

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

Friday, May 23, 1975

Senate called to order by the President.
Prayer by the Honorable Peter W. Danton of Saco:

As we gather together this beginning of a weekend when we memorialize those who have gone on before us, may we be mindful of the great heritage that has been handed down to us, and also mindful of the responsibilities we have to those who follow in our footsteps. God, help us to make the right decisions that will make our state a better place to live and serve in. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs." (S. P. 430) (L. D. 1417)

In the Senate May 9, 1975, Bill and accompanying papers Recommended to the Committee on Health and Institutional Services.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-443), in non-concurrence.

Mr. Hichens of York moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Gahagan of Aroostook, tabled and Specially Assigned for May 28, 1975, pending the motion by Mr. Hichens of York to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Concerning Pay Toilets." (H. P. 663) (L. D. 837)

In the House May 19, 1975, Passed to be Engrossed as Amended by House Amendment "B" (H-131).

In the Senate May 19, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "C" (H-447), in non-concurrence.

Mr. Danton of York moved that the Senate Adhere.

Mr. Corson of Somerset then moved that the Senate Recede and Concur.

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

Mr. KATZ: Mr. President, I suggest that the Senate, flushed with our success of last week, defeat the motion to recede and concur, and I ask for a division.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Corson, that the Senate recede and concur with the House.

A division has been requested. Will all those Senators in favor of the motion by the Senator from Somerset, Senator Corson, that the Senate recede and concur please rise in their places until counted.

A division was had. Five having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers'

Examining Board." (S. P. 335) (L. D. 1121)
In the Senate May 9, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-359), in non-concurrence.

On motion by Mr. Gahagan of Aroostook, the Senate voted to Recede and Concur.

**Communications
STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine 04330**

May 22, 1975

Mr. Harry N. Starbranch
Secretary of the Senate
Augusta, Maine 04330

Dear Mr. Starbranch:

The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 P.M. on May 30, 1975.

Respectfully submitted,

Signed:

JOSEPH SEWALL
Chairman
Committee on Reference of Bills
(S. P. 535)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

STATE OF MAINE
Office of the Governor
Augusta, Maine 04330

May 20, 1975

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

I am returning to you without my signature and approval L. D. 35, An Act to Clarify Provisions of the Election Laws.

I am taking this action because it is my sincere belief that we should not enact new laws that would make it more difficult for anyone, either a voter or a candidate, to participate in the election process.

I also feel that there would be a serious question of the constitutionality of this measure if it became law in that recent court decisions have removed waiting periods for persons desiring to register to vote. I think there is a very real possibility that the right could be extended to a voter desiring to change parties or to a candidate wanting to change party enrollment.

I am against enactment of any new laws that will discourage voters and candidates from participating in the election process. I am convinced this measure would have that effect on potential candidates for public office and for that reason, and my reservations about its constitutionality, I am returning it to you without my signature and approval.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor
(H. P. 1627)

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 Clarify Provisions of the Election Laws" (H. P. 27) (L. D. 35) came from the House with the following endorsement:

In the House, May 22, 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?"

127 voted in favor and 15 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 before the Senate is the question of whether or not L. D. 35, Bill, "An Act to Clarify Provisions of the Election Laws", shall become a law notwithstanding the objections of the Governor.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending Consideration.

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

May 22, 1975

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature
Augusta, Maine

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands" (H. P. 965) (L. D. 1209).

Signed:

Respectfully,

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Cianchette of Somerset,

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 Maine Central Institute of Pittsfield, Maine Maine Prep School Boy's Track Championship 1974-75

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 532)

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

Ought to Pass — As Amended
The Committee on Local and County

Government on, Bill, "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate." (H. P. 1165) (L. D. 1464)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-388).

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

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

Nine members of the Committee on Public Utilities on, Bill, "An Act to Promote Efficiency in Public Utilities." (H. P. 1315) (L. D. 1633)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-431).

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

LEONARD of Woolwich
BERRY of Buxton
NADEAU of Sanford
SPENCER of Standish
LITTLEFIELD of Hermon
SAUNDERS of Bethel

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

KELLEHER of Bangor
GRAY of Rockland

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

Signed:

Representative:

TARR of Bridgton

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mrs. Cummings of Penobscot, the Majority Ought to Pass as Amended Report "A" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act Relating to Protective Custody of Children under Health and Welfare Laws." (H. P. 638) (L. D. 789)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
GRAHAM of Cumberland

Representatives:

RAYMOND of Lewiston
SAUNDERS of Bethel
DAVIES of Orono
HUTCHINGS of Lincolnville
AULT of Wayne

The Minority of the same Committee on the same subject matter reported that the

same Ought to Pass in New Draft under Same Title (H. P. 1577) (L. D. 1880)

Signed:

Representatives:

TALBOT of Portland
HUNTER of Benton
CONNERS of Franklin
TRUMAN of Biddeford
BACHRACH of Brunswick

Comes from the House, the Minority report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-425).

Which reports were Read.

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

Mr. KATZ: Mr. President, although I signed the Majority Ought Not to Pass Report, the House Amendment now on this bill has gained my support and I move adoption of the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Establish the Maine Building Code." (H. P. 1346) (L. D. 1810)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-283).

Signed:

Senators:

CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York

Representatives:

GOULD of Old Town
JOYCE of Portland
BURNS of Anson
CAREY of Waterville
FAUCHER of Solon

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

Signed:

Representatives:

COTE of Lewiston
PERKINS of Blue Hill
HUNTER of Benton
SHUTE of Stockton Springs

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to the Furnishing of Family Planning Services to Minors." (H. P. 988) (L. D. 1253)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

BERRY of Androscoggin

Representatives:

CURRAN of South Portland
GOODWIN of South Berwick
KENNEDY of Gray
POST of Owl's Head
LOVELL of Sanford
HENNESSEY of West Bath
LaPOINTE of Portland
SPROWL of Hope

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-394).

Signed:

Senator:

HICHENS of York

Representatives:

LAVERY of Millinocket
MORIN of Old Orchard Beach

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

Which reports were Read.

Mr. Berry of Androscoggin moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. HICHENS: Mr. President, I would rise in opposition to that motion. We have a bill before us today that would attempt to change the trend to break up family relationships and would rather strengthen these relationships between parent and minors by keeping parents informed as to what is going on between their sons, and their daughters especially, and public agencies. I believe that family planning services for married couples is an important program, but when unmarried teenagers receive such information and devices for contraception and are encouraged to have freedom of sex, regardless of what opponents of L. D. 1253 may affirm, we are taking a big step in breaking down the morals of our state.

The arguments that they will do it anyway and should be protected is the same argument we hear on other issues. But I still assert that more young people's morals are broken down by such a law than would be if parental notification were required.

When I receive several letters from teenagers in one envelope all written on the same block of paper urging me to oppose the bill, it is apparent that someone is urging the writing of such letters. When I get letters such as one from a 13-year-old girl stating, "I should be able to do what I want without my parents knowing", and another stating, "Who wants babies anyway?", I cannot help but wonder what we are coming to.

We often hear people say we can't legislate morality, but with laws like this one we now have on the books, we sure are legislating immorality.

On the Maine Opinion Tabulation Response conducted by television station WGAN May 9th on the question, "Should a parent be notified when birth control drugs or devices are prescribed for teenagers?", over two-thirds of those expressing their opinions voted yes. In an area like Portland I feel that this is a very significant indication of the feeling of concerned people.

Earlier this week the majority of this body voted for a bill that will further separate the husband and wife relationship. Now, if we reject passage of this L.D. 1253, we continue to widen the gap between parents and teenagers.

The Governor of this state during a

speech to the Maine Police Chiefs Association in January is quoted as saying, "Respect and basic discipline isn't going to be learned in the classroom or in the community. It is going to have to be taught at home by parents who must take time to look at what society has become and who will take time to teach and set examples."

I therefore oppose the motion and ask for a roll call.

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

Mr. HUBER: Mr. President and Members of the Senate: I feel that passage of L.D. 1253 would effectively deny family planning services to minors. The result of the requirement of parental notification of delivery of these services would cause minors simply not to go to these programs. The end result would be an increase in illegitimacy, which among minors already accounts for 26 percent of illegitimacy in Maine, increased incidents of abortion, either legal or illegal, and blighted young lives.

There are those who argue that access to family planning services increases promiscuity. However, I would argue that minors who do show up at family planning programs are sexually active already, and the approach to a family planning program is really the first step in responsibility in this important and personal area.

The act which this bill would amend, which I sponsored in the last regular session, already requires that it be the professional judgment of a physician that non-delivery of family planning services would be detrimental to the minor's health. This decision is not taken lightly by physicians, and I think this safeguard is already included in the existing legislation.

The best reason for the defeat of L.D. 1253, however, is that if this bill passes, there will be for many minors unwanted pregnancies, private misery, and in many cases public dependency. I hope we will accept the Ought Not to Pass Report, the 10 to 3 report of the Committee.

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

Mr. MERRILL: Mr. President, I would like to request through the Chair that somebody who is in favor of the bill explain the effect of the amendment please?

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to clarify a few things about the bill itself and family planning services. What the legislation does is require that when a prescribed birth control method is requested, prescribed, that then the parents become involved, they receive knowledge that the child has requested these prescribed birth control methods. That does not stop family planning services from passing out the other forms that they use. As I understand it, the unprescribed methods of condoms, foam and gel can be passed out without the parents becoming involved.

The intention of the legislation of prescribed birth control methods is the fear that these things that require prescription — for one thing, it is required that a medical report has to be filled out,

and a lot of times some of the younger minors that are using this program do not always know their family history. There is a form that has to be filled out with the medical history background of the family.

I have a letter from one of my constituents, the bill was put in by one of my constituents, and it came from a group of people in my district. I would just like to read what he had to say in one of his letters.

"What it boils down to, the law states in this bill that a minor may obtain from an unfamiliar doctor who has examined her a birth control device without the consent of parents or guardian." Now, to unquote for a minute, what has happened in my area is that a lot of the local doctors will not handle it, so they are taken as far as a hundred miles away to the City of Bangor for doctors to examine them, without the parents knowing where the children are.

To continue with the letter: "I stand to be corrected, but the family planning agency, after they have counseled the minor, can legally transport a minor from this town to another community where this young person is examined by an unfamiliar doctor who has no idea what the person's background or medical status is. And if that doctor sees fit, he can then supply the minor with birth control devices through family planning, without the consent or knowledge of that person's parents or guardian. If this is so, I feel that the state has taken away from me one of the highest of God-given rights to a parent, and that is being the one who can say what is right or wrong for his children. Who is to say this youngster will or will not lie to the doctor during the examination to obtain this device, or his not knowing that there may be circumstances in this young individual's medical status that could perhaps cause great harm to the child? There are so many questions but no straightforward acceptable answers to what overshadows the possibilities.

"I am not against family planning, for I know that it has great benefits and can offer so much to people, but this one segment of the bill has denied me the great right as a parent. In politics we have a right to know law, in which a person has the right to public information, but in the rights of humans in the form of concerned responsible parents, it is in my mind that these rights have been thrown out the window by the legislature."

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

Mr. MERRILL: Mr. President, I have given some consideration to the issue of parent notice as far as birth control is concerned, and frankly, I am not certain yet how I feel about that question. It is one of great concern to me, and as I look forward to being a parent of a teenage girl sometime it is one that I have trouble answering.

But I look at this bill and I look at the amendment, and I see that there is much more here than just notification. First of all, there is a question raised to me as to whether or not the parent has to be notified previous to the prescription being granted, or whether they just send out the notice that it has been done. In one case, obviously, a delay would result. In the other case, the expressed desire that the medical history will be available to the doctor would not be accomplished.

Further, there is more than just notice in this bill. There is a requirement that the minor will be interviewed by a person with

psychological training and counseling experience. And I can't say that I have had at any time a good case made why we should require these people to go to this training, when most people experienced in psychology or psychiatry will say that they can do very little for anybody who does not come to them willingly as a patient.

In light of that, and in light of the fact that there is so much confusion to me as what the procedure will be as far as the granting of these drugs, and these other requirements that I just can't go along with, I am going to vote against the passage of this bill.

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

Mr. HICHENS: Mr. President, in answer to the good Senator from Cumberland's query as to the intent of the amendment, I think that he has probably read it by now and answered it himself, but in answer to the question he has just asked, the parent would be notified before any information was given to the minor. It is written very plainly in the amendment. Then the minor shall be interviewed by a person with psychological training and counseling experience to determine if such health hazards were present.

We were told by the counseling services that this is already being done, but the one thing is that the parents aren't being notified. It is being done without the parents' notification.

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

Mr. PRAY: Mr. President, myself as a young parent, and being in this legislature, I am quite concerned with the mood the country has taken through the 60's and the early 70's of seeming irresponsibility and permissiveness in our society.

As to the comments made by the good Senator from Cumberland, Senator Merrill, if he shows such concern about such legislation, then all I can do is urge him to defeat the motion and pass the bill. Then perhaps if he has problems with it, we could amend it to where it would be more suitable, especially on the part of the psychological counseling.

I was told by some individuals and some members of the committee that they saw this as a great way to get the bill killed so they were going to leave it there. They themselves were against it, but the committee itself did not feel that they should take it out. The thinking on it was that it would definitely help to kill the bill. I think it could be amended out so it might be more answerable and suitable to some of the people who might have objection to such clauses or phrases in the bill.

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

Mr. Carbonneau of Androscoggin then moved that the bill be tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Androscoggin that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

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

Mr. PRAY: Mr. President, one last statement to make the record clear. I myself am not totally in favor of the bill as written, but I do believe it can be amended, as I suggested perhaps to some

other members and I would hope that they would defeat the motion. Perhaps if it can't be amended to a suitable stage for them, they can later express their feelings on the bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Berry, that the Senate accept the Ought Not to Pass Report of the Committee. 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 motion by the Senator from Androscoggin, Senator Berry, that the Senate accept the Majority Ought Not to Pass Report of the Committee. Those in favor of accepting the Ought Not to Pass Report of the Committee will say "Yes"; those opposed will say "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Collins, Corson, Cummings, Curtis, Gahagan, Graham, Greeley, Huber, Jackson, Johnston, Katz, Merrill, Reeves, Roberts, Speers.

NAYS: Senators Clifford, Cyr, Danton, Graffam, Hichens, McNally, O'Leary, Pray, Thomas, Trotzky.

ABSENT: Senators Conley, Marcotte, Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Mr. HUBER: Mr. President, I move we reconsider our previous action on this bill and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. Pray of Penobscot then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Huber of Cumberland to Reconsider.

On motion by Mr. Speers of Kennebec, a division was had. 10 having voted in the affirmative, and 19 having voted in the negative, the tabling motion did not prevail.

Thereupon, a vive voce vote being taken, the motion to Reconsider did not prevail.

Joint Order

Out of order and under suspension of the rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 27, at 10 o'clock in the morning. (S. P. 536)

Which was Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage.

Senate Ought to Pass

Mr. Huber for the Committee on

Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1975." (S. P. 534) (L. D. 1502)

Reported pursuant to Joint Order (S. P. 522) that the same Ought to Pass.

Which report was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: This measure is as a result of the order we had earlier, and I would just like to explain briefly what is in this bill.

This bill appropriates the \$5,434,000 which we held back in the previous emergency appropriation act, which is the share of the education subsidy which is being borne by the state. We retained this pending action on L. D. 1452. It also includes \$100,000 for the district court administration, which will be refunded from district court funds. Also included is \$200,000 for the legislative account, an allotment to the Department of Marine Resources in the amount of \$98,000 so that they can go on the same radio system as currently used by all our other enforcement agencies — otherwise they would be left out alone. It includes also minor appropriations to the Department of Manpower Affairs, the Attorney General, and again a minor amount to the Treasurer of State to reimburse the Town of Bucksport for the business inventory tax.

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

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

Ought to Pass — As Amended

Mr. Graham for the Committee on State Government on, Bill, "An Act to Authorize the Governor's Committee on Children and Youth to Accept and Administer Certain Available Funds." (S. P. 138) (L. D. 442)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-189).

Which report was Read.

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

Mrs. CUMMINGS: Mr. President, there is an amendment being prepared, which should be available by Tuesday of next week, which will put back into this bill something that I think was inadvertently left off, which would authorize the Governor's Committee on Children and Youth to accept gifts. In other words, it would enable them then to solicit support by private funds. This was left off. And I would appreciate it if someone would table this for two days for that amendment.

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

Thereupon, on motion by Mr. Gahagan of Aroostook, tabled and Specially Assigned for May 27, 1975, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act to Increase the Salary of the Superior Court Messenger of Cumberland County." (S. P. 64) (L. D. 186)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State." (S. P. 533) (L. D. 1901)

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 Taxation on, Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482) (L. D. 1613)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland

MERRILL of Cumberland

Representatives:

DRIGOTAS of Auburn

SUSI of Pittsfield

FINEMORE of Bridgewater

COX of Brewer

MULKERN of Portland

DAM of Skowhegan

MORTON of Farmington

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MAXWELL of Jay

IMMONEN of West Paris

TWITCHELL of Norway

Which reports were Read.

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

Mr. BERRY: Mr. President, if I might, through the Chair, I notice that the Chairman of the Taxation Committee is not in the chambers at this time, and I would request that somebody table this for one legislative day, pending acceptance of either report.

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

Thereupon, on motion by Mr. Merrill of Cumberland, tabled and Specially Assigned for May 27, 1975, pending Acceptance of Either Report.

Joint Order

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

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 27, at 10 o'clock in the morning. (S. P. 536)

Tabled earlier in today's session by that same Senator, pending Passage.

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

Second Readers

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

House

Bill, "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate." (H. P. 367) (L. D. 461)

Bill, "An Act Exempting Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax." (H. P. 1325) (L. D. 1626)

Bill, "An Act to Increase Borrowing

Capacity of Topsham Sewer District." (H. P. 1568) (L. D. 1873)

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 1602) (L. D. 1884)

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

House — As Amended

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)

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

Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (H. P. 1580) (L. D. 1881)

(On motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for May 27, 1975, pending Passage to be Engrossed.)

Bill, "An Act to Clarify the Authority of Municipalities to Undertake Activities Pursuant to the Housing and Community Development Act of 1974." (H. P. 641) (L. D. 813)

Bill, "An Act to Provide for Date of Election on Applications for Absentee Voting." (H. P. 796) (L. D. 969)

Bill, "An Act Appropriating Additional Funds to Provide Matching Funds for State Participation in the United States Department of Commerce Sea Grant Program." (H. P. 923) (L. D. 1140)

Bill, "An Act to Clarify the Mandatory Provisions of the Workmen's Compensation Act with Respect to Farm Laborers." (H. P. 936) (L. D. 1178)

Bill, "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without Having to Appear in Court." (H. P. 1452) (L. D. 1725)

(On motion by Mr. Speers of Kennebec, tabled pending Passage to be Engrossed.)

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

Bill, "An Act Relating to the Expediting of Procedures under the Municipal Employees Labor Relations Board." (H. P. 1169) (L. D. 1467)

Which was Read a Second Time.
The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: This bill here would force communities to settle whatever labor problem they may have within a 30-day period, and somehow I don't see where by forcing them to try to negotiate whatever problems they may have, either with their school teachers or other municipal employees, that they would be able to come to any meaningful negotiations. I think legislation like this would hurt more than help, and I move that this bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Danton, now moves that L. D. 1467 be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Roberts.

Thereupon, on motion by Mr. Roberts of York, tabled and Specially Assigned for May 28, 1975, pending the motion by Mr. Danton of York that the Bill be Indefinitely Postponed.

Bill, "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies." (H. P. 1299) (L. D. 1575)

Which was Read a Second Time.
Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-192, was Read.

Thereupon, on motion by Mr. Collins of Knox, tabled and Specially Assigned for May 27, 1975, pending Adoption of Senate Amendment "A".

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution. (H. P. 1421) (L. D. 1806)

Which was Read a Second Time.
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, this is the resolution, of course, that was debated last evening regarding the manner in which the constitution should be amended.

Very briefly, the objections that I had to this particular piece of legislation were that the constitution could be amended through various steps, but each step of which would be by a majority vote rather than by something more than a majority, as is now the case with a two-thirds vote of each branch. I would have no objection to the initiative procedure, as long as we maintained the two-thirds requirement. There has been no indication that the two-thirds requirement amendment would be offered, and I therefore move the indefinite postponement of this resolution.

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

Mrs. CUMMINGS: Mr. President, once there again there is an amendment in preparation.

This bill, I think, has merit in that it may be the only way that the voters of the State of Maine will be able to express their opinion on the size of the House or some of the other procedures here on which some of us who are already elected feel some insecurity in voting for changes. The proposed amendment, as I understand it, will say that although the change in the constitution can be implemented with a simple majority in both houses, when it goes out for referendum it would take two-thirds of the voting citizens to pass this. So there would still be the two-thirds in order to change the constitution, but some of the power to change our own situation would be removed when it came to the best interest of the citizens of the state.

I hope that someone would table this bill until next Wednesday.

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

Mr. SPEERS: Mr. President, this is not the time or place to debate the amendment, but it certainly is not the amendment that I would have contemplated would have been introduced. Nevertheless, because there is an amendment being prepared, which I was not aware of, I would withdraw my motion to indefinitely postpone the resolution at this point. I certainly would not agree with the amendment, however, that was described here this afternoon. So I will withdraw my motion to indefinitely

postpone and would ask that someone do table this for one legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Speers, requests permission to withdraw his motion to indefinitely postpone. Is this the pleasure of the Senate?

It is a vote.
The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.

Senate

Bill, "An Act Relating to County Administration of Certain Federal Programs." (S. P. 416) (L. D. 1312)

Which was Read a Second Time.
On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 27, 1975, pending Passage to be Engrossed.

Bill, "An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities." (S. P. 469) (L. D. 1603)

Which was Read a Second Time.
On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.

Bill, "An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission." (S. P. 424) (L. D. 1390)

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

Senate — As Amended

Bill, "An Act Relating to the Maine Law Enforcement Planning and Assistance Agency." (S. P. 173) (L. D. 553)

Bill, "An Act Requiring that the Judicial Council Report to the Legislature." (S. P. 257) (L. D. 833)

(On motion by Mr. Curtis of Penobscot, tabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.)

Bill, "An Act to Clarify the Laws Relating to Marine Resources." (S. P. 276) (L. D. 934)

Bill, "An Act to Clarify Laws Relating to Corporations." (S. P. 421) (L. D. 1388)

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

Enactors

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

An Act Relating to Reserve Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies. (H. P. 1576) (L. D. 1879)

Which 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 Extending the Time Limit During which School Budgets May be Adopted by Certain School Administrative Units. (H. P. 1623) (L. D. 1899)

This being an emergency measure, and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the

President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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

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

Pending — Enactment.

(In the House — Indefinitely Postponed.)

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for May 27, 1975, pending Enactment.

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

Bill, "An Act Relating to Tenants Serving on State and Local Housing Authorities." (S. P. 439) (L. D. 1455)

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

Pending — Passage to be Engrossed.

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

Mr. CLIFFORD: Mr. President, there have been a lot of tabling motions today, and I just want to explain that this bill mandates that tenants serve on local housing authorities as well as the state housing authority because the local housing authority statutes are state statutes, and there are attempts being made to reach an agreement that will be agreeable to the municipalities which are involved and to the other people who have an interest. There are several amendments which are pending in still further attempts to work out a satisfactory solution to this problem, therefore, I would appreciate it if someone could table this until Wednesday next.

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

Thereupon, on motion by Mr. Danton of York tabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.

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

House Report — from the Committee on State Government — Bill, "An Act to Create a Full-time Board of Environmental Protection." (H. P. 931) (L. D. 1175) Ought to Pass as amended by Committee Amendment "A" (H-365).

Tabled — May 22, 1975 by Senator Pray of Penobscot.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-421).

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

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

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)

Tabled — May 22, 1975 by Senator Johnston of Aroostook.

Pending — Motion of Senator O'Leary of Oxford to Indefinitely Postpone Senate Amendment "A" (S-185) to Committee Amendment "A" (H-398).

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

Mr. O'Leary of Oxford then withdrew his motion to Indefinitely Postpone Senate Amendment "A" to Committee Amendment "A".

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

Sent down for concurrence.

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

Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758)

Tabled — May 22, 1975 by Senator Roberts of York.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-118), Adopted.)

Mr. McNally of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-191, was Read and Adopted.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I.B. 1) (L. D. 1619) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 22, 1975 by Senator Berry of Cumberland.

Pending — Motion of Senator Trotzky of Penobscot to Accept the Minority Report.

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

Mr. O'LEARY: Mr. President, I would request a division on that motion and ask that the Senate defeat it. This is an initiated bill and it has no price tag on it whatsoever. In the bill it says "The Department of Conservation, including the several bureaus and agencies therein, and the Department of Inland Fisheries and Game are hereby authorized and directed to acquire approximately 40,000 acres of land on and around Bigelow Mountain." Now, there is a price tag that goes with this. It will cost somewhere in the neighborhood of 10 to 12 million dollars. So I think there should be some way for the people who are going to vote on this to know just what it is going to cost them, and I see no way under this initiated bill as it was presented to us to amend it so that the people will be informed as to what their costs are going to be.

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

Mr. TROTZKY: Mr. President, I have requested some financial information from the Department of Conservation but I could not get it today, so I hope someone will table this until Wednesday next.

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 28, 1975, pending the motion by Mr. Trotzky of Penobscot to Accept the Minority Ought to Pass Report of the Committee.

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

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

Tabled — May 22, 1975 by Senator Corson of Somerset.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. CORSON: Mr. President, I would inquire if the calendar is correct. I believe that L. D. 708 is not an emergency.

The PRESIDENT: The Chair would advise the Senator in the affirmative, the bill is not an emergency.

Mr. CORSON: Mr. President, I move 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.

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

Bill, "An Act to Clarify Provisions of the Election Laws" (H. P. 27) (L. D. 35)

Tabled earlier in today's session by Mrs. Cummings of Penobscot, pending Consideration.

The PRESIDENT: The pending question before the Senate 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 Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, is it in order to ask for further information about this bill?

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: To answer the question of the Senator from Kennebec, Senator Reeves, I would like to briefly explain once again what this bill does entail.

I think the veto message of the Governor is somewhat misleading on this. Possibly that office didn't entirely understand the bill. What it does is really bring into line the law dealing with waiting periods. It says and I am reading from the bill, "On receipt of the application, the register shall remove the party designation" — this is someone removing their enrollment or resigning their enrollment in a party.

"the register shall remove the party designation beside the name of the applicant on the voting list and shall make a notation on the voting list that the applicant is ineligible to vote at a caucus or primary election." That is the existing law.

What we are adding is "or to file a petition as a candidate for nomination by primary election for a period of three months."

In other words, under existing law, if you have changed your enrollment for a period of three months you are not eligible to vote in a primary election of the other party, you are not eligible to vote in the caucus, but you are eligible to run as the party's candidate. We felt in the Election Laws Committee that this was quite inconsistent.

Section 2 does basically the same thing. You can't file as a candidate for the nomination. If you are not eligible to vote in a caucus, or you are not eligible to vote in a primary, should you be eligible to run as the candidate? We felt no, that it was inconsistent.

The bill in no way restricts independents. It restricts me as a Republican from changing my enrollment and running as a Democrat, unless I do so by January 1st. And it restricts a Democrat from changing to run in the Republican primary, unless he decides that he is going to do so three months prior to the 1st of April.

As far as the constitutionality goes, I think there is a tendency on the part of many people perhaps that if they don't like something they assume that it is unconstitutional. I know I have heard that offered many, many times at public hearing. But I would submit that before one should make such a charge one should check the constitution and those court decisions which interpret the constitution. I have done so, not only on this matter but on other matters that have met with the disapproval of the Executive, and in no way is this bill unconstitutional.

We are talking now about the parties and membership in the parties and running as a party candidate. We are not talking about restricting a person's right to vote. So the argument that it may be unconstitutional is not valid at all, and I would therefore urge the members of the Senate to vote for the enactment of this legislation.

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

Mr. REEVES: Mr. President, I have just one further question. How does it affect write-in candidates, people who don't file on April 1st but are written in on the day of the primary? Actually there are two parts to my question, and the other is: What about people who are independents or who are unregistered in the party and choose to register in the party on April 1st or on the day of the primary?

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, in answer to the Senator's question, this in no way affects write-in candidacies, in no way whatsoever. I beg the Senate's indulgence—I forgot the second question.

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

Mr. REEVES: Mr. President, am I to understand that a person can be a Democrat on the day before the primary, change his party registration, and run as a Republican as a write-in candidate? The second part of my question is this: Can a person be an independent and register in one of the other parties on April 1st or on the day of the primary?

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: An independent can enroll in a party either prior to or on the 1st of April and be a party candidate. We are dealing only with persons belonging to one party switching to another party. We are not restricting the right of an unenrolled voter from joining a political party or participating in that party's activities. I hope that answers the Senator's question.

The PRESIDENT: Is the Senate ready for the question? The pending question is shall this Bill become a law notwithstanding the objections of the Governor. 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.; Berry, R.; Cianchette, Collins, Corson, Cummings, Curtis, Danton, Graffam, Greeley, Huber, Jackson, Johnston, Merrill, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Sewall.

NAYS: Senators Carbonneau, Clifford, Cyr, Gahagan, Graham, Hichens, Katz, McNally, Reeves.

ABSENT: Senators Conley, Marcotte, Wyman.

Mr. Berry of Cumberland was granted leave to change his vote from "Yes" to "No", and Mr. Speers of Kennebec was granted leave to change his vote from "Yes" to "No".

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, and 19 being less than two-thirds of the membership present, the veto of the Governor was sustained.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby the motion failed of passage.

The PRESIDENT: The Chair would advise the Senator that having voted on the Minority side, his motion would be out of order.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having changed the vote and having voted on the prevailing side?

The PRESIDENT: The Chair has recorded the Senator's vote as voting on the negative side, which was the minority side of the issue.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, having voted on the majority side, I move the Senate reconsider.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate reconsider its action whereby the veto of the Governor was sustained.

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 the motion by Mr. Curtis of Penobscot that the Senate reconsider its action whereby the Governor's veto was sustained.

Recalled from Governor

The President laid before the Senate the following matter:

Bill, "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)

Recalled from the Governor pursuant to Joint Order (S. P. 531).

On motion by Mr. Huber of Knox, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Enacted.

Thereupon, on further motion by the same Senator, placed on the Special Appropriations Table.

Reconsidered Matter

The following Bill was held on May 22, 1975 at the request of Senator Berry of Androscoggin, pending Consideration:

Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices." (H. P. 893) (L. D. 1068)

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

(In the Senate — Majority Ought Not to Pass Report Read and Accepted.)

Mr. Graham of Cumberland moved that the Senate reconsider its prior action whereby the Majority Ought Not to Pass Report of the Committee was Accepted.

The same Senator then moved that the Bill be tabled and Specially Assigned for May 27, 1975, pending the motion to Reconsider.

On motion by Mr. Katz of Kennebec, a division was had. 11 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. KATZ: Mr. President, on the motion of reconsideration, I request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that a division be had on the motion to reconsider.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I voted when this bill was before the Senate against the bill, but it seems to me that the motion before us now is merely to reconsider so that the bill will be in a posture where it can be debated. I think it is a fairly important bill, and I understand one of the proponents was out of the chamber when the bill came up, so he would have an opportunity to debate the merits of the bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I suggest to the good Senator from Androscoggin, Senator Clifford, that the Senator go ahead and debate it right now.

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

Mr. BERRY: Mr. President, it was at my request that the bill was held, and the reason I did that is that I wasn't in the

chambers at the time the motion was made for acceptance of the report.

At the committee hearing, Mr. President, it was brought out to the members of the Health and Institutional Services Committee that this is a form of legislation that has been passed in other states and has become quite effective as a consumer piece of legislation. It does not deny the optometrist or the ophthalmologist anything in their trade, as they stated that actually the same price of eyeglasses that they pay is the price they pass on to the consumer.

What it does is allow the opticians the opportunity to advertise in their profession. The eye examination and the eye care would still come from the professional people, but it allows the dispenser of the eyeglasses to become a part of the American competitive system. Thank you.

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

Mr. HICHENS: Mr. President, I would remind the members of the Senate that the Health and Institutional Services Committee voted 9 to 4 ought not to pass on this bill.

This is the third attempt to defeat the existing prohibition against price advertising of eyeglasses which was enacted in the interest of public health in 1969. Prior legislative bodies put forth considerable time and expense in enacting the prohibition of price advertising of eyeglasses. This legislative body should proceed slowly and carefully before undoing hours of effort previously expended in the best interest of Maine people.

As a member of Health and Institutional Services, this being my third time, we have had this bill before us in every session since I have been on the committee, and we have defeated it every time.

I would remind you that advertising is a simplistic viewpoint and although its expressed purpose may be admirable, it leads to more abuses than it solves. Statistics have shown that in states where price advertising of eyeglasses is permitted, an amazing variety of abuses have become commonplace. There is documented proof of this in the attorney general's office in Texas from their January 1975 hearings on price advertising prohibitions of eyeglasses.

Practices of the marketplace cannot be brought to bear insofar as the health care professions are concerned. If you allow price advertising of ophthalmic materials, what you do is create pressure. This brings the practices of the marketplace to bear. You create an ideal opportunity for the large chain optical corporations, some of which are presently in the State of Maine. They want to break our law very, very badly for their own personal profit.

I, therefore, oppose the motion to reconsider.

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

Mr. MERRILL: Mr. President and Members of the Senate: As a person of the Democratic Party and a person who sometimes votes as do liberals and might be considered a liberal, I am often accused by more conservative people of not believing in the free enterprise system. But it seems to me that on more and more issues that we see come before this legislature that it is members of my party and often people of my political persuasion

that are the people defending the free enterprise system. The people who claim to believe in it have so little faith, I see as I look around me in this chamber.

Well, I have faith in the free enterprise system, and the statistics that I have seen and I don't claim to be an expert on this subject—the statistics I have seen I think bear out my faith in the free enterprise system with regards to this specific matter, and that in the states that allow advertising in this area the price of these glasses is cheaper to the consumer. So I am certainly ready to vote to reconsider this matter, and to put the firm, hard burden on these people that hold up all these parades of horrors to overcome my prejudice in favor of free enterprise. And I would like to request that when the vote is taken it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I rise to support the Senator from Cumberland, Senator Merrill, and the Senator from Androscoggin, Senator Berry.

I believe in the market system. Let the market determine what eyeglasses are to be sold for. This is not a professional thing, this is a technical thing, and the market can well determine which are good eyeglasses and which are bad eyeglasses.

I think that this is a consumer bill, a bill to help reduce the price of eyeglasses. I happen to know of a man who broke his eyeglasses recently, and yet he simply hasn't had the money to buy another pair, whereas, if we had the free market prevailing here, the price of these glasses would be lower and he could buy a pair. So I think this is an excellent bill and I hope we will prevail on this. After all, we have already passed a bill granting the advertising of prescription drugs, so why not the advertising of prescription eyeglasses.

The PRESIDENT: Is the Senate ready for the question? 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 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 motion of the Senator from Cumberland, Senator Graham, that the Senate reconsider its action whereby it accepted the Majority 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.; Clifford, Cyr, Danton, Graham, Huber, Merrill, O'Leary, Pray, Reeves.

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

ABSENT: Senators Conley, Marcotte, Wyman.

A roll call was had. 10 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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

Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758)

Tabled earlier in today's session by that Senator, pending Passage to be Engrossed.

On further motion by that same Senator; the Senate voted to reconsider its prior action whereby Senate Amendment "A" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted.

Thereupon, on motion by the same Senator, tabled and Specially Assigned for May 29, 1975, pending Adoption of Committee Amendment "A".

The Adjournment Order having been returned from the House, Read and Passed in concurrence, the Senate adjourned until Tuesday, May 27, 1975 at 10 o'clock in the morning.