (S. P. 405) (L. D. 1308)

Reported that the same Ought to Pass.

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

#### Ought to Pass — As Amended

Mr. Berry for the Committee on Health and Institutional Services on, Bill, "An Act to Require the Owners of Foster Homes and of Nursing Institutions to Account for Funds Belonging to Persons Entrusted to their Care." (S. P. 81) (L. D. 254)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-159).

Mr. Collins for the Committee on



Judiciary on, Bill, "An Act to Create a Commission to Prepare a Revision of the Eminent Domain Statutes." (S. P. 426) (L. D. 1392)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-157).

Mr. Curtis for the Committee on State Government on, Bill, "An Act Relating to State Employees Serving in Acting Capacities." (S. P. 119) (L. D. 384)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-160).

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Bancroft School Facility for Seriously Disturbed Children at Owls Head." (S. P. 280) (L. D. 992)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-158).

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act to Remove Invalidated Language Concerning Abortion from Maine Statutes." (S. P. 484) (L. D. 1614)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CLIFFORD of Androscoggin  
MERRILL of Cumberland

Representatives:

BENNETT of Caribou  
McMAHON of Kennebunk  
HOBBINS of Saco  
GAUTHIER of Sanford  
PERKINS of South Portland  
HEWES of Cape Elizabeth

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

Signed:

Senator:

COLLINS of Knox

Representatives:

HENDERSON of Bangor  
MISKAVAGE of Augusta  
SPENCER of Standish  
HUGHES of Auburn

Which reports were Read.

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act Providing that Spousal Consent to Voluntary Sterilization Procedure is not Required." (S. P. 485) (L. D. 1615)

Reported that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox  
MERRILL of Cumberland  
CLIFFORD of Androscoggin

Representatives:

SPENCER of Standish  
MISKAVAGE of Augusta  
HENDERSON of Bangor  
BENNETT of Caribou  
HUGHES of Auburn  
PERKINS of South Portland  
HEWES of Cape Elizabeth  
HOBBINS of Saco

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

Signed:

Representatives:

GAUTHIER of Sanford  
McMAHON of Kennebunk

Which report were Read.

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

**Second Readers**

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

**House**

Bill, "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area." (H. P. 1094) (L. D. 1372)

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

**House - As Amended**

Bill, "An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police." (H. P. 316) (L. D. 394)

(On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Passage to be Engrossed).

Bill, "An Act to Increase Costs and Fees Taxed and Allowed in the District Court." (H. P. 852) (L. D. 1041)

Bill, "An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials." (H. P. 941) (L. D. 1180)

Bill, "An Act Concerning the Furnishing of Updated Voting Lists by Registrars." (H. P. 1020) (L. D. 1299)

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

**Senate**

Bill, "An Act to Provide a Cost-of-living Increase to Supplemental Security Income Recipients." (S. P. 349) (L. D. 1149)

Which was Read a Second Time and Passed to be Engrossed.  
Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act Relating to the Statutes Concerning Licensing of Dogs." (H. P. 351) (L. D. 1151)

Bill, "An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission." (S. P. 379) (L. D. 1230)

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 Definition of Automobile Graveyard (S. P. 401) (L. D. 1287)

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

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

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

An Act Appropriating Funds for the Osteopathic Student Loan Fund. (H. P. 1037) (L. D. 1323)

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

An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes. (H. P. 1052) (L. D. 1326)

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

An Act to Authorize the Self-liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine. (H. P. 1061) (L. D. 1341)

An Act to Redirect the Use of Plumbing Permit Fees. (H. P. 1092) (L. D. 1371)

An Act to Redefine the Political Activity Rights of Classified Employees of the State. (H. P. 1093) (L. D. 1434)

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

Resolve, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs. (H. P. 1508) (L. D. 1839)

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

**Orders of the Day**

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

Bill, "An Act to Permit the Continuation of Mediation Services." (H. P. 739) (L. D. 911)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-294).)

(In the Senate — Committee Amendment "A" Indefinitely Postponed, in non-concurrence)

On motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-161, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A", There to, 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 second tabled and Specially Assigned matter:

Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act Relating to the Maintenance of Vital Records." (S. P. 322) (L. D. 1099) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 16, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

Mr. Clifford of Androscoggin then moved that the Senate accept the Minority

Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President, this is a bill which I put in at the request of the City Clerk of the City of Lewiston and the City Clerk of the City of Portland pertaining to the submission by the municipalities of vital records to the state registrar. The municipalities have to submit to the state registrar before the 15th of each month information pertaining to the number of births and deaths which occurred in the community in the previous month, as well as marriage certificates. In the larger communities it is a problem to get the information gathered and to submit them because of the number of hospitals and the number of nursing homes which result in most of the reported births and deaths, and also the marriage certificates.

The change was resisted by the state registrar, and I thought it quite interesting that the state registrar has a contract with the federal government which they negotiate each year, and when asked whether or not he was interested in negotiating a different date with the federal government, he said he was not interested. He did not give a reason that I heard why he was not interested in renegotiating that. He said the problem is a problem that the cities will have to solve and that they should hire more people to get the reports in to him on time. I thought this attitude was one which was a poor attitude and it was a bureaucratic attitude. So I would hope that we could accept this Ought to Pass Report.

I have an amendment, which was supposed to come out as a committee amendment, which I will offer if the bill gets to second reading, which will allow the larger communities which have the particular problem to submit the material prior to the 25th of each month, so that they can submit it on time and they won't be in violation of the law each and every month as they are now. The communities without a problem, the smaller communities without the hospitals, without a reporting problem, would still be required to submit the material by the 15th of each month. I would hope that we could accept the Ought to Pass Report so that the amendment could be offered at second reading. Thank you, Mr. President.

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

Mr. HICHENS: Mr. President, I would rise to oppose the motion by the good Senator from Androscoggin, Senator Clifford. Even though the committee came out with a report in regards to the amendment, the majority of the committee did oppose the bill as amended.

Under the existing statute, the clerks of the municipalities must send all reports regarding births, deaths, and marriages to the Bureau of Vital Statistics between the 10th and 15th of each month. The Bureau must then send this data to the federal government by the 15th of the following month.

L. D. 1099 would push to the end of the month the due date for reports by all the municipalities. The proposed amendment would push to the 25th of the month the due date for reports by municipalities with a population over 25,000. Presently Bangor, Lewiston and Portland have over 25,000 inhabitants.

Under either the bill or the proposed amendment to the bill, the Bureau of Vital Statistics would experience considerable pressure to finish on time their reporting to the federal government. Late reporting

has already been allowed by the department to certain municipalities needing extra time, like Portland and Lewiston. By extending the due date statutorily, the municipalities will illustrate Parkinson's Law, and that their work will expand to fill the time allotted to them. So I would oppose the motion and ask for a division.

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe the good Senator from Androscoggin, Senator Clifford, has thoroughly explained the problem with the larger communities. I would hope that the Senate would go along to accept the Ought to Pass Report and at least give us an opportunity to present the amendment tomorrow.

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

Mr. BERRY: Mr. President, being on the Health and Institutional Services Committee, I was one of those who signed the Minority Report. I did take the time to talk to my own city clerk, although we fall slightly under the 25,000. He sat down with me for quite a long time and did explain that there is a definite necessity for the larger communities of 25,000 and over to meet these commitments. I think that actually what Senator Clifford's amendment does, it takes the doubt out of the law as we now have it, and we are not relying on one individual to say you can or you cannot file after a due date. It solely extends that date a few days allowing those people to comply with the law.

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

A division was had. 28 having voted in the affirmative, and three having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Increase the Property Tax Exemption for Property Used by a Religious Society as a Parsonage." (H. P. 894) (L. D. 1083)

Tabled — May 16, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.  
(In the House — Majority Ought Not to Pass Report Read and Accepted.)

(In the Senate — Minority Ought to Pass Report Read and Accepted, in non-concurrence.)

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

Mr. KATZ: Mr. President, I would like to move that this bill be indefinitely postponed, and ask for a division. This bill would increase the property tax exemption for parsonages from \$20,000 to \$35,000.

The bill itself very carefully points out that there are no financial implications for the state. The reason there are no financial implications on this bill for the state is that all other local property taxpayers within a given community would be asked to pick

up the additional burden of increasing those exemptions. We are all very careful to enunciate again and again that we have to keep the burden of local property taxpayers at a minimum, and yet when a bill comes along like this one, which in effect does increase the local burden, we seem to be more interested in what it costs the state than what it costs local property taxpayers. On that basis I move for indefinite postponement.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending the motion by Mr. Katz of Kennebec that the bill be Indefinitely Postponed.

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

SENATE REPORTS — from the Committee on Public Utilities — Bill, "An Act Relating to Utility Deposit Practices." (S. P. 358) (L. D. 1162) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass.

Tabled — May 16, 1975 by Senator Conley of Cumberland.

Pending — Acceptance of Either Report.  
Mrs. Cummings of Penobscot moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. GRAHAM: Mr. President and Members of the Senate: You have been very generous with me, and I hope I am not pushing my luck too far. I hope I am not imposing on your generosity but I would like to move this bill ahead, and I am opposed to the Ought Not to Pass motion.

Here in Maine especially, we have a public hard-pressed by inflation, taxation and unemployment. What can we do for them? This little bill is one thing that may help. It will prevent public utilities from demanding deposits from their customers unless — mind you, unless — the customer is a known credit risk or likely to damage the utility's property.

These deposit demands can be exorbitant; they are often unreasonable, arbitrary and a burden on the public. Let me just read a couple of letters that were sent to customers because their deposits were not high enough. "Dear Mr. so and so: Upon reviewing our records, we find that the deposit held on your account is not sufficient to cover average two months' charges on your telephone service. Therefore, we are requesting an additional deposit of \$100. Interest of not less than 6 percent will be credited to your account annually."

"Will you please arrange to pay this additional deposit by June 6. If we do not receive it by that date, we shall be obliged to terminate your service without further notice." This letter was written on May 6.

Here is another letter violently opposed by the businessman who received it. "Dear Sir: We are presently holding a deposit on your telephone account in the amount of \$100.

"As we explained initially, the amount of a deposit is based on an average two months' bill for local and toll service charges. Until service is established, we can only estimate what normal usage will be for an individual customer.

Since your average monthly charges are \$145, we are requesting an additional \$190,

so that your deposit will be commensurate with your billing.

Unless payment of the deposit is received by May 28th, it will be necessary to disconnect your service without further notice."

This letter was written on May 7, 1975, and they were going to terminate service on May 28th. This is the sort of arbitrary treatment that customers are receiving from the utility companies. I think this bill would stop that, and yet would be of no injury really to the utility companies because if the credit was bad the deposit could be demanded.

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

Mrs. CUMMINGS: Mr. President, at the hearing on this bill, one of the people that came in favor of its passage was a college student who said that he and two friends wanted to have a telephone, and I think their deposit was something that sounded equally high, such as \$100, but I don't think that college students are known to be the best risks in the world. They can leave the state rather precipitously and leave their debts behind them. I didn't consider his testimony as carrying great weight.

In the testimony against the passage of the bill, it was brought out that these deposits are created only when they are deemed necessary by the company because of a bad experience in the past. All new customers are apparently not asked for any kind of a deposit at all. I think in the committee the majority report was carefully discussed, and I hope that you would go along with my motion. I would like to have a division, Mr. President.

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

Mr. GRAHAM: Mr. President, I think it is clear that the great danger of these deposit requirements is that they are so arbitrary. The companies can demand them or let them pass, as they wish, and the amounts of money demanded are often so high that they preclude the customer from having the service desired.

This bill is not just something that was dreamed up in the left wing here. A conservative Brunswick businessman suggested the bill do me, Governor Longley advocated it in his address to the legislature, and the Chairman of the Public Utilities Commission edited the bill and endorsed it. In addition, Maine's Consumer Organization, Combat, has supported it and I have a letter here from them. And the Public Interest Research Group is in support of it.

Of course, there will be wailing and gnashing of teeth by those charming people, our highest paid lobbyists. No sooner had I entered the bill than I was approached, more in sorrow than in anger, by one of the lobby's most charming and formidable members. But suddenly it hit me: as a legislator, I was in the big leagues at last.

When depressed, I sometimes ask myself: what do we accomplish here? Then I quickly cheer up and say, "Well, at least, we make work for lobbyists." This little bill is putting bread and martinis on several tables. Please don't be stampeded into fearing that I, David, with my little slingshot, am going to fell any corporate Goliaths, but what I would like to ask you is why should a few deadbeat customers with bad credit ratings enable the public utilities companies to foist this deposit racket on thousands of honest Maine consumers, forcing them to forego a

telephone or other service? I urge you to defeat this motion.

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

Mr. REEVES: Mr. President, I think the members of the Senate may be interested to know that we are all beneficiaries of an equally discriminatory practice by the telephone company. A separate account is maintained for every member of the legislature just because of our position. We are not dunned and no special deposit is required. And I know of one legislator who for more than a year has owed over \$1,000 in telephone expenses on his personal account, and still he has not been asked for any deposit.

I told the telephone company lobbyist that I did not want to participate in this special service, but I believe it goes on anyway. Let's stop this favored and unfavored practice system of the telephone company. I think a vote for this bill will help.

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

Mr. GRAHAM: 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 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 will restate the question. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Cummings, that the Senate accept the Majority Ought Not to Pass Report of the Committee relative to L. D. 1162, "An Act Relating to Utility Deposit Practices." A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators — R. Berry; Collins, Corson, Cummings, Cyr, Graffam, Greeley, Hichens, Huber, Roberts, Wyman.

NAYS: Senators — E. Berry; Carboneau, Cianchette, Clifford, Conley, Curtis, Danton, Gahagan, Graham, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Speers, Trotzky.

ABSENT: Senator Thomas.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

#### Papers From The House

Out of order and under suspension of the rules, the Senate voted to take up; the following:

#### House Papers

Bill, "An Act to Establish Purchasing Procedures for the Legislature." (H. P. 1595) (L. D. 1885)

Comes from the House referred to the

Committee on State Government and Ordered Printed.

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

Mr. CURTIS: Mr. President and Members of the Senate: I have looked this bill over, which is L. D. 1885. It is next to the last bill in our new book of bills. It is some legislation that I would suggest should have been introduced a long time ago.

We have already had at least one bill, I believe, enacted regarding purchasing, and this is a matter which would seemingly be easily taken care of by action of the Legislative Council.

Because the State Government Committee completed its public hearings more than a week ago, and because we would sort of like to go home, I move indefinite postponement of L. D. 1885.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that L. D. 1885 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

#### Veterans and Retirement

Bill, "An Act Establishing the Termination Date of the Vietnam War for Purposes of Certain Veteran's Benefits Under State Laws." (H. P. 1596) (L. D. 1886)

Comes from the House referred to the Committee on Veterans and Retirement and Ordered Printed.

Which was referred to the Committee on Veterans and Retirement and Ordered Printed in concurrence.

#### Orders

On motion by Mr. Curtis of Penobscot,  
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 Lawrence M. Cutler of Bangor on his Retirement from the Board of Trustees of the University of Maine after 19 Years of Dedicated Public Service

We the Members of the Senate and House of Representatives 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. (S. P. 524)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I couldn't let this go through without adding my word to express congratulations and appreciation for the dedicated work of Dr. Cutler. When I see that he has been on the Board of Trustees of the University for 19 years, and I think of what has happened to the University through this period, it is indeed a remarkable man who can have weathered the storms that have beset the University for such a long time. The University in the 19 years has certainly come many, many miles from its conception and the state it was in at that time.

Dr. Cutler has been a man of tremendous civic activity. He is a man professionally very, very involved in the practice of medicine in the greater Bangor area, and I have been acquainted personally with the many, many services he has rendered in all his activities. The University of Maine has certainly been much better off for Dr. Cutler's many, many years of devoted service, and we, the citizens of the State are certainly going to be the losers even while we have been the beneficiaries for his termination.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

The motion prevailed.  
Sent down for concurrence.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the above three matters were sent down forthwith for concurrence.

On motion by Mr. Wyman of Washington the Senate voted to take from the table the matter tabled earlier in today's session by that Senator:

Bill, "An Act to Increase the Property Tax Exemption for Property Used by a Religious Society as a Parsonage." (H. P. 894) (L. D. 1083)

Pending — the motion by Mr. Katz of Kennebec that the Bill be Indefinitely Postponed.

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

Mr. WYMAN: Mr. President, it was my hope that we could salvage something out of this bill because of inflation and an attempt to bring valuations up to 100 percent. However, it failed of passage in the House and I was hoping that we could amend it and bring the increase down, but the good Senator from Kennebec, Senator Katz, wants no part of that, so I will withdraw any objection to voting on this now.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Katz, that this Bill be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of the indefinite postponement of L. D. 1083 please rise in their places until counted.

A division was had, 21 having voted in the affirmative, and seven having voted in the negative, the motion prevailed.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I rise to comment on the recently passed Joint Resolution to commend the President of the United States on his victorious actions to secure the release of the Mayaguez and her crew from the Cambodians.

Yes, there are times when war is inevitable. I served in the Navy throughout World War II. But this violence, in my opinion, was unnecessary and tragic. 21 or more Americans were lost, and God knows how many Cambodians. For what? To enhance our image in the World? But it is for our violence that we are hated. After vainly sacrificing 55,000 of our finest in Vietnam, we once again resort to violence, like an alcoholic who decides on one more little drink to solve his problems.

Yes, there are times when we may have to fight, but in this case, mediation was not given a fair trial. What happened is not a cause for cheers and exultation, but for a sadness for the dead.

#### Reconsidered Matter

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

Mr. SPEERS: Mr. President, I am about to make a motion to reconsider the action whereby item 1-9 was adopted because there may be other comments that may wish to be made on this resolution. I would make that motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby item 1-9 (H. P. 1601) on today's calendar was adopted. Is this the pleasure of the Senate?

There being objection, the Chair will order a division. Will all those Senators in favor of reconsidering passage in relation to H. P. 1601 please rise in their places until counted.

A division was had, 20 having voted in the affirmative, and five having voted in the negative, the motion prevailed.

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

Mr. SPEERS: Mr. President and Members of the Senate: Lest my motion to reconsider be misconstrued, I support the adoption of this resolution. And I, like every member of this body, I am sure, deplore the necessity for the use of force. I would point out, Mr. President, that a ship of the United States was pirated off of the high seas. On numerous occasions in our history such an act has been in and of itself a unilateral declaration of war. It does seem to me that the President gave every intention and every effort to secure the release of the ship and the crew through diplomatic means and through diplomatic channels.

We need only recall the incident of the Pueblo, wherein it was over a year before the United States received or accomplished the release of the crew of the Pueblo from the North Koreans, and it does seem to me that a sovereign nation, any sovereign nation whether it be large or small in this world, cannot acquiesce in such criminal acts on the part of another nation. I would move the adoption of this joint resolution and request a roll call.

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

Mr. O'LEARY: Mr. President, would a motion to table for one legislative day be in order, sir.

The PRESIDENT: The Chair would answer in the affirmative.

Mr. O'LEARY: I would so move.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that Item 1-9, the joint resolution, be tabled for one legislative day.

The Chair recognizes the Senator from Kennebec, Senator Speers.

On motion by Mr. Speers of Kennebec, a division was had. Seven having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

Mr. PRAY: Mr. President and Members of the Senate: History is a very important thing to any country. It sets precedent as to what the future development of that country will be, as to how the people of that country perceive it. It wasn't too long ago when I was in the military and a United States vessel was taken in Korea. Being in the type of outfit that I was in, I went to Korea. Of course, the incidents surrounding it were a little bit different than what

happened in Cambodia and in the Gulf of Siam. There were questions as to where the Pueblo was and the purpose of the Pueblo, and I think this might have been one reason why the U.S. action there was drawn out over a long period of time.

The incident which happened a week or so ago in the last few days in the Gulf of Siam was a completely different incident, one in which a merchant vessel was taken upon the high seas. I myself stood here last week and commended the President for the actions he took, ones which I thought were appropriate and necessary and well warranted. Attempts at negotiations, diplomatic attempts, were handled throughout the Cambodian incident.

The only reservation I had was that I thought the President should have done it a little bit sooner. I think the ultimatum given to Cambodia was well aired seeing how when the marines attempted to land, and did land on Kotong Island, Cambodia did release our people and the ship, though we already had the ship in our possession.

I think what the President did and what this country did is going to show the people in this world that even though we erred in Southeast Asia and the Vietnam conflict, though the outcome of that conflict perhaps lowered us in world prestige and I did not consider the action a prestigious action, one which had to show the world where we stood, but I think it was one which showed this country and the people in this country, and the President took, the action the people of this country wanted taken. It was time that we showed the world that we are going to start standing behind our rights in this world and the rights of our citizens, and especially upon the high seas, the international right to use those high seas, and the act Cambodia performed was definitely one of piracy. I would urge you every member here to vote for this joint resolution. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: Many of us in this body have always held great reservations relative to the adoption or the passage of joint resolutions memorializing Congress and the President of the United States relative to many different items that come along in our daily lives.

I can recall being a member of this body or the other body at a time back in the 60's when once again the Maine Legislature took the opportunity of memorializing President Lyndon Baines Johnson for his actions relative to the Vietnam War. Many of us here today can recall that shortly after that, maybe a few years even we regretted the fact that this legislature went on record because of the fact that we did not know, did not know, the full implication of that deed or that act.

Today I am not rising in objection; I signed as a member of the Reference of Bills Committee this Joint Resolution, but I can honestly say as I sit here in my seat this morning, after watching the Secretary of Defense speaking on TV yesterday, very little consideration was given to the fact that those marines died. Very little consideration is given to the number of marines or their families that may have been deserted or left on an island that was nowhere near, or was 25 miles from the point where they should have been. I think perhaps I am happy, I know I am happy, that we got out of this situation as easily as we have, but let's not take any great joy. As the good Senator from Cumberland,

Senator Graham, has said, there is and will be a weeping and gnashing of teeth for those who went through that ordeal last week, and let us hope that this country doesn't experience any more incidents such as this.

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

Mr. MERRILL: Mr. President and Members of the Senate: If we are going to go on record as the legislature and as a Senate on this matter, I just want to make a couple of remarks so that the record will be clear.

First of all, I completely am in agreement with the remarks of the minority leader in regards to these joint resolutions. It amazes me that a legislature that has so much trouble addressing honestly some of the problems that we face in Maine is so anxious to run in and make statements about foreign policy in areas where our ignorance is probably our greatest attribute. But if we are going to make these statements and if it serves somebody's purpose to make them, then I would like to make a couple of points.

I will vote for this resolution if we put it to a vote, but with two understandings. The understandings go to the truth of the facts as they have been reported. I am going to vote for this with the reservation that in my voting I am accepting as true the facts in regards to the capture and the nature of the mission of the ship, and that I am accepting as true the remarks of he President and the Secretary of State in regards to the fruitlessness of further negotiations efforts. I do not have any expertise on these items. I do not have any specific reason to disbelieve the administration, so I am voting in reliance on these facts as they have been presented.

However, as I do so vote, and as I so qualify, I am mindful of the facts as regard an incident that happened in the Gulf of Tonkin a few years ago in which everybody rushed to make conclusions, which later on many years later we found out were false. So I am voting for this with these reservations.

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

Mr. REEVES: Mr. President, I wish to go on record as opposing this resolution as a waste of time. Thank you.

The PRESIDENT: The Chair would advise the Senator that he will have the opportunity because a roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those 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 Speers.

Mr. SPEERS: Mr. President, I would like to make one very short remark, and that is that indeed there can be no joy whatever in the actions that were necessitated by the criminal acts of one nation in the community of nations.

Secondly, as I look around the chamber here at this moment, I would like to commend those members who are here, and who have been elected to be here to represent the people, and who elect to remain in these chambers to cast their vote on this matter. I would like to show very clearly that there was only one

Senator who was absent earlier in this session, the good Senator from Kennebec, Senator Thomas, and that there will be absences apparently on this roll call but that the individuals have been here in this morning's session.

The PRESIDENT: Is the Senate ready for the question? The pending question is the adoption of H. P. 1601, Joint Resolution. A "Yes" vote will be in favor of adoption; a "No" vote will be opposed.

The Secretary will call the roll.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, a point of order: sir, it is not my intent to embarrass you, but would you ring the bell please.

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

Mr. BERRY: Mr. President, if we don't have a reasonable number of people here, I am going to move this matter be tabled until later in today's session if the people don't come back.

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

Mr. BERRY: Mr. President, noting the absence of Senator Collins and Senator Katz, and knowing these two gentlemen have never run away from any fight in their life, I hope somebody would table this matter until later today.

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

Mr. Speers of Kennebec then moved that the Joint Resolution be tabled until later in today's session, pending Adoption.

Thereupon, on motion by Mr. Conley of Cumberland, a division was had. 14 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

On motion by Mrs. Cummings of Penobscot,  
Recessed until 5:00 o'clock this afternoon.

#### Senate in Recess

(After Recess)

Senate called to order by the President.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Non-concurrent Matter

Bill, "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses." (H. P. 1369) (L. D. 1650)

In the House May 15, 1975, Passed to be Engrossed.

In the Senate May 16, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Greeley of Waldo, the Senate voted to Adhere.

#### Non-concurrent Matter

Bill, "An Act Providing for the Establishment of a Pilot Project in Bilingual Education." (H. P. 1428) (L. D. 1779)

In the House May 15, 1975, Passed to be Engrossed as Amended by House Amendment "B" (H-337).

In the Senate May 16, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Katz of Kennebec moved that the Senate adhere.

Mr. Clifford of Androscoggin then moved that the Senate Recede and Concur.

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

Mr. KATZ: Mr. President, the Senate will remember that this bill was debated the other day and soundly defeated. It carries a price tag of something over \$73,000 for a new pilot program that is not very high on the list of priorities in our educational needs.

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

Mr. BERRY: Mr. President and Members of the Senate: I think it is only fair to explain for those in the Senate who might not be familiar with this legislation that the difference between this and the legislation that we now have on the statutes for bilingual education is that this would allow a pilot program in the State of Maine. It is not a mandatory thing. It would be voluntary on the system itself and would allow them to teach complete bilingual course, including all subjects in that particular class, whereas right now if you have bilingual education it would be strictly on the language itself.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate recede and concur with the House. The Chair will order a division. Will all those Senators in favor of the motion to recede and concur please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

#### Non-concurrent Matter

Bill, "An Act to Provide for Supervision of Elections by Municipal Clerks." (H. P. 907) (L. D. 1106)

In the Senate May 12, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-191) as Amended by House Amendment "C" (H-274) Thereto, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "D" (H-375), in non-concurrence.

On motion by Mr. Corson of Somerset the Senate voted to Recede and Concur.

#### Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources is directed to report out a bill establishing a sternman's license for sternmen on fishing vessels used to fish for lobsters and crabs. (H. P. 1603)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

Whereas, the fisheries industry is of great economic importance to Maine and her people; and

Whereas, the present condition of the fisheries industry may be benefited by modernization and growth; and

Whereas, this modernization and growth can be aided and encouraged through a sound legislative policy concerning the fishing industry; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Marine Resources, to study and determine the present condition of the Maine fisheries industry and study the available means which may be used to encourage the conservation, growth and modernization of the fisheries industry; and be it further

ORDERED, that for purposes of this study, the Committee on Marine Resources may conduct public hearings throughout the State in order to solicit and consider testimony for its study, and may, in addition, solicit and receive information from individuals and agencies expert in the field, including but not limited to the Maine Department of Marine Resources; and be it further

ORDERED, that the council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1604)

Comes from the House, Read and Passed.

Which was Read. On motion by Mr. Speers of Kennebec, tabled pending passage.

#### 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  
MALCOLM PHILBROOK, JR.

Chosen by

The Auburn Business Association  
As The 1975

Auburn Man-of-The-Year

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. 1606)

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 Accomplishments of  
DOLORES ANNE CARBONNEAU

Of Lewiston  
Named

Maine's Outstanding Teenager  
of 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. 1605)

Comes from the House, Read and Passed. Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, legislation has been proposed to lower the age limit for a guard or patrol agency owner to the present legal age of majority and to eliminate the needless condemnation for the rest of his life of a person who was convicted of a felony at an early age in life; and

WHEREAS, such legislation will make the fees equitable for those involved in private detective work and guard or patrol agencies, will increase the fees paid by nonresident detectives and guard and patrol agencies and generally upgrade the watch, guard and patrol agency and licenses; and

WHEREAS, the Legislature feels this matter is deserving of additional study to determine the needs of such occupations; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Legal Affairs, to study the subject matter of the following bill: "An Act Relating to the Regulation of Private Detectives and Watch, Guard and Patrol Agency," H. P. 471, L. D. 570 and "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies," H. P. 1299, L. D. 1575, as introduced at the regular session of the 107th Legislature to determine whether or not the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said Legislative Council and Joint Standing Committee on Legal Affairs as notice of this directive. (H. P. 1607)

Comes from the House, Read and Passed.

Which was Read.

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

#### Communications STATE OF MAINE

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

May 19, 1975

Honorable Harry N. Starbranch  
Secretary of the Senate  
107th Legislature  
Augusta, Maine  
Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, An Act to Restrict the Possession of Radio Receiver Crystals Used to Receive Certain Governmental Frequencies (S. P. 188) (L. D. 622).

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House,

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 to Forbid the Expenditure of State Funds for Abortions." (H. P. 404) (L. D. 493)

Bill, An Act to Clarify the Meaning of Reasonable Compensation Paid to Court-appointed Counsel." (H. P. 312) (L. D. 385)

Bill, "An Act Concerning the Approval of Repairs to Existing Septic Systems." (H. P. 1007) (L. D. 1275)

Bill, "An Act to Change the Set back and Frontage Provisions Relating to the Saco River Corridor." (H. P. 1323) (L. D. 1635)

Bill, "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code." (H. P. 902) (L. D. 1159)

#### Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Establish the Uniform Disclaimer of Property Interests Act." (H. P. 874) (L. D. 1048)

Reports that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Abolish the Land Use Regulation Commission." (H. P. 9) (L. D. 14)

Reports that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act Creating the Maine Forest Practices Act." (H. P. 1446) (L. D. 1804)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Amend the Age of Juveniles under the Juvenile Statutes." (H. P. 792) (L. D. 965)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Eliminate the State Tax on Inventories and Restore the Original Law." (H. P. 451) (L. D. 574)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Exempt Residential Use of Water from the Sales Tax." (H. P. 1067) (L. D. 1347)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Help Maintain the Purchasing Power of Participants in the Elderly Tax and Rent Refund Program by Tying Refunds to the Consumer Price Index." (H. P. 1163) (L. D. 1462)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Levy a Sales Tax on the Rental of Motor Vehicles for Operation by Consumers." (H. P. 1393) (L. D. 1751)

Reports that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to the Definition of Employment under the Employment Security Law." (H. P. 1103) (L. D. 1413)

Reports that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act to Clarify the Location of Certain Islands as being within the Territorial Limits of the Town of Deer Isle." (H. P. 1374) (L. D. 1774)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Legal Affairs on, Bill, "An Act Relating to Public Rest Room Facilities in Department Stores and Supermarkets." (H. P. 1312) (L. D. 1593)

Reports that the same be granted Leave to Withdraw.

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

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

**Ought to Pass — As Amended**

The Committee on Business Legislation on, Bill, "An Act to Provide for Regulation of Insurance Holding Company Systems." (H. P. 462) (L. D. 578)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-367).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath." (H. P. 1357) (L. D. 1659)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-340).

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 Liquor Control on, Bill, "An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option Questions Concerning the Sale of Liquor." (H. P. 1564) (L. D. 1872)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-361).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

Thereupon, on motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The Committee on State Government on, Bill, "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government." (H. P. 1289) (L. D. 1582)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-370).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-399) Thereto.

Which report was Read.

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

Mr. BERRY: Mr. President, I know some of us haven't had anything to eat for sometime here and in trying to get my mind off my stomach I have been looking

at L.D. 1582, "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government." Not being entirely unfacetious, but I wonder if this is really a piece of legislation that we need to put on the books of the State of Maine.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee in concurrence?

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence.

Mr. Berry of Cumberland then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. CURTIS: Mr. President, the purpose and the intent of L. D. 1582 is to clarify and expand upon the existing statute which provides for the general orientation of new employees to the state. It was thought by the sponsor and came out of the State Government Committee with the understanding that perhaps this would be an opportunity for the Maine Legislature to indicate that we hope our state employees are aware of what they are doing, in the function and goals of their jobs and they do it in a gracious manner.

I sympathize somewhat with the previous gentleman that spoke on this matter, the Senator from Cumberland, Senator Berry, however, I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, the bill provides for training of employees and orientation programs to the end that the quality of service rendered by persons in the classified service may be continually improved. It seems to me that this is somewhat of a reflection on the very, very great majority of our state employees. They don't need to be sat down in a class and oriented as to what their jobs are. They are told this, I am sure, they know it, they are good Maine citizens and residents, and I think uniformly every time we run into state employees we find dedicated people. Of course, there are exceptions, but to put something like this quite frankly on the books to me seems to be a slap at the face of our dedicated employees, and I hope that you would support my motion.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that L. D. 1582 and accompanying papers be indefinitely postponed. Will all those Senators in favor of the motion of indefinite postponement please rise in their places until counted.

A division was had. 27 having voted in the affirmative, and three having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act Concerning Pay Toilets." (H. P. 663) (L. D. 837)

Reported that the same Ought to Pass. Senator:

CORSON of Somerset

Representatives:

SHUTE of Stockton Springs

HUNTER of Benton

JOYCE of Portland  
CAREY of Waterville  
FAUCHER of Solon  
PERKINS of Blue Hill  
GOULD of Old Town  
DUDLEY of Enfield  
COTE of Lewiston  
BURNS of Anson

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

Signed:

Senator:

CIANCHETTE of Somerset

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-131).

Which reports were Read.

Mr. Danton of York then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Mr. Merrill of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Danton of York to Accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Danton of York, a division was had. Three having voted in the affirmative, and 26 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee? The Chair will order a division. Will all those Senators in favor of accepting the Minority Ought Not to Pass Report of the Committee please rise in their places until counted.

A division was had. 24 having voted in the affirmative, and five having voted in the negative, the motion prevailed.

**Divided Report**

The Majority of the Committee on Transportation on, Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (H. P. 978) (L. D. 1225)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-362).

Signed:

Senators:

GREELEY of Waldo  
CYR of Aroostook

McNALLY of Hancock

Representatives:

FRASER of Mexico  
WEBBER of Belfast

ALBERT of Limestone

JENSEN of Portland

LUNT of Presque Isle

STROUT of Corinth

KAUFFMAN of Kittery

JACQUES of Lewiston

WINSHIP of Milo

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

Signed:

Representative:

BERRY of Madison

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.

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

**Enactors**

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

An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities. (H. P. 864) (L. D. 1073)

An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act. (H. P. 875) (L. D. 1049)

An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act. (H. P. 877) (L. D. 1051)

An Act to Increase the Fine for Molesting Traps. (H. P. 1143) (L. D. 1437)

An Act Prohibiting the Shooting of Hunting or Sporting Dogs. (H. P. 1157) (L. D. 1451)

An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation. (H. P. 1573) (L. D. 1878)

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)

An Act Relating to the Games of "Beano" and "Bingo". (H. P. 1277) (L. D. 1755)

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

**Orders of the Day**

Mr. Speers of Kennebec was granted unanimous consent to address the Senate:

Mr. SPEERS: Mr. President and Members of the Senate: It seems that every session there are one or two very special occasions that have been worthy of significant note. There was introduced in this body an order several weeks ago which perhaps could be called one of the greatest accomplishments of this body in this session, and I think it only fitting that that resolution be presented to the individual who introduced that resolution. And it is with great pleasure that now I present to the Senator from Somerset, Senator Corson, a framed copy of his Joint Resolution concerning the yellow nose vole. (Applause, the members rising.)

Mr. Corson of Somerset was granted unanimous consent to address the Senate:

Mr. CORSON: Mr. President and Members of the Senate: I am not quite sure what I want to say. I was somewhat taken by surprise by this, but I wish to express my appreciation to the Senator from Kennebec, Senator Speers, and to my colleagues here in the Senate for this honor you have bestowed upon me. Thank you very much.

**Committee of Conference**

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Designating Family Day Care as a Priority Social Service", (H. P. 1207) (L. D. 1500), the President appointed the following Conferees on the part of the Senate:

Senators:

KATZ of Kennebec  
TROTZKY of Penobscot  
JOHNSTON of Aroostook

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec:

JOINT RESOLUTION to Commend the President of the United States on His Vigorous Actions to Secure the Release of the Mayaguez and Her Crew from the Cambodians. (H. P. 1601)

Tabled — Earlier in the day by Senator Speers of Kennebec.

Pending — Adoption.

(In the House — Read and Adopted.)

(In the Senate — Read and Adopted; subsequently, Adoption was Reconsidered.)

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

Mr. SPEERS: Mr. President and Members of the Senate: I note the absence this evening of the Minority Floor Leader, the Senator from Cumberland, Senator Conley and, in view of my remarks earlier this morning, I would not wish the record to reflect that the good Senator did not wish to vote on this matter. I know that he was willing and waiting to vote on this matter earlier today, and I would not wish the absence of his vote on this matter at the present time to indicate that he in any way did wish to avoid the responsibility of voting on this.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be adopted? A roll call has been requested. In order for the Chair to order a roll call it must be the expressed desire of one-fifth of those present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the adoption of the H.P. 1601. A "Yes" vote will be in favor of adoption of this Joint Resolution; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

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

NAYS: Senators Graham, Merrill, Reeves.

ABSENT: Senators Conley, Johnston, Roberts.

A roll call was had. 26 Senators having voted in the affirmative, and three Senators having voted in the negative, with three Senators being absent, the Joint Resolution was Adopted in concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 9:30 tomorrow morning.