

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 21, 1975

Senate called to order by the President.

Prayer by Rev. Howell K. Lind, Winthrop Street Universalist Church, Augusta:

Eternal source of all understanding and wisdom, we invoke Thy blessing upon these, the servants of Thy people. Grant unto them the strength and the courage to do their task at hand. Bestow upon them the wisdom of the ages. Bestow upon them the insight of understanding. Bestow upon them also the maturity of compassion for the facing of these days. Bless their lives with the courage of their convictions and a sense of the right and just in the service of the people are they gathered. In Thine name do we pray. Amen.

(Off Record Remarks)

Reading of the Journal of yesterday.

Papers From the House

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

Joint Order

WHEREAS, there are key people in this State who have committed themselves to making government an informed and responsive institution; and

WHEREAS, one such person known and admired by countless numbers is a lady of rare qualities who was born in Woonsocket, Rhode Island; and

WHEREAS, she has no quarrel with Woonsocket, but has long been irked at the stork for his gross error in navigation; and

WHEREAS, on May 17, 1975, she was awarded an honorary L.L.D. by the University of Maine at Portland-Gorham in recognition of service as State Law Librarian to the courts, Legislature, legal fraternity and people of Maine; and

WHEREAS, she has ever honored the duties incumbent upon her as Law and Legislative Reference Librarian for the State and has discharged that trust with the joy of enriching all; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of this, the 107th Legislature now assembled, pause for a moment in our deliberations to pay this tribute to Miss Edith L. Hary, our State Law and Legislative Reference Librarian, and to extend, in her honor, the wholehearted thanks of the Legislature for her years of kind and friendly service; and be it further

ORDERED, that Wednesday, the twenty-first day of May, be proclaimed Edith L. Hary Day in the Legislature and the person so named shall be properly recognized, including, but not limited to, a more appropriate certificate of birth reflecting her desired place of birth rather than of record; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to Miss Hary and her dear mother, Lucile, at the proper time in token of the sentiments expressed herein. (H. P. 1618)

Comes from the House, Read and Passed.

Which was Read.

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

It is a vote.

The Chair would ask the Sergeant-at-Arms to escort Miss Hary to the rostrum where she might say a few words to the assembled Senate.

Thereupon, the Sergeant-at-Arms escorted Miss Hary to the rostrum where she addressed the Senate as follows:

Miss HARY: This is the loveliest piece of paper. I have always wanted to be a Maine girl, and this simply confirms it. And I hope you adhere to your action in passing this.

This has really been an exhilarating week for me, and I just thank you all very much for sharing it with me. It is just beautiful, and I thank you. Thank you very much.

The PRESIDENT: Miss Hary, before you leave, I would like to present on the part of the Senate a framed copy of the order which the Secretary just read, and we hope you enjoy having it.

Miss HARY: Thank you very much.

Thereupon, the Sergeant-at-Arms escorted Miss Hary from the rostrum to the rear of the Chamber, amid the applause of the Senate, the members rising.

**Papers from the House
Joint Resolution
STATE OF MAINE**

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

IN MEMORIAM

Having Learned of the Death of Herbert L. Spear, a Unique and Beloved Citizen of the Town of Nobleboro

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1613)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Communications
STATE OF MAINE
Office of the Governor
Augusta, Maine
04330**

May 16, 1975

Members of the House of Representatives and Senate of the 107th Legislature

I am returning to you today without my approval H. P. 366, L. D. 460, an Act to Authorize the Governor and Executive Council to approve or disapprove certain claims against the state.

I am taking this action because it is my feeling the Governor and the Executive Council, if the Council is going to remain in existence, would not have the time or the staff available to make these determinations.

I am also taking this action because it is my understanding that there is legislation pending in this session to abolish the Executive Council and that a law of this nature could possibly be moot within a few weeks. It is my sincere feelings that the Legislature should first decide what action it is going to take in regard to the Executive Council, before it assigns that body anymore duties.

Signed:

Very truly yours,

JAMES B. LONGLEY

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act to Authorize the Governor and Executive Council to Approve or Disapprove Certain Claims Against the State" (H. P. 366) (L. D. 460)

came from the House with the following endorsement:

In the House May 20, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

116 voted in favor and 25 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: This bill, which is really found in its entirety under Filing S-114 as Senate Amendment "A", is one which is designed to increase the economy and efficiency of the legislative branch of government, and also to permit Maine State Government to react faster to citizen's problems, namely those citizens who have small claims against the state by enabling the Governor and Council to act in a precipitous manner to consider and dispose of those claims.

The claims which would be affected are those which are \$2,000 or less, and they could be considered in the monthly meeting of the Governor and Executive Council. The payment of the claims, if the Governor and Executive Council decided that they were worthy of being paid in their entirety or in part, would be from the state contingent account which is available to the Executive Council.

In the message from the Governor, reference is made to the possibility that this legislature may decide to abolish the Executive Council in its entirety. That may be the recommendation of this legislature, but if we do so, that actually would not become part of the Maine Constitution until after November when the people had an opportunity to vote, and it would be some time after that before we would be able to rewrite all of the multitude of statutes which include reference to the Executive Council in its variety of duties. So I would suggest that even if this legislature and the people finally decided to change the Constitution abolishing the Executive Council, that even so, this process would be a sensible one in the interim, because the law would go into effect 90 days after the legislature adjourns.

The State Government Committee, which considered this bill, does not

consider small claims against the state. Most of those claims, or all of them, go to the Legal Affairs Committee. So I wouldn't be so qualified to comment upon the amount of work and staff time that goes in from the part of the legislature to analysis and decision on the small claims, but I do know that we spend quite a bit of our time in the legislature handling bears and beehives and other such claims, and it just seems that there ought to be a more sensible arrangement. The proposal that we came forth with and was enacted by the legislature, and we are about to vote on, is one which would provide a more sensible, more efficient means of handling these claims.

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

Mr. CORSON: Mr. President and Members of the Senate: In this regular session the Committee on Legal Affairs heard 28 resolves to reimburse individuals for various claims against the state. At this moment 17 of these resolves now rest upon the Appropriations Table.

Many of these claims are for very small amounts of money indeed. For example, L. D. 228 would pay \$50, and L. D. 312 would pay \$32. In the past couple of days I have done some research trying to find out exactly how much it costs the taxpayers of Maine to process an individual single page bill through the legislature. It is pretty difficult to pin down an exact amount. I came up with a very conservative estimate of \$300. I discussed the matter with our law and legislative reference librarian, Miss Hary, and she estimates in excess of \$500. Personally, Mr. President, I find it rather ridiculous that it should cost us \$300 to \$500 to determine whether or not we should pay a claim of \$32. I believe that enactment of this bill would save the taxpayers of the State of Maine anywhere from \$9,000 to \$14,000 per year. I base this figure on only those resolves the Committee on Legal Affairs heard this session.

The Governor's Council meets once a month year-round. If they heard only three claims each time they met, they could easily handle the workload and at considerably less expense to the taxpayers of Maine.

As best I can recall, I believe that our Governor campaigned on a platform of economy in government. I say let him practice what he preaches.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The problem of small claims, of course, has been bedeviling the Maine Legislature for many, many years. I am in complete agreement with Senator Curtis and Senator Corson, and all of us I am sure are too, that we have got to do something differently than we are doing.

Senator Joly tried desperately when he was Chairman of Legal Affairs to come up with a solution, and as I recall the proposed solution when we were discussing reform and improvement of the legislative process three and four years ago, the abolition of the Governor's Council would have been, insofar as this particular job was concerned — because this, of course, is not new to refer claims to the Governor's Council — the solution to that problem at the time, and I think it is a very meritorious one, was to have a special claims commission created to handle claims.

I cite to you that the Council, or in its absence the Legislative Council, will have many, many questions of considerable significance to handle, as they are handling now, and to thrust upon them the administrative work in handling these small claims I think is an unwarranted increase in their workload. The prospect of a special claims commission that can handle these, comprised of properly qualified individuals, I think will result in the processing of claims far more intelligently than they have been or would be either by legislative committees or by the Governor's Council.

It would be my hope that we would not put this on the books, and I hope you would vote "No" on the question.

The PRESIDENT: Is the Senate ready for the question? The Chair will restate the question. The pending question is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Curtis, Danton, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, Merrill, O'Leary, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAY — Senators Berry, R.; Clifford, Cyr, Gahagan, Graffam, Katz, McNally, Pray.

A roll call was had. 24 Senators having voted in the affirmative, and eight Senators having voted in the negative, and 24 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill becomes a law notwithstanding the objections of the Governor and was by the Secretary presented to the Secretary of State.

Committee Reports

House

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

Bill, "An Act Relating to Participation in the State Retirement System by Civilian Dispatchers Serving Municipal Police and Fire Departments." (H. P. 1537) (L. D. 1858)

Bill, "An Act to Provide Automatic Cost-of-living Wage Supplements for State, Maine Maritime Academy and Classified University of Maine Employees." (H. P. 434) (L. D. 537)

Bill, "An Act to Provide Automatic Cost-of-living Wage Adjustments Every Six Months for State Employees." (H. P. 1071) (L. D. 1351)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Rural Health Services in Maine through a Loan Program for Needy Maine Citizens and Needy Citizens of Other States who Desire to Attend Medical or Dentistry School." (H. P. 1420) (L. D. 1776)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Procedure in the District Court Concerning Juveniles and to Certain Records of the District and Superior Courts Concerning Juveniles." (H. P. 803) (L. D. 979)

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 Health and Institutional Services on, Bill, "An Act Concerning the Employee Uniform Requirements at the Maine State Prison and the Men's Correctional Center." (H. P. 1030) (L. D. 1521)

Reported that the same Ought to Pass.

The Committee on Local and County Government on, Bill, "An Act to Amend Certain Procedures for Issuing Bonds under the Charter of the York Beach Village Corporation." (H. P. 1515) (L. D. 1841)

Reported that the same Ought to Pass.

The Committee on Local and County Government on, Bill, "An Act Converting Hamlin Plantation into the Town of Hamlin." (H. P. 1502) (L. D. 1826)

Reported that the same Ought to Pass.

The Committee on Local and County Government on, Bill, "An Act to Repeal the Act to Incorporate the Parsonsfield Kezar Falls Village Corporation in the Town of Parsonsfield." (H. P. 1534) (L. D. 1855)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act to Clarify the Jurisdiction of the Juvenile Court in Matters Arising under the Boating Laws." (H. P. 948) (L. D. 1186)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges." (H. P. 266) (L. D. 313)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-381).

The Committee on Local and County Government on, Bill, "An Act Relating to Absentee Balloting in Municipal Elections." (H. P. 562) (L. D. 701)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-385).

The Committee on Natural Resources on, Bill, "An Act to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection." (H. P. 958) (L. D. 1206)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-398).

The Committee on Marine Resources on, Bill, "An Act to Increase the Statutory Limitation on the Accumulation of Tax Revenues in the Maine Coast Protection Fund to Ten Million Dollars." (H. P. 1126) (L. D. 1403)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-400).

The Committee on Labor on, Bill, "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment." (H. P. 1167) (L. D. 1523)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-401).

The Committee on Business Legislation on, Bill, "An Act Relating to Property Insurance under the Maine Consumer Credit Code." (H. P. 1201) (L. D. 1496)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-341).

The Committee on Education on, Bill, "An Act to Provide for State Reimbursement of Local School Administrative Units Which Send Pupils to Secondary Vocational Schools Located Outside of Maine." (H. P. 1213) (L. D. 1527)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-386).

The Committee on Liquor Control on, Bill, "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes." (H. P. 1296) (L. D. 1567)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-380).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Concerning Off-duty Court Appearances by State Police Officers." (H. P. 1387) (L. D. 1692)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-392).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "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 Local and County Government on, Bill, "An Act Amending the Law Regulating Municipal Debt." (H. P. 1184) (L. D. 1482)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-391).

Come from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-423).

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate." (H. P. 367) (L. D. 461)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

TWITCHELL of Norway
FINEMORE of Bridgewater
MORTON of Farmington
DAM of Skowhegan
MAXWELL of Jay

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

Signed:

Senator:

MERRILL of Cumberland

Representatives:

MULKERN of Portland

DRIGOTAS of Auburn
IMMONEN of West Paris
SUSI of Pittsfield
COX of Brewer

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide for Citizen Gardens on Suitable State Land." (H. P. 1294) (L. D. 1574)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-395).

Signed:

Senators:

WYMAN of Washington
GRAHAM of Cumberland

Representatives:

WAGNER of Orono
CARPENTER of Houlton
QUINN of Gorham
COONEY of Sabattus
STUBBS of Hallowell
FARNHAM of Hampden
SNOWE of Auburn
LEWIN of Augusta
KANY of Waterville
PELOSI of Portland

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

Signed:

Senator:

CURTIS of Penobscot

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.

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

Mr. CURTIS: Mr. President and Members of the Senate: I move that this bill and all accompanying papers be indefinitely postponed, and I will describe briefly what my feelings are. They have already been heard I guess once, so I won't be too surprised if this bill passes even after my arguments are presented.

The bill is L. D. 1574. The extensive amendment is filed under H-395. So we will understand what we are doing, I will run through briefly what would happen if this bill is adopted. If this act becomes law, the Commissioner of Agriculture would be required twice a year to inventory all state lands which he feels might be suitable for gardening. After that happens, in section 404, the agency which is in control of those lands shall make known through the Commissioner to the public the amount and location of those lands which are leasable and available for gardening and the address. At that point the amendment takes hold, in sections 403 and 4, and the agency shall then, during the month of February, accept applications from governmental organizations or private not-for-profit organizations for citizen garden areas on that land listed in the inventory which it controls, and shall during the month of March assign garden plots on that land to applicants.

At this point a non-state agency — it might be a governmental municipality, county, non-profit organization — would turn around and sublet the land to individual citizens, charging them a fee

which is described in the bill as being one sufficient to pay for the plowing and marking off, and so forth, of the gardens, and the citizen would then have an opportunity to plant his garden.

Now, last night as I was down in my own garden planting a zucchini patch I thought about this bill, and wondered is there nothing that is sacred from the Maine State Statutes. It just seems as if it would be possible for a citizen in this state to have a garden, indeed use state land, without having this kind of provision all written into the Maine Statutes.

Now, the University of Maine, the Bangor Mental Health Institute, and a variety of other state and semi-state agencies already cooperate with local individuals who want to plant their own gardens, and they do it without L. D. 1574 or its amendments, and without any of this provision that would be written in for the Commissioner of Agriculture or the head of the agency and public notice and fees which would be collected by private non-profit organizations.

I just think that at some point we have got to say some of this statutory material is unnecessary, and we can proceed with planting of gardens and the raising of crops without the Maine Statutes getting involved every time. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: I am a little confused about this language of this, and I would like to ask a question of anyone that wants to answer: Would "suitable state land" mean, for instance, lawns at the University of Maine campus in Presque Isle or Fort Kent, or Orono or Portland? Could any citizen come in and claim a little patch there and put in a garden? Can somebody answer that question?

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

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: This would simply permit the different departments to indicate what land they thought would be available for these public gardens. There is nothing obligatory about it. The Secretary of Agriculture would make the inventory, the contract would be let in several areas with these different organizations, municipal or private, and it would be all a completely voluntary effort to encourage gardening, which in these times of rising food prices would seem to be sensible.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Curtis, that L. D. 1574 and all its accompanying papers be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone please rise in their places until counted.

A division was had. 21 having voted in the affirmative, and nine having voted in the negative, the bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Certain Overtime Exemptions under Minimum Wage Law." (H. P. 401) (L. D. 490)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-393).

Signed:
Senator:

ROBERTS of York
Representatives:
SPROWL of Hope
LAFFIN of Westbrook
TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
CHONKO of Topsham
SNOW of Falmouth
TIERNEY of Durham
TARR of Bridgton

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

Signed:
Senators:

PRAY of Penobscot
McNALLY of Hancock

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. Roberts of York moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. ROBERTS: Mr. President and Members of the Senate: This is a bill which would take out of previous exemptions the people who work in hotels, motels, restaurants and other eating establishments, and beginning October 15 they would be paid time and a half for all time over 46 hours. And then also in hotels and motels, except for the maids and custodial workers, they in turn would be paid time and a half for all work over 44 hours, and then in 1976, on May 1st., it would drop down to 44 hours, and again on May 1st of '77 to 40 hours.

Now, this simply is bringing these people in line with what is now the Federal Labor Standards Act, which covers a lot of your motels. All your motels, hotels and restaurants which do business in more than one state, of course, come under the federal requirements. Also, all businesses within the State of Maine which have gross receipts of \$250,000 or more also come under the federal rule. This would simply have things sort of uniform. In other words, if you had a motel beside you and it is larger, then they would have to pay a different rate than perhaps a smaller one would.

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

Mr. PRAY: Mr. President and Members of the Senate: As the good Senator from York, Senator Roberts, stated, basically what this bill does is include businesses which have gross receipts under \$250,000. Those who have over that are presently covered by the federal law anyway. So what this is going to do is include the little guy, the small businessman, perhaps not necessarily that one who grosses in the hundreds of thousands, or perhaps even close to \$100,000, but even the smaller man. That is basically my concern.

I would like to read a few things in the legislation itself, the statement of fact, the purpose of this bill. "Removal of the overtime exemption for hotels, motels and restaurants would result in the shortening of hours of work and opening jobs to more workers." Well, I think in this industry, particularly the hotel-motel industry and restaurants, that most of your people I

doubt would fall into the category of working enough hours to receive the premium pay. But those that do, it is just a little bit over. And what you would do by passing this, if you take an employer who wants to save his time and a half, he will go out and do as the statement of fact says, open up more employment, more jobs. What he will do is hire an extra person to take care of this overtime, and of course, trying to be fair to this person, he will split the workload. Say a person is going to work 50 hours, what he does is take both people and employ them for 25 hours.

Now, we talk about unemployment in this state, and I think the Committee on Jobs will verify this, that we have a greater problem or a problem just as great, and that is underemployment, an individual who has employment and the job does not pay enough to meet the needs he has for existing in today's society and buying the necessities of life. What this bill will do, if passed, as I said, it is going to affect the small businessman, that person who is not presently covered by federal law. It is not going to give him any extra pay, it is not going to give him time and a half. If it does open up the job market, what it is going to do is give shorter working hours to those already working.

The purpose of this legislation was to open up more jobs, but I think perhaps the sponsor should have looked at the other exemptions that are given under this section. The canning industry, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce and meat and fish products. I think if the sponsor of this bill wanted to open up more jobs, no matter what the consequences of it was, he should have gone after all the exemptions, and not just pick on a particular industry, and a particular industry under a certain size.

I would like a division on this motion, and I would hope this chamber would soundly defeat the motion.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Roberts, 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 Ought to Pass Report rise in their places until counted.

A division was had. One having voted in the affirmative, and 26 having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

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

Mr. DANTON: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action, and I hope they vote against me.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee. Will all those Senators in favor of reconsideration say "Yes"; those opposed, "No".

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Local and County Government on Bill, "An Act to Validate Certain Acts of the Town Clerk

of the Town of Brunswick." (H. P. 1507) (L. D. 1838)

Reported that the same Ought to Pass.

Signed:
Senators:

JACKSON of Cumberland
GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

Representatives:

GRAY of Rockland
WALKER of Island Falls
TRUMAN of Biddeford
BERUBE of Lewiston
BERRY of Madison
KELLEY of Machias
MARTIN of Brunswick
HENDERSON of Bangor
CARPENTER of Houlton

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

Signed:

Representative:

DAM of Skowhegan

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax." (H. P. 386) (L. D. 479)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

MAXWELL of Jay
COX of Brewer
TWITCHELL of Norway
SUSI of Pittsfield
MORTON of Farmington
DAM of Skowhegan

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

Signed:

Senator:

MERRILL of Cumberland

Representatives:

IMMONEN of West Paris
MULKERN of Portland
DRIGOTAS of Auburn
FINEMORE of Bridgewater

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Labor on Bill, "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions." (H. P. 825) (L. D. 1008)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-378).

Signed:

Senator:

PRAY of Penobscot

Representatives:

LAFFIN of Westbrook

TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
CHONKO of Topsham
TIERNEY OF Durham

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

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock

Representatives:

SNOW of Falmouth
TARR of Bridgton
SPROWL of Hope

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

Which reports were Read.

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

The PRESIDENT: The Senator has the floor.

Mr. ROBERTS: Mr. President and Members of the Senate: This bill would provide that if there are unsafe working conditions in a plant, that the people going on strike would be paid unemployment compensation. Now, it appeared in the testimony that this had only happened about twice in the last ten years in the state. That is No. 1.

The amendment changes it to "willful", makes it willful on the part of the employer. The problem here, I feel, is that once we establish this right and there is a condition such as this, and you do have a walkout, then you have a possibility of sympathy strikes and other spreading of this.

There doesn't seem to be any real problem here in the State of Maine. Now, for instance, we will say that a dangerous situation develops in some part of a plant, those individuals individually may leave the job, if it turns out to be in fact true, and they individually would be entitled to workmen's compensation under present law. This would allow workmen's compensation to be paid to the whole mill if the whole mill moved out and went on strike because of a condition. So I feel the minority position is the position that this body should take.

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

Mr. PRAY: Mr. President and Members of the Senate: I am sorry but my interpretation of the bill is not just the same as that of the good Senator Roberts.

Basically what the bill does, as he stated, when an employer willfully fails to observe the terms of a safety or health section of a union contract, an employer's willful failure to comply in a timely fashion with an official citation for a violation of federal and state laws involving occupational safety, he does give the cause of a walkout for which unemployment compensation will be paid. But there are safety features built into the amendment, under Filing No. H. 378, which says the employer's compliance with the official citation would void it, or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered with the investigation of that citation. Thus, if it is the general thinking that an individual is going to say there is something dangerous in a mill or a factory and then walk off, with no recourse for the employer, this is

not true. It is only after the employer fails to comply with the citation.

I would hope that this body would again defeat the motion so that this bill can be passed. Thank you.

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

Mr. McNALLY: Mr. President and Members of the Senate: I could see two things about this which was why I signed the Ought Not to Pass Report.

In the first place, with the OSHA which we now have, which is prevalent all over this state and which is being taken care of in good shape, and I mean in good shape, because I have seen the numbers of small businesses which we have in Hancock County in the woodworking department that have gone out of doing work because they would be unable, for instance, to put in the guard that is made necessary by the OSHA rulings on their machines, they couldn't afford to do it so they simply had to go out of business, I could see no particular reason for it in that sense.

In the other sense, I can see where there's always a few rotten apples in the barrel. There is always somebody who wants to get a job and then wants to cause trouble, and he can see something around that nobody else could see and his eyes might magnify it, and he would leave and state that there is a dangerous situation over there. And this has got to be decided later, so there would be a delay and it probably wouldn't be so, and it was only because of a feeling of somebody who wanted to cause trouble. So I couldn't see the need for the law.

I do know that in the way OSHA is working the chances are very, very slim, perhaps one in a million, of anything ever happening.

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

Mr. PRAY: Mr. President and Members of the Senate: As stated earlier, there have only been a couple known violations of this where such a situation has happened that there has been a walkout because of dangerous conditions. I believe one of these was in the S. D. Warren mill, and I am not sure where the other one is. But some of the points that have been raised I think we have to take into consideration.

As to a business being unable to protect its workers and thus has to close down because it can't meet some of the safety guidelines, well, let's remember why these safety guidelines were put in there. They were put in there to protect the person working.

Testimony was also received that a lot of these citations have been placed throughout some of these industries and factories throughout the state, and you can go back months later and the citation is still there and the problem is still there because it hasn't been taken care of. I think if the employees definitely feel there is a dangerous situation, one which may affect their lives, that they should definitely have the right to cause a walkout. And if the employer fails to correct that problem, then that individual should be compensated in some way until the employee gets back to work, and the responsibility falls upon the employer.

Again, I remind you that the amendment builds in that compliance with the federal citation would automatically end that dangerous situation, and it also has to be verified by the federal or state officials empowered to issue the official citation for the violation in the first place. They have

to agree that that walkout was necessary. Thus, as to it spreading to other sections of the mill or plant, or whatever, I would take it they would not see where there was reason for the other sections to walk out; it would only be that one section where the dangerous situation existed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Roberts, that the Senate 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 Ought Not to Pass Report please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 10 having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report, and urge the Senate to vote against the motion.

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

Mr. REEVES: Mr. President, I request a roll call on that motion.

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 is the motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Conley, Cyr, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Curtis, Danton, Gahagan, Graffam, Greeley, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT—Senators Hichens, Johnston. A roll call was had. Nine Senators having voted in the affirmative, and 21 Senators having voted in the negative, with two Senators being absent, the motion to reconsider did not prevail.

Sent down for concurrence.

Senate

Leave to Withdraw

Mr. Trotzky for the Committee on Energy on, Bill, "An Act to Establish the Electric Facility Siting Act." (S. P. 483) (L. D. 1675)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Greeley for the Committee on Transportation on, Bill, "An Act Relating

to Additional Roads on Indian Reservation at Indian Island." (S. P. 499) (L. D. 1851)

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 Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance." (S. P. 494) (L. D. 1825)

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

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to the Maine State Lottery Law." (S. P. 299) (L. D. 1031)

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

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

Ought to Pass in New Draft

Mr. Trozky for the Committee on Natural Resources on, Bill, "An Act to Provide Opportunity for Reasonable Correction of Applications Before the Board of Environmental Protection." (S. P. 242) (L. D. 794)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 527) (L. D. 1892)

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services." (S. P. 332) (L. D. 1118)

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

Signed:

Senators:

GRAFFAM of Cumberland
JACKSON of Cumberland

Representatives:

WALKER of Island Falls
KELLEY of Machias
GRAY of Rockland
DAM of Skowhegan
HENDERSON of Bangor
BERRY of Madison

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

Signed:

Senator:

CARBONNEAU

of Androscoggin

Representatives:

BERUBE of Lewiston
MARTIN of Brunswick
TRUMAN of Biddeford

Which reports were Read.

Mr. Jackson of Cumberland moved that the Senate Accept the Majority Ought to Pass Report of the Committee; and Mr. Conley of Cumberland subsequently requested a division.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair of a

member of the Committee on Local and County Government as to the import of this bill.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The bill is quite specific, and it is probably not quite clear until you read the committee amendment to the bill. What it does is allow the county commissioners to provide or contract with counties or municipalities or subdivisions or with the state for services which are approved, and it sets up a line in the manner which these services will be administered, how the towns will vote, whether they want to contract with the counties, or the municipalities with the counties as to the services.

Now, the services we are talking about are mainly solid wastes, airports, ambulance services, things of this nature, the public service contracts. It is permissive legislation; it is not mandatory that every county do it.

We realize that some of the larger counties may not need these services, but there are a few smaller counties on the coast and inland, and maybe even Aroostook County, which would fall into this category, where there are a lot of small municipalities and small towns which could not afford to provide these services themselves. So, therefore, the county commissioners are authorized by this legislation to contract with the municipalities or with the state, whatever the case may be, to provide these services.

It is quite specific that any contract with the municipality has to be the duration of the purpose of the contract or the services provided, the finance and the manner in which it will be financed and the amount of financing which is involved, and the scope and nature of the services, and the administration and the performance of contracts as to what is allowed and what is not allowed. Therefore, when the vote is taken, I would request the "Yeas" and "nays".

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

Mr. CONLEY: Mr. President, I withdraw my request for a division.

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

Mr. JACKSON: Mr. President, I withdraw my request for the "Yeas" and "Nays".

The PRESIDENT: It is now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

It is a vote.

Thereupon, the Bill was Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House—As Amended

Bill, "An Act Relating to Executive Sessions of Public Bodies or Agencies." (H. P. 722) (L. D. 899)

(On motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned. Pending Passage to be Engrossed)

Bill, "An Act to Insure Citizen

Participation in the Promulgation, Amendment and Repeal of Agency Rules." (H. P. 1379) (L. D. 1775)

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

Bill, "An Act Amending Certain Laws Relating to Games of Chance." (H. P. 483) (L. D. 602)

Which was Read a Second Time.

Mr. Corson of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-177, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Clarify the Estimated Premium Tax Law." (S. P. 260) (L. D. 857) Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Bill, "An Act Relating to the Sale of Crawfish." (S. P. 104) (L. D. 359)

Which was Read a Second Time.

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

Mr. REEVES: Mr. President, in the hope that some members of the Senate may have had second thoughts about supporting this insidious bill which undercuts our lobster industry, I ask for a roll call on this measure. I ask the Senate to remember that 11 of the 13 members of the Marine Resources Committee voted against this bill. Thank you.

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

Mr. BERRY: Mr. President, I didn't really, hadn't intended to say anything, but the minute the good Senator from Pittston Senator Reeves, which I think is at the head of tidewater in Kennebec County, talks about an "insidious bill," I have to really rise to defend both my thinking and my position. It is easy to defend one and not to defend the other, incidentally. I think, as I said yesterday, that the lobstermen have got it both ways if we can kill this bill. I think really that the people of the State of Maine, the people who go into some of the restaurants and the hotels and buy food for their table at home, deserve somewhat of a break when they can buy something that begins to approximate the taste of the Maine lobster for about one-third of the price. I think it is as simple as that.

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 pending question before the Senate is the passage to be engrossed of L. D. 359. A "Yes" vote will be in favor of passage to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Conley, Corson, Cummings, Curtis, Cyr, Danton, Graffam, Huber, Jackson, Johnston, Katz, O'Leary, Pray, Roberts, Speers, Thomas.

NAYS: Senators Collins, Gahagan, Graham, Greeley, Hichens, Marcotte.

McNally, Merrill, Reeves, Troitzky, Wyman.

ABSENT: Senator Clifford.

A roll call was had. 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with one Senator being absent, the Bill, as Amended, was passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Relating to Regional Solid Waste Collection and Disposal Service. (S. P. 128) (L. D. 414)

An Act Relating to Closing Costs under the Maine Consumer Credit Code. (S. P. 218) (L. D. 717)

An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility. (S. P. 285) (L. D. 995)

An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places. (S. P. 317) (L. D. 1094)

An Act Concerning Publication and Public Inspection of Executive Orders. (S. P. 449) (L. D. 1508)

An Act Relating to the Valuation of Farmland. (H. P. 550) (L. D. 678)

(On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Enactment.)

An Act to Repeal Exclusions Granted under the Consumer Credit Code to Certain Loans Made by Supervised Financial Institutions. (H. P. 606) (L. D. 749)

An Act to Facilitate the Collection of Real Estate Taxes on Mobile Homes. (H. P. 672) (L. D. 847)

An Act Relating to the Exclusion or Modification of Warranties on Used Consumer Goods. (H. P. 810) (L. D. 999)

An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits. (H. P. 905) (L. D. 1104)

An Act Regarding Late Payment of Insurance Claims. (H. P. 930) (L. D. 1156)

An Act Concerning Candidates for Public Office who are Running as Independents. (H. P. 953) (L. D. 1192)

An Act to Permit the Use of Weirs and Eel Traps in Certain Washington County Waters. (H. P. 1145) (L. D. 1439)

An Act Relating to Cancellation of Insurance Policies under the Maine Consumer Credit Code. (H. P. 1177) (L. D. 1480)

An Act Relating to Sales Tax on Aircraft and Sales Tax Exemption on Trade-in Credit for Aircraft. (H. P. 1188) (L. D. 1484)

An Act Relating to Eligibility of Benefits under the Employment Security Law. (H. P. 1215) (L. D. 1529)

An Act to Exempt Community Based Mental Retardation Services from the Sales Tax. (H. P. 1255) (L. D. 1551)

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

An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee. (H. P. 1376) (L. D. 1707)

An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration. (H. P. 1440) (L. D. 1789)

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 Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld. (H. P. 1481) (L. D. 1772)

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

Emergency

An Act Relating to the Borrowing Capacity of East Range II Community School District. (H. P. 1560) (L. D. 1870)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax. (S. P. 265) (L. D. 864)

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

Orders of the Day

On motion by Mr. Huber of Cumberland the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Definition of Retail Sale under Sales and Use Tax Law. (H. P. 537) (L. D. 672)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, with two Senators voting in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the Following:

An Act to Create a Law Enforcement Education Section within the Criminal Division of the Department of the Attorney General. (S. P. 141) (L. D. 444)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Joint Order — Relative to Legislative Council to study barbering and hairdressing practices. (H. P. 1599)

Tabled — May 19, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Which was Read and Passed in concurrence.

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

House Reports — from the Committee on Taxation — Bill, "An Act Amending the

Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income." (H. P. 104) (L. D. 101) Majority Report — Ought to Pass as amended by Committee Amendment "A" (H-343); Minority Report — Ought to Pass in New Draft under New Title: Bill, "An Act Amending the Elderly Householders Tax and Rent Refund to Expand Eligibility to Recipients of Supplemental Security Income and Funding the Cost of this Wider Eligibility through an Increase in the State Personal Income Tax Rates." (H. P. 1585) (L. D. 1882).

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

Pending — Motion of Senator Merrill of Cumberland to Accept the Majority Report.

(In the House — (H. P. 104) (L. D. 101) Passed to be Engrossed as amended by Committee Amendment "A" (H-343) and House Amendment "A" (H-356).)

On motion by Mr. Speers of Kennebec, retabled pending the motion by Mr. Merrill of Cumberland to Accept the Majority Ought to Pass as Amended Report of the Committee.

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

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

Tabled — May 19, 1975 by Senator Carbonneau of Androscoggin.

Pending — Consideration.

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

(In the House — Passed to be Engrossed as amended by House Amendment "A" as amended by House Amendment "B" Thereto, (H-342).)

On motion by Mr. Graffam of Cumberland, the Senate voted to Recede and Concur.

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

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act Relating to the Income Limitation of the Elderly Householders Tax and Rent Refund Act." (H. P. 418) (L. D. 504) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass.

Tabled — May 19, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Wyman of Washington to Accept the Minority Ought to Pass Report.

(In the House — Passed to be Engrossed.)

On motion by Mr. Speers of Kennebec, retabled pending the motion by Mr. Wyman of Washington to Accept the Minority Ought to Pass Report of the Committee.

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

Bill, "An Act to Provide Employment Security for State Legislators." (H. P. 1224) (L. D. 1535)

Tabled — May 20, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House Passed to be Engrossed.)

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

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

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)

Tabled — May 20, 1975 by Senator Graham of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by House Amendment "B" Thereto (H-374).)

(In the Senate — Committee Amendment "A" as amended by House Amendment "A" Thereto, Adopted in concurrence.)

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

Mr. CURTIS: Mr. President and Members of the Senate: Yesterday there was a question about this proposal. It is rather extensive, and I have had distributed a memorandum from one of the legislative assistants to myself. It should be on your desks, dated May 20, 1975. I suggest you keep it and be able to refer to it, like I said, because this is an important bill. The bill number is 188. It so far has been amended in the other body by two amendments, H-241 and H-374.

In the process of double checking on an answer to the question that the Senator from Kennebec posed yesterday, I realized that the statement of fact on H-374, which was added in the other body, does not describe a very important item which has been deleted. If we were to adopt this bill the way it is described now, we would put bills which are initiated in a very special status in our state's statutes in which they could not be touched by the Maine Legislature for five years. That was not the intent of the committee, I don't think it should be the intent of the legislature, and it will take me a while to prepare an amendment to solve the problem, so I would ask that somebody might please table this until perhaps the first day of next week, or Tuesday.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 27, 1975, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Utility Deposit Practices." (S. P. 358) (L. D. 1162)

Tabled — May 20, 1975 by Senator Graham of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-167).

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

Mr. GRAHAM: Mr. President and Members of the Senate: Need I remind you that we have here a bill to prohibit public utility companies from requiring deposits of their customers unless there is proof the customer is likely to be a credit risk or likely to damage the utility's property.

The free enterprise system is a noble ideal that has come down to us from Adam — Adam Smith. Unfortunately, the dangers of monopolies escaped Mr. Smith, for unless you and I have some protection against corporate monopolies, we are like chickens dancing with elephants.

This amendment, entered with the best of intentions, I am sure, favors the elephants. Elephants like dancing with chickens and they don't want legislators spoiling their fun.

This amendment would not only remove the small businessman from the protection of the bill — and the small businessman suffers most from these arbitrary deposit demands — but the amendment would remove the enforcement of the act from the attorney general's purview and place it between the paws of that over-worked, rubber-toothed tiger, the Public Utilities Commission.

No, Mr. President and Members of the Senate, if we want to kill this bill, let us do it cleanly and quickly, rather than encumbering it with crippling amendments. I move that Senate Amendment "A" be indefinitely postponed.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I am afraid I can't be quite as colorful and talk about the lions, tigers and elephants and all, but I can talk a little bit about this bill and this amendment.

What we are talking about in this amendment is to exempt the residential utility users from paying deposits. Right now with the telephone company, for example, there are three percent of those residence-people who ask for telephone service that are asked to pay a deposit. That is three percent of the people who get new service are asked for a deposit. I suggest that they must be using some reasonable judgment if they can limit it down to just three percent of the people who pay utility deposits. The business accounts to the telephone company again are 5.5 percent. There is a higher mortality rate amongst the business people, and they do ask 5.5 percent of the subscribers to give a deposit. I think they are being realistic and honest.

If you remember, there is a bill in the legislature now to give the Public Utilities Commission more money to work with, to hire more people to handle these types of claims. It will be paid for by assessments in utility rates, so I think that takes care of that problem. What we are doing is leaving in the law the rights of the utilities to charge commercial business enterprises a deposit if they feel it is necessary and if they feel they are a credit risk. Okay, if we pass this law without the amendment, I submit to you that there will be those people not paying their bills, and the responsibility for paying those bills ultimately will be going back to the ratepayer; that is, you and I and most all our constituents will get a little bit of an increase in our rates because we are going to let some deadbeats off here who are

known deadbeats without giving deposits. I think the amendment is necessary and I hope you will vote against indefinite postponement.

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

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of Senate Amendment "A" please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President, I ask for 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 recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would like to pose a question to the Senate: When does a piece of consumer legislation be counterproductive? I think here is a very fine line we have to be careful of. Obviously the thrust of this bill is to give consumers a better deal vis-a-vis the utilities, but if we make it such a good deal that we knowingly and willfully increase the likelihood of bad debts, then the consumer has to pick up his share of the bad debts.

Let me tell you why I feel that this amendment makes sense to me. I have been involved in a few political campaigns, and as far as I am concerned any political telephone is a potential bad debt to the telephone company. Frequently it works out that way. Any boiler shop operation comes into a community and sets up a bank of telephones, for example, to sell raffle tickets for the VFW or advertising for the local K of C or Masonic bodies, and then disappears after a few days, these are really bad debts for the telephone company.

I think that what this amendment does is recognize the potential for danger of increasing bad debts to the utility to such an extent that those of us who pay our bills are good citizens and have residential requirements will end up paying part of the freight. On that basis, I would ask the Senate to consider this as a good mid-way meeting point between the needs of the utility and the very proper desires of the consumer.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am going to support the good Senator from Cumberland, Senator Graham, in his move to defeat this amendment. First, when we take private business, the small businessman or the larger businessman in the commercial field, the retail field, we know that there is a loss. You take in the clothing area, there is a certain amount of clothing that is lost or stolen each year, and obviously the consumer pays for it in the mark-up or the adjustment of prices that clothing is sold for. We know that many commercial outlets on the Main streets of our communities have to figure that in as part of the cost of that

merchandise that is being sold because it amounts to thousands and thousands of dollars each year, but is passed on to the consumer. I don't think that the utilities should be treated any differently. I would hope that the Senate Amendment would be indefinitely postponed, and that we put through a good bill and pass a good law for the people of this state.

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

Mr. CIANCHETTE: Mr. President, I would like to ask a question through the Chair to the Senator from Cumberland, Senator Conley. Is he recommending that this Senate pass a law that gives people a license to steal?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a question through the Chair to the Senator from Cumberland, Senator Conley, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my firm belief that the people of this state are basically honest.

The PRESIDENT: Is the Senate ready for the question? The pending motion, before the Senate is the motion by the Senator from Cumberland, Senator Graham, that Senate Amendment "A" be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Conley, Danton, Graham, Merrill, O'Leary, Reeves, Speers.

NAYS: Senators Berry, E.; Berry, R.; Cianchette, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Pray, Roberts, Thomas, Trotzky, Wyman.

ABSENT: Senator Marcotte.

A roll call was had. Eight Senators having voted in the affirmative, and 23 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

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

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Tabled — May 20, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-285).)

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

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

Mr. REEVES: Mr. President, I don't know whether today is a good day to go ahead with this, but I will try.

Mr. President, as I indicated in an earlier session, I wish to amend this bill to provide for a more complete revision to this important right to know law. By way of explanation, I have incorporated Committee Amendment "A", already adopted on this bill, into a longer amendment which I wish to offer today.

This new amendment is supported by myself and the other co-sponsors of the old L. D. 512, now filed away. It is also supported by Common Cause, the citizens' lobby which helped to draw up these revisions. This is Senate Amendment "A" to L. D. 1035, Filing No. S-176. To facilitate the procedures, I intend to ask for a roll call on this Senate Amendment "A" first. If this is adopted, I intend to move to postpone Committee Amendment "A", which, as I have said, is already covered by the new amendment.

I might also add that parts of a bill tabled earlier, L. D. 899, would also need to be postponed if we adopt this amendment. And to clarify the differences between these bills, I have again distributed a sheet to show which bills does what.

As I stated last week when the matter was first on the calendar, our right to know law, although it was a pioneer in the nation, does need some revisions. At that time I showed this headline, which I would like to hold up again. It says, "Council Budget Session Secret". And I would like now to read part of an editorial about this secret meeting.

"The City Council of Augusta has broken the law. By going into executive session and discussing a public issue, a discussion that resulted in a contract being drawn, they have broken the law. At least two Maine court rulings support that assertion: in South Portland, where the council was forced to open its budget meetings to the public, and Kittery, where selectmen's secret meetings were also ruled in violation.

"City councils, boards of selectmen and education are the governmental units closest to the people, the areas that affect them most intimately. Yet when such a body adjourns a meeting, waits for press and public to depart, and then reconvenes with the door open to make it a new public meeting, such a body is cheating its constituency, violating the law in spirit if not in fact, and laying itself open for legal action."

L. D. 512, which, as I have said, is now embodied in this new amendment, would sharply curtail the use of executive sessions for whatever purpose. It defines a few reasons that may be used for working behind closed doors, and citizens whose rights have been denied may bring a suit. That is the end of that editorial.

Yesterday a city council met in secret to discuss the dismissal of a fireman. And under this amendment such a discussion would be allowed unless — and this is important — the person being discussed chose to have this done in the open. This is the type of specific exception and guideline which is needed to be spelled out in our right to know law. There are others as indicated in the sheet which I have handed out.

In particular, the amendment I offered today provides for the following changes.

1. It extends open meeting requirements to us, the legislature, and all its committees, task forces and special study groups.

2. It requires minutes to be kept of all meetings.

3. It requires notice of all public proceedings and agenda to be posted 24 hours in advance at the place where the meetings would be held, except for emergency meetings. It provides for notification of the local newspaper or media that such a notification must be made prior to the emergency meeting with no time specified.

4. It allows only four narrowly defined areas for holding executive sessions by any public body. These include the discussion of an individual, as mentioned, the deployment of security devices, collective bargaining and other litigation, and criminal allegations.

I would like to stop here, Mr. President, and let others address this matter which I believe affects everyone in Maine, and especially at the local level. But let's not duck this issue. Our right to know law needs to be improved.

Mr. President, I offer Senate Amendment "A" to L. D. 1035 and move its adoption, and I ask for a roll call on this amendment.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now offers Senate Amendment "A" to L. D. 1035 and moves its adoption. 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 Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: If you want to give more work to Pine Tree Legal, then vote for this. If you want to discourage good substantial citizens from running for any of these public offices, vote for this. But if you want to have good candidates, I suggest that you vote against it. It is just a bad amendment and, in fact, I move for indefinite postponement of this bill and all its accompanying papers. It is just a bad bill.

We have enough laws on the books to regulate executive sessions, and anyone who cannot win his election through the ballot box wants to have a voice at any of these executive sessions, and I object very strenuously to it.

The PRESIDENT: The Chair will interrupt debate, because it is a hot afternoon, to welcome in the rear of the chamber some young people from South Berwick who are here as guests of the Senator from York, Senator Hichens. These young people are students at the Fifth Grade School in South Berwick, and they are accompanied by their teacher, Mr. Carleton Spring.

I would also like to welcome some gentlemen on the other side of the chamber who are members of the South Berwick Volunteer Ambulance Squad; Chief Clinton Shaw, Maynard Hanson, Robert Parent, and Carleton Spring. We are very pleased to have you gentlemen here with us this morning, and also you young people. I would like to introduce Senator Hichens to you, who represents you here in Augusta. (Applause)

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

Mr. HICHENS: Mr. President and Members of the Senate: In connection with the order which will be on the calendar later in today's session, I would make the following comments.

On May 22, 1960, then Governor John Reed officially dedicated the founding of the South Berwick Volunteer Ambulance and Rescue Squad. For 15 years the men and women of this group have given of themselves unselfishly to aid citizens of South Berwick and surrounding towns in Maine and New Hampshire in time of

greatest need. The citizens of South Berwick and these surrounding towns have shown their appreciation by continually supporting the squad during these 15 years.

Because of their support, I feel it is important to note that the squad has operated for these years as a public service without any taxpayer's dollars. The residents of South Berwick and surrounding area, and I personally, who had occasion to call them for ambulance service for my mother several years ago, are very proud and thankful to have had this group of men and women serving them for these 15 years, and look forward to several more years of unselfish dedicated service.

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

Mr. CYR: Mr. President and Members of the Senate: I withdraw my motion to indefinitely postpone the whole bill, and make the motion to indefinitely postpone this amendment.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now requests permission to withdraw his motion to indefinitely postpone the entire bill. Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the most interesting part of legislative service is enacting legislation, going home, and subsequently seeing how the legislation is interpreted either by the bureaucracy or by the court. And as I look at this amendment before us, I wonder just what the implications are going to be for legislative procedure. I would like you to follow with me along the lines of this amendment to ask yourself just how you will operate within the constraints of this bill.

In the first place, obviously there must be public notice of any meeting of the Committee on Education. And presently of course, we usually have public notice of our public hearings, but every once in a while we run in a bill without public advertising which has no public implications and has to do with a housekeeping function, particularly at the end of the session. Now, we would be permitted to have an emergency meeting, I would presume under this bill, but we have got to let the newspaper know immediately just what we talked about, who was there, and what we decide. But the things that really bugs me about the bill and the legislative process is what happens when legislative subcommittees go to work?

Now, within our committee we use subcommittees very frequently, but they are nonetheless meetings of a public body. And under this bill, the procedures for three guys getting together to discuss some technical maneuverings to get a bill out on the floor or to amend a bill would come completely under the jurisdiction of this amendment. And I am not certain that this would make a better world, but it certainly would make an impossibly complicated legislative world.

I hope that if this amendment is indeed enacted, and I shall not support its enactment, that it better have a whacking good price tag on it, because we are all going to have to keep written minutes of all our meetings, including regular committee meetings and subcommittee

meetings, and keep a permanent record of them available for public inspection.

I think it is going to be a very, very complex bill, and I think if we take a look at what our needs are — and I do say that we have needs for better sunshine laws; I sponsored the last one that is presently in the books, and I say that it needs some improving — but within the constraints of what our needs are in the State of Maine, if we tie our hands and our feet and our mouths and put ourselves in such difficult strictures as this amendment would attempt to put us, goodbye to our ability to operate in the interest of the people, and that is why we are here.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I just would like to point out a couple of things that disturb me about the amendment. One is that executive sessions, which are restricted by the amendment to certain specific reasons, are limited to a vote of three-fifths of the members of the body. It seems to me that raises the question as to whether or not the majority which wish to go into executive session to accomplish a public purpose — for example, to discuss one of the valid reasons for going into executive session — that the majority's will could be thwarted. For example, the majority would like to go into executive session to discuss something concerning collective bargaining, and unless they got a three-fifths vote they would not be able to go into executive session. This certainly could have very substantial effects on the collective bargaining process.

I would also like to point out under the exceptions, paragraph A, apparently a public body could go into executive session to discuss the character of an individual, but they could not go into executive session to discuss the professional competence of an individual. I would suggest that this could have adverse consequences and could tie the hands of public bodies which were charged with the responsibility of perhaps discharging an individual. It would have adverse consequences on meetings of the Executive Council, where someone's competence or incompetence could be tossed around in public, I think, to the very adverse effect of attempting to draw people into public service.

I think perhaps the minutes of every meeting would be an unnecessary headache. For example, meetings of so-called working sessions of all committees would apparently have to be kept, as pointed out by the good Senator from Kennebec, Senator Katz.

But perhaps the definition which disturbs me most is that of public proceedings. I wonder if someone could define what a public proceeding was; whether it was a meeting of a committee, limited to meetings of committees, or whether it would be any public proceeding; for example, going into the city clerk's office to get a marriage license or to get a hunting license. It seems to me that that could well fall into the definition of a public proceeding.

I think the intention of the sponsor of the amendment is good, but I think that we run a dangerous course when we attempt to restrict the actions of public officials to the point where we actually begin to interfere with the free legislative or executive process. So I would hope that we could defeat the amendment, and vote the bill to improve our laws and not to create a

situation which would discourage many people from serving in public service, either in elected or appointive positions. Thank you, Mr. President.

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

Mr. MERRILL: Mr. President, this is an area that I think is important to all of us, and I think some very thoughtful objections have been raised as to the price tag and other problems, and because this is a newly distributed amendment and we haven't had a chance to study it, I wonder if somebody could table this until later in today's session.

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

Mr. SPEERS: Mr. President, I do not rise to make a motion to table. I think if after further discussion someone else might wish to make that motion, it would certainly be in order.

There have been numerous questions raised regarding this amendment, and I think all very valid; primarily the question of providing minutes for every public proceeding involved on the state level or municipal level or the city or town level, or county level, would involve an incredible expense. I can think of the necessity of hiring a stenographer at each and every single one of these meetings or public proceedings, and the mind just boggles at the amount of money that this would cost.

Also, the question has been raised as to what is a public proceeding, and the very valid question is put whether this includes an individual coming in and making an application for a hunting license. Is there required a 24-hour notice of that individual? Or regarding methods of legislative process, we have committees of conference being appointed daily practically on legislation, particularly toward the end of the session, and these individuals get together whenever they can find a moment here or there. It is not a matter of being able to schedule something 24 hours in advance. Often it is not a matter of even being able to schedule such a meeting five minutes in advance when these individuals get together to discuss the disagreeing action between the branches.

We could go on and on with numerous examples, but there is one that has not been mentioned that disturbs me greatly, and that is section 7 of the amendment which provides for violations and penalties under this law, a penalty of \$500 or by imprisonment for less than one year. It seems to me that should two legislators happen to be sitting together and having dinner some evening, and one of them happens to think of a bill that he has been discussing, or perhaps they are on the same committee and they want to discuss some of the committee action that was taking place that day, are these individuals simply by bringing up a question on a bill before their committee in violation of this law, and would they then be subject to a fine of \$500 or imprisonment for bringing up a discussion of the law? And if that is the case, I really think that we have to seriously ask ourselves what it is that we are even doing here.

We are elected to come here to represent the best interests of our constituents and of all of the people of the State of Maine. And in spite of many comments that are being made elsewhere than in these chambers, I feel that with regards to each and every

single individual serving in this legislature that that is the case, we do feel that we are here representing our constituents and the best interests of the people of the state. The way in which that is done is not in a void, is not in a vacuum, is not hopefully with a lack of intelligence or a lack of knowledge. And in the realm of human communication the only way that you can gain knowledge or intelligence regarding many of the matters that come before us is to speak with our colleagues, is to speak with those who have some expertise in these matters, whether they are members of the legislature or whether they are here representing others, either being paid to do so or not paid to do so. It seems to me that if we, as individual members of the legislature, are going to be subjected to the questions in our own minds as to whether or not we even speak about a particular bill, whether we may be subjected to a \$500 fine or imprisonment, we seem we have come a long way toward confusing the legislative process and towards bringing about a genuine lack of faith on the part of the people of this state in the ability to govern themselves.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending the motion by Mr. Cyr of Aroostook that Senate Amendment "A" be Indefinitely Postponed.

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

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

Tabled — May 20, 1975 by Senator Conley of Cumberland.

Pending — Adoption of House Amendment "A" (H-253).

(In the Senate — Passed to be Engrossed, in concurrence.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-253) as amended by House Amendment "C" Thereto, (H-300), in non-concurrence.)

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

On motion by Mr. Merrill of Cumberland, retabled and Specially Assigned for May 27, 1975, pending Adoption of House Amendment "A".

Papers From the House

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

**House Papers
Education**

Bill, "An Act to Authorize the Withdrawal of the Town of Nobleboro from the Damariscotta-Newcastle-Nobleboro Community School District, also known as the Great Salt Bay Community School District." (H. P. 1612) (L. D. 1893)

Bill, "An Act to Allow the Deferral of Monthly Payments of the Uniform School Tax." (H. P. 1616) (L. D. 1896)

Come from the House referred to the Committee on Education and Ordered Printed.

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

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

Mr. SPEERS: Mr. President, with

reference to these bills, I would ask the Secretary whether or not they contain an endorsement as to admission by the Committee on Reference of Bills?

The SECRETARY: Each of these bills have the legend of "Approved for introduction by the majority of the Committee on Reference of Bills pursuant to Joint Rule 10."

Local and County Government

Bill, "An Act to Authorize Hancock County to Raise Funds for the Development of an Airport at Bar Harbor." (H. P. 1615) (L. D. 1895)

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

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

Transportation

Resolve, Designating the Bridge Between East Machias and Machiasport as "Rim Memorial Bridge." (H. P. 1614) (L. D. 1894)

Comes from the House Referred to the Committee on Transportation and ordered Printed.

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

There being no objection, all matters previously acted upon in today's session requiring concurrence, except L.D. 1574 and L.D. 359, Were sent down forthwith for concurrence.

On motion by Mrs. Cummings of Penobscot,
Recessed until 4:30 this afternoon.

After Recess

Called to Order by the President.

Papers from the House

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

Non-concurrent Matter

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)

In the House May 16, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-326).

In the Senate May 20, 1975, Passed to be Engrossed as Amended by Committee Amendment "B" (H-327).

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

Joint Order

State of Maine

In The Year Of Our Lord One Thusand Nine Hundred And Seventy-five.

WHEREAS, the Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Black Bears of the University of Maine at Orono Yankee Conference Varsity Baseball Champions for the Academic year 1975

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

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

Comes from the House, Read and Passed.

Which was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: Just before passing this joint order, I would like to mention to the members of the Senate that the University of Maine baseball team will be playing this Friday evening. It has been invited to join in the NCAA playoffs in Connecticut and they will be playing Saint John University of New York, in Stamford, Connecticut. So that game is this Friday evening at 8 o'clock, and I hope to be able to bring you back good reports on Monday.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order be passed in concurrence?

Thereupon, the Joint Order was Passed in concurrence.

Joint Order

State of Maine

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

WHEREAS, the Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The South Berwick Volunteer Ambulance and Rescue Squad who are now celebrating the 15th anniversary of their founding

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.

Comes from the House, Read and Passed. (H. P. 1621)

Which was Read and Passed in concurrence.

Communications

May 21, 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 indefinitely postponed Bill, An Act Further Defining the Definition of "North American Indians Residing in Maine" (H. P. 1375) (L. D. 1688).

Respectfully,
EDWIN H. PERT
Clerk of the House.

Which was Read and Ordered Placed on File.

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Liquor Control

May 21, 1975

Honorable Joseph Sewall
President of the Senate
Senate Chamber
Augusta, Maine 04330

Dear Senator Sewall:

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

Total Number of Bills Presented	38
Unanimous Reports	20
Leave to Withdraw	6
Ought Not to Pass	7
Ought to Pass	5
Ought to Pass as Amended	8
Divided Reports	12
Total Number of Amendments	15

Sincerely,
LINWOOD E. GRAFFAM
Senator

Which report was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: Very quickly, in congratulating the Committee on Liquor Control, I would like to point out once again to the members of this body that we do have, I believe, a very realistic goal of adjournment to be some time during the second week of the month of June. That can remain a realistic goal of adjournment only with the cooperation and the very hard work on the part of every member of this body. And I would again like to urge the members of the committees to continue in the very diligent work that they have been doing, and I congratulate them for it, to continue to get the bills out and onto the floor so that we can proceed with the session.

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

Mr. CONLEY: Mr. President and Members of the Senate: Facetiously, I would like to call attention to the members of the Senate that two members of this committee are also members of the minority party of this branch. It is also, as I said, the second joint committee to have ended or completed its business. The majority of those individuals happen to make up the minority party of the Senate, but I know they have had excellent chairmen and have worked very diligently all together. I would hope, along with the majority floor leader, that we would expedite the business at hand.

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

Thereupon, the Communication was Placed on File.

Orders

On motion by Mr. Collins of Knox, WHEREAS, the Legislature is increasingly being confronted with the problems of correctional modernization and correctional reform in the State of Maine; and

WHEREAS, present budgetary constraints make it imperative that the solution to continuing problems in the administration of our correctional system by state personnel be approached in the most efficient manner possible; and

WHEREAS, several recent studies including those sponsored by the American Bar Association's Section on Correctional Economics and the Maine Governor's Task Force on Corrections have noted the possibility of significant cost savings in the administration of state-wide correctional services through correctional reform; and

WHEREAS, the Maine State Bar Association has indicated a willingness to

review such reports and to conduct additional cost-related research into the organization and effectiveness of Maine's correctional system; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council is authorized, through the Joint Standing Committee on Judiciary, to receive in open hearings the findings of studies examining the costs and effectiveness of Maine's correctional system to be completed by the Maine State Bar Association; and be it further

ORDERED, that the Legislative Council is directed to forward such findings of the Association together with the final drafts of any proposed legislation and comments of the Legislative Council thereon, to the first special session of the 107th Legislature which is held during the calendar year 1976, or, if none, to the regular session of the 108th Legislature. (S.P. 528)

Which was Read and Passed.

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action whereby the Joint Order received Passage.

Thereupon, on further motion by the same Senator, tabled pending Passage.

**Committee Reports
House**

Leave to Withdraw

The Committee on State Government on, Bill, "An Act Relating to Restrictions on Powers and Duties of the Baxter State Park Authority." (H. P. 1285) (L. D. 1581)

Reports that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Concerning Disconnection of Electric, Gas and Water Utilities to Leased or Rented Property." (H. P. 1249) (L. D. 1549)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to a State Income Tax Deduction for Student Tuition Payments." (H. P. 777) (L. D. 948)

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.

Ought to Pass

The Committee on Energy on, Bill, "An Act to Extend the Provisions of the Energy Emergency Proclamation." (H. P. 1152) (L. D. 1446)

Reports that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to the Officials, Judges and Starters at Harness Horse Race Meets." (H. P. 1256) (L. D. 1552)

Reports that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Payments to Nursing Homes." (H. P. 1397) (L. D. 1715)

Reports that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Advisory Council on the Status of Women." (H. P. 1138) (L. D. 1432)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-413).

The Committee on Business Legislation on, Bill, "An Act to Realign and Clarify Administrative Responsibilities in the Bureau of Banks and Banking and the Bureau of Consumer Protection." (H. P. 714) (L. D. 890)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-414).

The Committee on Election Laws on, Bill, "An Act to Provide for Specimen Ballots Written in the French Language." (H. P. 1132) (L. D. 1424)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-418).

The Committee on Business Legislation on, Bill, "An Act Relating to Unlawful Discrimination in the Extension of Credit." (H. P. 337) (L. D. 420)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-412).

The Committee on Agriculture on, Bill, "An Act Creating the Maine Pesticide Control Act of 1975." (H. P. 653) (L. D. 826)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-420).

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 and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Labor on, Bill, "An Act to Extend the Statute of Limitations on Claims under the Workmen's Compensation Statutes where Payments are made on Account of Injury." (H. P. 1236) (L. D. 1541)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-402).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-411) Thereto.

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Establish a Restaurant Concession at the Ancient Pemaquid Restoration Site in the Town of Bristol." (H. P. 1416) (L. D. 1718)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-408).

Signed:

Senators:
WYMAN of Washington
O'LEARY of Oxford

Representatives:
PETERSON of Windham
CURRAN of Bangor
McBREAIRTY of Perham
BLODGETT of Waldoboro
DOAK of Rangeley
AULT of Wayne
CHURCHILL of Orland
HALL of Sangerville
HUTCHINGS of Lincolnville
WILFONG of Stow

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

Signed:

Senator:

TROTZKY of Penobscot

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning the Registration and Operation of Snowmobiles." (H. P. 845) (L. D. 1030)

Reports that the same Ought to Pass.

Signed:

Senators:

McNALLY of Hancock

PRAY of Penobscot

Representatives:

TOZIER of Unity

USHER of Westbrook

MacEACHERN of Lincoln

MARTIN of St. Agatha

MILLS of Eastport

KAUFFMAN of Kittery

WALKER of Island Falls

PETERSON of Caribou

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

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

DOW of West Gardiner

CHURCHILL of Orland

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 Cumberland, Senator Berry.

Mr. BERRY: Mr. President, along with some other members of the Senate, I am in receipt of a letter from an attorney in whom I think we all have a great deal of confidence, who was the architect of the original snowmobile bill, and he has appeared and acted on behalf of the Maine Snowmobile Association. He has expressed some rather serious reservations about many of the features of the bill.

I think that the Senate is entitled to elucidation on some of these points. I am certainly the last expert in the Senate on the matter of snowmobiles. I find here four pages of very cogent arguments on the subject, and taking them from whence they come, a gentleman who concludes this way, "The Maine Snowmobile Association is composed of a very large group of snowmobilers, and they obviously are concerned that if they don't operate in a prudent fashion there is going to be a backlash effect. The record of snowmobiling in this state has been very good, and I am concerned that we don't create some real problems where none presently exist."

I think we are very familiar with the emotional problems involved here. I find it personally of considerable interest that the Committee on Fisheries and Wildlife is handling this particular little jewel. In previous sessions it has been, I think,

Legal Affairs and our good former Senator Tanous who has had these matters under his very effective wing. So I think the Senate should really hear about some of the features of this bill prior to the acceptance of either report.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I would like to ask for a division on the motion. Secondly, I would like to speak a little bit about the legislative document itself.

The purpose of L. D. 1030 is an attempt to clarify a lot of the snowmobile laws that we have on our books now. The Maine Snowmobile Association were sponsored at the hearing in part by their officers and by a former Senator of this body, a constituent of mine in my district, Mr. Tanous. They did have reservations about the bill, but I think basically what it was it was a misinterpretation. Their prime concern was a section on the bill which states, "Properly registered snowmobiles may operate only the distance necessary, but in no case to exceed 500 yards on the right hand side of a public way." It was their belief that this 500 yards was going to open up what they call roadrunning with snowmobiles. The legislation itself says, "the distance necessary, but in no case to exceed 500 yards."

Reading further down in the bill, the intent of the legislation is worded into the bill itself where it says, "The intent of the exception in this chapter is to give snowmobilers a limited right to operate on the highway for the sole purpose of by-passing obstructions," which they are allowed to do now. To further quote, "passing obstructions where other means of passing, at present, is not possible." Basically, to explain what this means, in going down along the side of a road and you come to a culvert, there are two ways you can go around that culvert: one, you can enter the road and go around it, or two, let's say the road is on the left-hand side of you, and on the right hand side what we have is a large open field. Well, there is another means of passing possible, so that individual would not have the right of going onto the road. The present law itself now gives the individual the right without any limitations on distance.

While the good Senator Berry mentioned that one former member of this body who had a great interest in this law wrote him a letter and reported to him as to his opinions, I have several letters here, one from the State of Maine District Court in Southern Aroostook, from a Judge Turner, which was taken into consideration on the drafting of L. D. 1030, and I would like to quote what he says. "This bill appears to be clearly written and does improve and clarify the present snowmobile laws. I think it should be reasonably easy to understand and administer so far as the public, the law enforcement people, and the courts are concerned." He goes on to state that he has been a judge for 12½ years and that many of his cases have

dealt with the snowmobile laws and he sees L. D. 1030 as a great improvement.

I am quite aware of the Maine Snowmobile Association's position on this, and the position that a lot of snowmobilers who belong to that organization took. I have seen a copy of a newsletter that they sent out to their members which grossly misstated what the bill would do. It added a lot of fears and worries about what the bill would do. And I had a lot of my constituents that belong to this organization come up and tell me that they heard it was a bad bill, when they themselves had never seen it.

The sponsor of this bill for the last two evenings has met with the Maine Snowmobile Association, and I met with the sponsor this noontime, and he is planning on taking and removing, as soon as it goes back to the other body, the section of the 500 yards, but leaving the intent of the legislation in there as far as the distance necessary and the intention of using the roadway.

If there are other questions that were raised on this particular piece of legislation which would require a four page letter to Senator Berry, I would like to hear what the other objections were.

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

Mr. McNALLY: Mr. President, I think the good Senator from Penobscot gave you a fairly good explanation of the hearing and the discussions that went on about this bill.

The main objection I thought from a former member of this legislature was the fact of that 500 yards, and that seemed to be the thing that the Inland Fish and Game was worried, that maybe they could go into somebody's dooryard and come out again, and not travel 500 yards, and keep ducking into dooryards and out, and so forth. But the bill was changed in different places, very little, but mainly to do what should have been done for a county like Aroostook is with a lot of snow. You can't drive your snowmobile and cross the road exactly the same up in Aroostook County as you can, for instance, down farther south below us here even.

The bill actually, if you go over it paragraph by paragraph, is more strict as far as rules and regulations are concerned than the old original bill. I went along with the bill because there had been a lot of work put in on it, and the only objection that I received from any snowmobile association was from the one up in Dedham, which is over in my district, and they felt that the 500 yards was too much.

There were some things that were put in here in black which explains the law which was in the little orange book we had, which wasn't too plain, and they have added a penalty under section 6, which says, "Any person who violates this chapter or any rules or regulations promulgated by the Commissioner of Inland Fisheries and Game shall be subject to the penalties provided under section 3060 for each offense, except that the minimum fine shall be \$50 for violation of any provisions of section 1978, subsection 12."

The main part of the bill is to clarify, as the statement of fact says, the laws concerning the registration and operation of snowmobiles, and as I say, the only section that caused all the argument seemed to be the one on the 500 yards. And of course, if the bill is kept alive, and that is going to be amended to something less than 500 yards, it really is a stronger bill

than the original one, and I think it is the main thing the former legislator was against anyway.

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

Mr. PRAY: There is one other thing I would like to point out. This bill was taken into consideration by the Maine State Police and Commissioner Mallar of the Department of Transportation, and both individuals felt as if the 500 yards would restrict the use of snowmobiles down to less than what they are presently allowed to have now, and it has received the endorsement of both these individuals.

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

Mr. BERRY: Mr. President, the objections are as follows on the bill: As has been mentioned, the principal objection is the provision under this bill which is now before us that snowmobilers could go up and down the highway for 1500 feet on the right-hand side in the public way. I call to your mind the problems with the quartz lights that they have and the confusion that this creates from a safety angle. And as has quite properly been pointed out by Senator McNally, this is a major problem. The present law provides that snowmobilers must take the most direct feasible route directly across the highway. This would permit anybody saying that he has to go 1500 feet to find the most direct route across the highway, and the question will be: when did the 1500 feet start and stop?

Our friend says, "I think everybody has agreed in the times past and certainly agree now that some real difficulties are created by having snowmobiles operate in such an extensive fashion on the highway. Not only are there safety problems involved to the operator of the snowmobile, but at night snowmobile headlights can create confusing situations for motorists."

The proposed legislation has another very important feature in it, that snowmobiles are exempt from registration if they are operated on the owner's land. Now, this would seem to be no particular problem, but there is nothing to prevent anybody who owns a large tract of land to avoid registering his snowmobile and renting them out for rental purposes on his land. This doesn't appear to be within the original intent of the law.

There is a working provision in here that has worked in the past, that a person who owns land can post his land himself or by an employee or an agent, and I call to your attention any large landowner who would send out an employee to post the land. This is removed by the proposed legislation, and an owner would have to appoint a special agent to go out and post his land. This seems to be an arbitrary, artificial obstacle to posting land.

Another important point of the legislation is that it requires the Director or the Commissioner of the Department of Transportation to conspicuously post an area where crossing by snowmobiles is prohibited. This would be again a very difficult thing to do. The sign could be covered with snow or the snowmobiler could say he didn't see it, and it would make convictions extremely difficult.

So I think we have the objective of trying to maintain good sensible snowmobile laws. This law as proposed is too big a bite, and I hope you would support my motion to indefinitely postpone the bill.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I am going to just rise to answer one particular question on what seems to be quite a safety hazard, the last point that Senator Berry brought up in relationship to crossing of bridges, which this bill would give the authority to the Commissioner to post bridges, overpasses or underpasses. Presently under the law as written, let's say we could go in the City of Augusta from here up by the Senator Motel, and if you wanted to cross that Interstate 95 underpass or overpass out there, you could take a snowmobile — there are no town ordinances on it — and you could go across that. And I think as directly as possible it is definitely more than 500 yards from one side of that overpass to the other side. So that would definitely be in excess under the present law of what this law would restrict you to under the 500 yards.

But the authority the Commissioner would have to post a bridge, what this would do is, whereas in the law as presently stated anybody can cross this bridge — it is an obstruction and he can go over the bridge, thus your safety hazard is there now, the individual has the right to cross the bridge — and what this legislation will do is give the Commissioner authority to close down certain bridges.

I know it is true that in many instances we are going to have signs perhaps covered with snow, but I don't see where this is an excuse, especially where we have a lot of speed signs that get covered with snow. We are still responsible for the laws. And there are a lot of other signs that we have put up by the Commissioner of Transportation that can be just as easily covered by snow and be obstructed from view, so I think this is a rather poor argument.

I think the law itself is going to clarify and strengthen the snowmobile laws, and it is definitely going to clarify it for the courts.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A division has been requested. Will all those Senators in favor of the acceptance of the Minority Ought Not to Pass Report of the Committee please rise in their places until counted.

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

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Concerning Membership on the Public Utilities Commission." (H. P. 1303) (L. D. 1585)

Reports that the same Ought Not to Pass.

Signed:

Sensors:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

Representatives:

WAGNER of Orono
QUINN of Gorham
LEWIN of Augusta
STUBBS of Hallowell
FARNHAM of Hampden
SNOWE of Auburn
COONEY of Sabattus

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as amended by Committee Amendment "A" (H-426).

Signed:

Representatives:

KANY of Waterville
PELOSI of Portland
CARPENTER of Houlton

Comes from the House, the Majority report Read and Accepted.

Which reports were Read.

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

Divided Report

Eleven Members of the Committee on Business Legislation on, Bill, "An Act to Require Returnable Beverage Containers." (H. P. 745) (L. D. 913)

Report in Report "A" that the same Ought to Pass in New Draft under Same Title (H. P. 1609) (L. D. 1888)

Signed:

Sensors:

THOMAS of Kennebec
JOHNSTON of Aroostook
REEVES of Kennebec

Representatives:

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

One member of the same Committee on the same subject matter reports in Report "B" that the same Ought to Pass in New Draft under Same Title (H. P. 1610) (L. D. 1889)

Signed:

Representative:

DeVANE of Ellsworth

One member of the same Committee on the same subject matter reports in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

RIDEOUT of Mapleton

Comes from the House, Report "A" Read and Accepted and the Bill, in New Draft, (H. P. 1609) (L. D. 1888) Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Thomas of Kennebec, tabled and Specially Assigned for May 27, 1975, pending Acceptance of Either Committee Report.

Senate

Ought to Pass — As Amended

Mr. Pray for the Committee on Labor on, Bill, "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act." (S. P. 362) (L. D. 1165)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-178).

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act Relating to County Administration of Certain Federal Programs." (S. P. 416) (L. D. 1312)

Reports that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland
GRAFFAM of Cumberland

Representatives:

WALKER of Island Falls
GRAY of Rockland
CARPENTER of Houlton
BERRY of Madison
KELLEY of Machias
HENDERSON of Bangor
TRUMAN of Biddeford
DAM of Skowhegan

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

Signed:

Senator:

CARBONNEAU of Androscoggin

Representatives:

BERUBE of Lewiston
MARTIN of Brunswick

Which reports were Read.

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

Enactors

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

AN ACT to Amend the Requirements for Adopting, Revising or Amending a Municipal Charter. (H. P. 116) (L. D. 152)

AN ACT Relating to License Requirements and Fees for Trapping. (H. P. 440) (L. D. 547)

AN ACT to Facilitate the Entrance of Municipalities into the Federal Flood Insurance Program. (H. P. 675) (L. D. 850)

AN ACT Establishing a Fee for Approved Blanks and Forms Furnished by Registers of Probate. (H. P. 785) (L. D. 956)

AN ACT Relating to the Ogunquit Village Corporation. (H. P. 974) (L. D. 1314)

AN ACT to Establish County Commissioner Districts in Lincoln County. (H. P. 997) (L. D. 1260)

AN ACT Creating Franklin County Commissioner Districts. (H. P. 1002) (L. D. 1281)

AN ACT to Insure the Conservation of Endangered Species in the State of Maine. (H. P. 1204) (L. D. 1767)

AN ACT Relating to the Revised Enforcement of Foreign Judgments Act. (H. P. 1161) (L. D. 1460)

AN ACT to Improve the Enforcement of the Federal Flammable Fabrics Act. (H. P. 1293) (L. D. 1600)

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

Emergency

AN ACT to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977. (H. P. 706) (L. D. 885)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

On motion by Mr. Wyman of Washington the Senate voted to take from the table the twenty-third unassigned matter:

Bill, "An Act to Authorize the University of Maine to Proceed with the Development of a School of Medicine as Part of the

Teaching Program of the University System." (S. P. 224) (L. D. 773)

Tabled — May 13, 1975 by Senator Wyman of Washington.

Pending — Motion of Senator Katz of Kennebec to Reconsider Action whereby the Bill Failed of Passage to be Engrossed.

(In the Senate — Senate Amendment "A" (S-124), Adopted; Failed of Passage to be Engrossed)

The same Senator then moved the pending question.

Thereupon, the Senate voted to reconsider its action whereby the Bill was Indefinitely Postponed.

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

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

Senate Amendment "B", Filing No. S-163, to Senate Amendment "A" was Read.

Mr. MERRILL: Mr. President and Members of the Senate: I have just a very brief explanation of this amendment. This amendment to Senate Amendment "A" would accomplish primarily what I was trying to accomplish with Senate Amendment "A", which was to provide for increased tuition and a scholarship fund, but it clarifies some wording in a previous amendment, and it takes out that part of the amendment which was objected to by the Senator from Penobscot, Senator Curtis; that being the part that ordered the board of trustees to report back to the next legislature. It just makes a statement of intent now on the part of the legislature. It also provides more specifically for how the scholarships will be taken care of so as to make sure a person can receive up to 100 percent of his full need. So the amendment is just a clarifying amendment of the previous one, and would accomplish, I think, the same purpose while not raising some of the objections mentioned previously.

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

Whereupon, Senate Amendment "B" was Adopted and Senate Amendment "A", as Amended by Senate Amendment "B", Thereto was Adopted.

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

Mr. SPEERS: Mr. President and Members of the Senate: This particular bill has a very significant price tag on it which continues to be my principal concern to the passage of this measure. The price tag, it is true, is not going to be known to the State of Maine immediately or not going to be requested of the State of Maine immediately, in that considerable federal money is involved of course with the start-up of such a school. It has been obvious from the very beginning, however, that there will be considerable funds which will be requested for this school in the future. I just want this body to be aware in discussing this matter that it is incumbent upon us to be responsible not only for the present but for the future, and that we should be aware in voting on this matter, either for or against, that it is a measure which will come back to request of us, either ourselves or future legislatures, a considerable amount of money.

The PRESIDENT: Is it now the pleasure

of the Senate that this bill be passed to be engrossed?

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

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Pray of Penobscot, the Senate voted to reconsider its action whereby Bill, "An Act to Provide for Citizen Gardens on Suitable State Land," (H. P. 1294) (L. D. 1574), was Indefinitely Postponed.

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

Mr. MERRILL: Mr. President, I think we all have a tendency sometimes to avoid belaboring and belaboring our fellow Senators too much, and I think maybe sometimes on a bill that admittedly isn't the most earth-shaking piece of legislation to come along in a long time, and we maybe give in to that tendency too often. I promise to be brief but I think this is an important piece of legislation and I promised the sponsor that I would see that it got a little bit more of a hearing here.

It was suggested earlier by the Senator from Penobscot, Senator Curtis, that this was somehow interfering with the sacredness of his zucchini patch. It seems to me that really the purpose of this bill is pretty simple. It is to provide that people that don't have any land to have a garden of their own primarily will have a place to have a zucchini patch, or whatever, the same way as the good Senator from Penobscot has. As one who enjoys having a small garden himself, I think that it is an important recreation and it can be an important supplement to income.

I personally recently visited a friend in the State of Virginia, and down there they have a program similar to this. They allow their people to cultivate this land and they pay a small amount of money, and it gives those people a lot of recreation. I had a chance to talk to some of the people that enjoy that program, and they were primarily urban dwellers, and they were very happy that their government down there in Virginia provided them with this opportunity.

I admit that most of the Senators don't represent areas probably where there is much problem with having a place of their own to till, but there are areas in the state that are quite filled up and there are people that can't have a garden. And what this provides for, I think quite simply, to take an example, is that there is an institution out in Windham that used to have a garden that was part of that institution. There was a big area out there that used to be tilled and used to be taken care of, and that is no longer done. The institution decided, I think maybe wrongly, but they have decided they are not going to have a garden there anymore and that the inmates there aren't going to have a garden. What this would provide for would be that that land could be cultivated and that the people, by paying for the cost, could have a garden there, and that would probably help out some of the people that live in that City of Westbrook and the City of Portland and people that don't have enough land to have their own garden.

I admit that it isn't, as I say, an earth-shaking piece of legislation, but I think it is a chance for us to do something in the direction that we ought to be going. I don't think that it is going to interfere with the sacredness of anybody's gardening

procedure now. It would just provide that some people that don't have enough land can engage in the same sort of activity. I would hope the Senate could recede from its action whereby it defeated this legislation and let this go on to be passed.

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

Mr. KATZ: Mr. President and Members of the Senate: I agree with the motives of the bill. Perhaps I might share with you briefly my experience doing exactly what was just described in the City of Augusta. Right across the river, right in front of the Augusta Mental Health Institute, a large tract of land was just sitting fallow. The City of Augusta approached the state and said, "Hey, can you spring some of this land loose for a community garden?" The expression "spring" is a colloquial expression meaning "make available." They got hung up a little bit in some bureaucracy, they involved me, it took a phone call to bring the parties together, the land that was assigned was not really the best land available, it took another meeting, and very, very simply and very, very easily, without any expenditures at all, we have got a great community garden right now in process. It worked beautifully last summer, and it is even going to be greater this year. Parenthetically, we were concerned about vandalism, but bless the heart of vandals, they don't enjoy vandalising gardens, I guess, because it was very good. But it was not a big deal with inventories and reporting procedures. We have got a good garden, and I say that any community in the state can do the same thing just by communication, and perhaps we can accomplish outside of the legislature, for a change, a program that needs doing.

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

Mr. CURTIS: Mr. President and Members of the Senate: I would like to speak in agreement with the previous speaker, and I didn't realize precisely what the problem was with the area in Windham. I would like to volunteer my time tonight or the first thing in the morning and go over and talk with the Commissioner of the Department of Mental Health and Corrections, and I think perhaps we ought to be able to work out that difficulty that Windham has, so that the good citizens of Portland and Westbrook can have the same good experiences with state government that the people in Bangor, Hallowell and Augusta have had. I am sorry that my zucchini patch has been made fun of, but I find that frequently some of my best thinking is done while working in the garden. I have great love and respect for farming, but I agree it is just not necessary to put a lot of this bureaucracy in the state statutes.

The PRESIDENT: The pending question before the Senate is the acceptance of either committee report.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would respectfully 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 recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, might I request through the Chair the nature of the appropriation on this bill?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: Although I described earlier the amount of work that would be needed on the part of state administrators, there is no appropriation, there is no fiscal note on the bill. Surely this kind of effort, communication, and so forth would require money.

It might be interesting for the Senate to note that at the public hearing nobody attended. We had advertised, of course, as we always do in the newspaper, and the item was included in the list that the Senate President presents to every legislator. It was true that at that particular hearing or that day we didn't notify any of the sponsors by individual letter like we usually do from the committee, and for that I am sorry, but no one appeared either for or against the bill, and I just don't think there is a whole lot of great enthusiasm on the part of the people of the State of Maine for adding this little piece of additional bureaucracy to the Maine statutes.

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

Mr. PRAY: Mr. President, I seem to have lost my morning calendar. Could you read the committee report?

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Majority of the Committee on State Government on Bill, "An Act to Provide for Citizen Gardens on Suitable State Land." (H. P. 1294) (L. D. 1574) Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-395).

(Signed) Senators: WYMAN of Washington, GRAHAM of Cumberland.

Resentatives: WAGNER of Orono, CARPENTER of Houlton, QUINN of Gorham, COONEY of Sabattus, STUBBS of Hallowell, FARNHAM of Hampden, SNOWE of Auburn, LEWIN of Augusta, KANY of Waterville, PELOSI of Portland.

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

(Signed) Senator: CURTIS of Penobscot.

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

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

Mr. CONLEY: Mr. President, the good Senator from Penobscot, Senator Curtis, indicated there was not much enthusiasm on the part of the public. It apparently proves that there was a great deal of enthusiasm on the part of the committee.

The PRESIDENT: Is the Senate ready for the question? The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Majority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought to Pass Report of the Committee; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Clifford, Conley, Corson, Cummings, Cyr, Danton, Graham, Hichens, Huber, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators R. Berry; Cianchette, Collins, Curtis, Gahagan, Graffam, Greeley, Katz, McNally, Roberts.

ABSENT: Senators E. Berry; Jackson.

A roll call was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with two Senators being absent, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act Relating to the Valuation of Farmland." (H. P. 550) (L. D. 678)

Pending — Enactment.

(In the House — Passed to be Enacted.)

The same Senator then moved the pending question.

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

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

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-176).

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-285).

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

On motion by Mr. Conley of Cumberland, retabed and Specially Assigned for May 27, 1975, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A".

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the seventeenth unassigned matter:

SENATE REPORTS — from the Committee on Labor — Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-118); Minority Report — Ought Not to Pass.

Tabled -- May 5, 1975 by Senator Speers of Kennebec.

Pending -- Acceptance of Either Report.

Thereupon, on further motion by the same Senator, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.