

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Monday, June 2, 1975

Senate called to order by the President.
Prayer by the Honorable Theodore S. Curtis, Jr., of Orono:

Let us pray. Dear Lord, on this magnificent morning at the start of another challenging week, we pause in reverence to thank you for the wonders of nature and the opportunity to serve our fellow citizens and our God. Amen.

Reading of the Journal of Friday, May 30, 1975.

Papers from the House
Non-concurrent Matter

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

In the Senate May 23, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-180).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-511), in non-concurrence.

On motion by Mr. Collins of Knox, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Provide for Citizen Gardens on Suitable State Land." (H. P. 1294) (L. D. 1574)

In the Senate May 28, 1975, Failed of Enactment in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-569), and Committee Amendment "A" (H-395), in non-concurrence.

Mr. Reeves of Kennebec moved that the Senate Recede and Concur.

On motion by Mr. Katz of Kennebec, a division was had. 10 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies." (H. P. 1306) (L. D. 1590)

In the House May 27, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-475).

In the Senate May 28, 1975, Passed to be Engrossed as Amended by House Amendment "A" as Amended by Senate Amendment "A" (S-227), in non-concurrence.

Comes from the House, that Body having Insisted.

Mrs. Cummings of Penobscot moved that the Senate Adhere.

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

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

Mr. CONLEY: Mr. President, the amendment that was put on this bill by the Senate actually gutted the entire bill, and I think there are many of us who are concerned about the way that the utility companies today are promoting themselves at the expense of the consumer, primarily those that have to pay for the services. I don't think any of us like to sit home and watch on TV or get pamphlets in the mail telling us how safe

nuclear power is or the fact that one of our great utilities in the electrical business tells us that they are serving us at the cheapest rates in New England when it is obvious to every one of us that perhaps in many cases they are the highest rates in New England.

Now, the bill as it came out of committee was a unanimous committee report and everyone was in agreement with it. The sponsor of the legislation in this particular bill is strongly opposed to the amendment that the Senate has put on this bill. And again, as I stated earlier, to adopt this amendment as we have done really guts the entire bill and serves very, very little purpose. I hope the Senate would vote to recede and concur with the other body.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur. A division has been requested. Will all those Senators in favor of the motion to recede and concur with the House please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: It has been a couple of days since we talked about this bill. I would just like to refresh your memory that the bill in its original form said that all advertising had to be paid for by the stockholders, and that the only time the costs of "The Lamplighter" and things like that could be charged to the ratepayers would be when it would be informational inserts in the bills. Actually, the amendment did not mention nuclear power. It just talked about anything that was educational or informative being charged to the ratepayers and not to the stockholders. I don't really think that this guts the bill at all.

I think it is a good bill, and I think it just allows the utility companies — and it isn't just electrical companies, you know, all of them — it would allow them to give information and educational information, which I think is necessary for the ratepayers' maybe peace of mind and also their information.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This amendment that we are discussing would, in my opinion, gut the bill and bring about the result that the ratepayers would be paying for being brainwashed by the public utility companies. That would be part of the basis of the charges they had spent on advertising. We would then be paying for being told what a splendid company we were paying rates to.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I think the record should clearly show that the Senate Amendment does not gut the bill but rather provides that the utilities may indeed provide information to their customers,

and that is exactly what we are talking about.

The good Senator from Cumberland, Senator Conley, mentioned that he is incensed at the idea that he should be informed as to one point of view regarding nuclear power or regarding other matters faced by the utilities. Well, that is like being incensed at the idea that one should be informed, period. Thomas Jefferson, in speaking of the democracy that we know today, stated that the only thing that can maintain a democracy is education. And I don't think that anyone in the State of Maine is being fooled or being misled when they understand that the information that they receive from the power companies is obviously information that the power companies want them to receive. But that doesn't make it any less information. And if they feel that this is erroneous information, they have other information available to them as well. Regarding nuclear power, for example, there is a great number of periodicals and articles in questioning about the safe use of nuclear power. So it is a question of whether or not the people are to be informed or whether or not the utilities are going to be allowed to make any comments regarding matters affecting service and rates, which is all the Senate Amendment talks about.

I think we have to have some faith in the general public, and I think that this Senate Amendment is a reasonable amendment.

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

Mr. CONLEY: Mr. President and Members of the Senate: The good majority floor leader would have one believe that all this does is educate the consumer. No one is against the education of the consumer, but it is a question of whose expense it should be done at. I think it should be done at the hands of the stockholders and not the ratepayers.

Now, I have some pamphlets right here that are put out by some of the electric utility companies in this state, and all it is is a blatant exorbitant cost to those who are trying to meet their weekly or monthly light bills.

This amendment definitely would allow the utility companies primarily to add onto their rates the cost of this type of advertising. I say to the Senate if they want to advertise in that manner that it should be done at the cost of the stockholders and not the consumer who has to pay the freight.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. 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 is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Conley, Cyr;

Danton, Graham, Johnston, Marcolte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Clifford, Collins, Corson, Cummings, Curtis, Gahagan, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trolzky, Wyman.

ABSENT: Senator Graffam.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, on motion by Mr. Conley of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act to Require Returnable Beverage Containers." (H. P. 1609) (L. D. 1888)

In the Senate May 29, 1975, Bill and accompanying papers, Indefinitely Postponed in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "A" (S-208) and "B" (S-209) and House Amendment "D" (H-597) in non-concurrence.

Mr. Thomas of Kennebec moved that the Senate Recede and Concur and subsequently requested 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 one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, I wish permission to pair my vote with that of Senator Graffam. If he were here, he would be voting against the motion, and I am voting for the motion.

THE PRESIDENT: The Senator from York, Senator Roberts, now requests permission to pair his vote with the Senator from Cumberland, Senator Graffam, who, if he were here, would be voting against the bill, and the Senator from York, Senator Roberts, would be voting for the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I rise to make some comments about this bill before we finally vote upon it. I was well aware and surprised, and I guess shocked, at the last vote that this body took on the issue. What surprised me was perhaps not so much the shifts in the votes by some of the members of this body, but the apparent reluctance on the part of this body to recognize what so many people in the State of Maine are coming to realize, and that is that we are in a challenging time, a transitional time, when the future is imposing upon us and we should be very concerned about our non-renewable resources. So that this bill, which I have discussed before on the floor as being an anti-litter measure, and which it is indeed, is also a bill which is really one for the future.

I don't think that we have the capacity to continue in this state operating on the concept of unlimited growth, and I wonder if it is about time that this Senate helps to establish what should be our priority values. It is not just a question of

accumulation of goods, it is a question of how we use our resources and concern for future generations. And I guess I am as much a victim of this kind of consumption mentality as perhaps anybody else. I have two cars and I buy and use a number of non-returnable beverage containers at the present time. But speaking for myself, and I know an awful lot of my constituents, I think it is about time we were prepared to start adjusting our lives to what is going to have to be the new priorities of the future.

I was talking to one of the retail outlets in my town, and the folks there were concerned, and I am sure rightly so, about the problems of storage if we go to a requirement for returnable bottles. I listened for a while and I went into the store and shopped there myself, and I was concerned about their comments, and yet I thought that it was about time that that store and many others throughout this state took a little more positive attitude. And when that store can tell me that it is able to find space for 1,500 cases of cold beer but cannot find space to accept any returnable bottles, then I think it is time for this Senate to start looking at some of these priorities that face the State of Maine and start suggesting in a stronger fashion than we have in the past that it is time to take some action.

Now, two years ago we considered this matter in the legislature, and there was a good deal of thought that it was time to wait and see what the results in Vermont and Oregon might be. Well, two years have passed and about the only change that I have been able to identify is that the people who communicate to me, who have lived in Vermont and Oregon and now reside in my district, are stronger proponents than ever that that is a good system and the right way to go. The other change I suppose would be that the Vermont Legislature has strengthened its law.

There is a cost factor involved, but I think it is again time that we realized there are perhaps savings involved with returnable containers as well as costs. When a large manufacturer of soft drinks can offer its returnable cases at 60 cents less per case than it does its non-returnables, you know there must be a saving there. There certainly will be a saving to municipalities which are so concerned about the skyrocketing costs of operating their solid waste disposal systems, and there certainly will be a savings to the people who in the past have had to clean up their own front yards, their own roadsides, and there certainly will be a saving to the state.

Again, I think of an advertisement that I heard just recently on the radio from the Dr. Pepper Company, which is offering a special arrangement for charitable groups who return bottle caps from the Dr. Pepper bottles. If you collect enough bottle caps and turn them in, they you can obtain a benefit for your charitable organization. They don't offer to provide a benefit if you turn in the whole bottle, just the caps. At least that is perhaps a little step in the right direction of solving our solid waste problem, but if this kind of sales gimmick can be used, how much better off we would be if we tried to retain, recycle, and re-use those bottles.

Finally, I guess I would like to talk for just a minute about the referendum issue because I know that is one that has been of a lot of concern to us. If this issue passes now, there is little doubt in my mind, and I don't think there is much doubt in

anybody's mind here, that the bill will not become law until the people have an opportunity to vote on it. If we don't put the referendum issue on it, the folks who are opposed to the law will quickly and effectively — and they have every right to do that, and I applaud them for taking it — will effectively stop the enactment of that law until the people have an opportunity to vote, just like we did with the truck weight bill a year ago.

However, if we do not pass it, the people who would like to see that same issue placed before the general populace in a general vote, and who are in favor of the returnable bottle bill, would not have an opportunity to get that issue before the people until an election in 1977. So I would suggest that we have already waited two years, and it is time for this legislature to finally take some action.

So, Mr. President, I guess it is clear the way I am going to vote, and I hope that this Senate does not at this crucial moment, when we have an opportunity to do something, stop this legislation from becoming enacted.

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

Mr. COLLINS: Mr. President, one of the advantages of our federal system of government is that we can experiment with new laws state by state and see how they work out. I remember the verse I learned as a schoolboy, "Be not the first by whom the new is tried, nor yet the last to lay the old aside." I am impressed with the experience of Oregon and Vermont and I will support this bill. I believe that, in the words of a constituent of mine, it will improve the appearance of our roadsides and the safety of our roadsides, and will help to teach and reward the conservation of resources, especially for our children.

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

Mr. REEVES: Mr. President and Members of the Senate: I would like to remind the Senate that 12 of the 13 members of the Business Legislation Committee voted in favor of this bill after considerable study and after a public hearing attended by some 1500 people. And as a member of that committee, I have already voted on the record for this bill four times, which I believe is more than any other member of the Senate.

I see this bill doing good things in Maine. We would become a clean state, and I am told it could bring more jobs. Maybe it would hurt, at least temporarily, a bottle or can manufacturer in Illinois, or wherever, at least until he can switch production to canning jars, which is something that I need and can't get.

I am told of an article in the Wall Street Journal about a second side effect this bottle bill brought to Oregon. That is that the Budweiser Company and other national companies decided it was no longer worthwhile to ship the empties back and forth from Los Angeles to Oregon, and so the local breweries got the business. So I think it is possible Maine could get a brewery and jobs out of this.

One final note: Sometime ago I offered to report on the lobbying expenses incurred on both sides of this issue. I have a report. I had to estimate a small part of these figures, and I was not able to obtain a complete accounting at this time. That won't come until this summer. But my report at this point is as follows: Expenses in favor of this bill are \$3,900. and expenses

against are \$36,000. Thank you, Mr. President.

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

Mr. DANTON: Mr. President and Members of the Senate: I am glad the Senator from Kennebec, Senator Reeves, got up and enlightened us on the committee hearing. My information is that he has attended very few of the hearings; I am glad he attended that one. As far as the lobbying expenses go, I am glad he said it was just his own estimate. I am surprised he stopped at \$36,000. It probably should have been \$136,000.

Mr. President and Members of the Senate, I am not going to vote for this bill, and I am going to tell you why I am not going to vote for it. One, I am not in a retail store business, so I don't have to worry about the bottles. But I just don't think it is right that the State of Maine and the State of Vermont have a returnable bottle bill, and New Hampshire, Massachusetts, Rhode Island, Connecticut — I believe there are 47 states that don't have the bill. We should turn this bill down and get to our Congress and have them make it the law of the land. That is what we need. Have all our businessmen, our distributors, our retailers, have them all on an even keel.

I don't think it is fair for any man that has invested his money to become a distributor of beer or cold drinks, or whatever the case may be, and today pass a bill like this here and perhaps put him out of business because that brewery just tells him "I am sorry, I am not going to ship you any more product into the State of Maine", and there goes his investment.

Now, I think there is something about trying to be fair here. I think our Congress, our Senator Muskie, Hathaway, Representatives Cohen and Emery, that is their job in Washington, to take and pass a bill that will apply throughout this entire country. Never mind taking and putting the burden on us in our state legislatures and taking and hurting our small retailers.

Senator Curtis got up and mentioned stocking beer. Sure, they stock beer, but of the amount of beer they are stocking now they will only be stocking half of that beer, and the rest will be empty bottles. And for them to continue the same amount they will have to take and build additions onto their buildings. That is another thing we are doing to the businessman.

I think we have to at some time or another in our legislative careers try to do the responsible thing, and the responsible thing is to turn this bill down and let Congress enact a bill. Don't you think I get upset when I drive down the road and see cans and bottles on the side of the road? I get as upset as anyone in this State of Maine, but I know that this isn't the right bill.

How about vendors that have taken and invested money in machines that have aluminum cans in them? One vendor called me up, and there will be 26 people out of work if this bill becomes a law. This is no time for us to put people out of work, when we have committees on jobs going around the state telling the citizens of this state how many jobs they are going to create. And I would like to ask the Senator from Kennebec, Senator Reeves, how did he vote when we tried to make an allowance for a brewery to have a tax exemption so they could locate in this state? If we are going to talk, then let's talk the way we should talk. Let's not talk from both sides of our mouths. Let's not go around saying we want jobs and then vote

in every possible manner not to have any jobs. I hope this bill is defeated.

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

Mr. CARBONNEAU: Mr. President, I do concur with the remarks made by Senator Danton, and I would like to throw out a few things here that I heard this morning, or in rebuttal of same.

The good Senator Curtis mentioned something about an outfit that was able to store 1,500 cases of cold beer. Now, he is stating in fact that if we devote only half of that space to cold beer that we could have cold empty bottles. Now, I don't think that is right. Those cases are in the store at a big cost — you know it and I know it — and people want their beer cold when they come into a store. They don't want to see just a bunch of bottles and cans.

As for the committee hearing, it was mentioned by the good Senator from Kennebec, Senator Reeves. Yes, there was about 2,000 people there, I think, and the big, vast majority were people against this bill, but apparently the committee did not hear them. They heard only the other side.

Now, as for cleaning up the highways, I submit to you — I said it before and I will say it again — pass this bill and it is not going to make one bit of difference on the highways. The people that throw cans out of the windows and people that throw bottles out of the windows will keep on throwing them out, and that is an established fact both in Oregon and Vermont. So I urge you to vote against this bill.

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

Mr. CIANCHETTE: Mr. President, I would like to pose three questions through the Chair to any Senator who may care to answer, and I think for the record it would be good if somebody would answer these three questions.

No. 1, is it true if this bill is passed that foreign distributors may put non-returnable containers, either cans or bottles, on the shelf without a deposit on the bottles? Is that a fact or is it not a fact? If this is true, is it not also true that we are discriminating against U.S. business? I would like to have the answer to that question.

I would like to have an answer to the question — I would like to have it discussed here just a little bit, and I would like to really know what do the grocers, or I expect it is grocery stores that are going to take back cans — I understand that under this bill they are going to have a nickel minimum deposit on the cans — when a businessman takes back these cans, physically what does he do with them? Now, we understand that these cans may be picked up beside the road — that is the idea of the nickel deposit — and certainly if these cans have laid beside the road they are going to be collecting bugs and everything else, and these are picked up in a burlap bag or cardboard box, or whatever, and taken to a grocer. Maybe he is on Main Street, maybe has a little corner store, and maybe he has a supermarket, but I would like to have the answer to the question of what does he do with those cans after they have been returned? I hope he wouldn't put them in his store.

Then we heard the other day congratulations to the Business Legislation Committee. This is question No. 3: I can commend them also for working hard and diligently and long hours

to put out a bill, and I know they did well and they have been very busy, so I in no way want to let my remarks condemn the Business Legislation Committee. But I would like to know did the Business Legislation Committee take the time to consider thoroughly alternatives to this type of legislation for getting the job done; namely, the Washington State Litter Act.

Mr. President, I hope those three questions will be answered this morning.

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

The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President, I can definitely answer No. 1. Imported beers, although they will not be required to use a refillable container, will be required to put a minimum of a 5 cent deposit on the container. Since refilling the same container more than once reduces the cost of beverages, American beer will be significantly cheaper than imported brands which will not be refillable in their containers. Therefore, rather than causing a hardship on domestic breweries, this provision would in fact create an economic incentive for buying American beer rather than imported beer.

As for question No. 3, I think the Senator answered it himself the other day when he referred to two years ago the promise that was made to him about a little bill.

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

Mr. JOHNSTON: Mr. President, Senator Reeves has mentioned the hearing which the Business Legislation Committee had for the bottle bill and there were 1,500 people there. You don't predicate, at least I don't, a decision on what to do with a bill with regard to how many people show up for it and how many people show up against it, but the obvious sentiment at the hearing was against the bill. His remarks relating to the 12 to 1 report which came out of the committee are somewhat misleading. It was 11 to 1 to 1. It was 11 ought to pass with the amendment for a referendum, one ought to pass with practically a new draft of the bill, and one ought not to pass.

Now, we deliberated for some weeks over this piece of legislation in the Business Legislation Committee and a great many concessions were made. These concessions were made not to the integrity of the bill but to the integrity of the committee. At one time in our deliberations I polled that committee as to how they would report just the bill; no amendment for referendum, but just the bill as it was written, and it was 8 to 5 ought not to pass. As we got further along in the deliberations, it became obvious to all of us that we could have thirteen reports on this bill, so we made concessions, and we reported it out the way we did so that we could give the legislature something to consider with some sort of unification.

The good Senator from Cumberland, Senator Berry, made it clear to me in this body when he made the statement that with respect to the referendum and the amendment, and the amendment offered in this body and the statement of fact thereto, that the statement of fact should read that this amendment is to kill the bill, when he was speaking about the referendum, so he made up my mind for me. If this bill doesn't deserve to pass this body, if it doesn't deserve to pass the Maine Senate, then it doesn't deserve to

become law in this state. It is a discriminatory bill and I am not going to vote for it.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: This weekend it was all I could do to stay home. In fact, if I hadn't been really feeling very brave I would have left. I have never had the telephone ring so often and I have never had such emotional telephone calls. I didn't know bottles could make people so emotional. Of course, this isn't it; it is the litter.

One of the things that has come up when I have been looking into what would happen to this state if the bill does go through is that I have checked with several grocery stores, those that have returnable bottle beverages in their stores, and those bottles are not bought. The convenience of the customer comes ahead of their desire to keep the roads clean or to keep the dumps free of extra bottles. I think that the time has come not for a referendum, which will be intensified in emotion far beyond what I had this weekend, but I think the time has come to have every store perhaps be forced to carry both returnable and non-returnables, and let people have a referendum that will really show how they truly feel according to how they purchase their beverages. If they buy the bottles that cost a nickel more originally and then get it back when they return them, then we will know that is what they would like us to do. If they don't do that, and they continue to buy the throwaways, then I think it is obvious that that is what they want to do. I don't think we should force them to do something until we have given them a chance to say what they want, but not in a referendum which will be just one big emotional splurge after another, with lots of money spent and lots of charges.

We have had, as you know, many conflicting statements of fact coming from very reputable sources, and somebody is not telling the truth. And just because we get it here, it will be greatly intensified to go throughout the state, and I am not going to vote for the referendum.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: Let me tell you a little tale of experience that I have had for over some forty years connected with bottles, empty bottles and full bottles.

Back about 15 or 20 years ago the situation of non-returnables came into being. I remember in my particular outlet I would have, for instance, four rows up one side of one size, and next to it I would have one row of non-returnables. The four rows were returnables. Over the years as we went along, we would take two rows of non-returnables and two rows of returnables. And then one row of returnables against three rows of non-returnables. Why did we do that? Space in a store, no matter where it is, costs a lot of money. It has got to bring in X number of dollars; otherwise, you devote that space to something else that will sell. What does not sell, you remove it from the shelves and you put something else in there. That money has got to turn over. When you have an industry that shows one-half of 1 percent net profit at the end of the year, mister, you have got to make every foot of space in your store count.

Well, then we found out that the people, the people themselves, according to what Senator Cummings was just saying, they made the choice years ago, and still in some places returnable bottles are available, so you can buy them or leave them. But most people leave them. Why should we legislate for people and tell them what they are going to buy, how they are going to buy it, and what they are going to pay for it? We are not here for this kind of work. This is a housecleaning bill and it does not deserve to go on the books.

I suggest to you that the majority of the people in this state, and in this country for that matter, prefer the non-returnables. So let's try to find some viable ways of cleaning up our areas without legislating them to buy a product in a form that they don't want.

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

Mr. CONLEY: Mr. President and Members of the Senate: First of all, I am addressing the Senate as the Senator from Cumberland, and not as the minority floor leader.

I would like to tell the Senate about what happened to me last Friday evening when I got home. As we all know, we got out of here pretty late last Friday afternoon, and I think by the time I got home it was somewhere around 7 o'clock. I had no sooner stepped in through the door when I got a phone call from a very good friend of mine who said "Jerry, I will never vote for you again." I asked him why, and he said "Well, primarily because you voted against the bottle bill. You were bought. You were bought off by the lobby to vote against the bill."

Well, we have read a lot and heard a lot about the lobby during this session of the legislature, and I can tell you that without any question — you can ask the lobby, whatever they are, all of them, whatever group they are lobbying for, ask them to take a poll of how they rate Jerry Conley, on the side of the lobby, and I wouldn't be a bit surprised if you would find me right down at the bottom of the ladder — but I strongly resent anybody saying that I have ever been bought. I look upon the lobby as doing a very valuable job here, whether I agree with them or disagree with them, but I hate for my personal integrity to be attacked by some citizen who reads the newspaper and reads the loose talk of the language that it uses so frequently.

I am against this bill, and I am against it for many reasons. Last Saturday I took a little trip downtown, and I ran into a lady who said to me "Senator Conley, how are you on the bottle bill?" And I said "I am voting against it." She said, "Well, I am glad to know that." I said, "Well, why?" It sort of struck me because I thought everybody, from what we read about it, was overwhelmingly in support of it. She said "Because I have a number of children, and all I can picture is someone else's children or my children running out to pick up a bottle and running up the street with it to the store, falling, being cut, and so forth." Now, that is the viewpoint of a mother. Perhaps it is a weak one, but it is the viewpoint of a mother.

The second reason I personally have is that there have been studies and surveys made as to a returnable bottle bill, and what percentage of litter is removed from the public highways? What percentage of litter is removed from the public highways? I think it is a very, very high

figure, about 80 percent or better, that still remains, that is still there. That reminds me of the old argument that I have heard back through the years of people who went into public housing and how the establishment has always looked down upon those people in public housing because they say look at the pigpen that is down there, or we can't expect anything different; we can put them in palaces and in two weeks the place will be a shambles. That is what you hear. Perhaps even some of us are guilty of making those remarks, but that doesn't mean that that statement is totally erroneous because in some cases it is true. But it breaks down to those individuals who are not tidy, who could care less, who will continue to go on in their sloppy manner. And that is exactly what this bill is all about. We shouldn't be talking about returnable bottles. What we should be talking about is a strong litter enforcement bill.

Why do we limit it just to bottles? Why don't we take in the canned vegetables? We talk about energy and recycling. Are the city dumps going to be any less covered with cans? Are they going to be less covered with bottles? Not really. We certainly know about all the various outlets there are up here on Western Avenue. I guess we have got Carrolls, we have got McDonalds, we have got the Dairy Queen, and so forth. They are littered all over the state. Everyone goes in on Sunday afternoon or a nice warm day and picks it up, and I am sure that the majority of people dispose of the containers in receptacles when they are through with them, the proper receptacles. But littering is littering, and there is not much you can do unless you really have strong enforcement of the present statute that is on the books. Strong enforcement.

I think, as the good Senator from Aroostook clearly stated, that the bill is discriminatory. It strikes out against one economic segment in our community.

Now, we have been told that irrespective of what happens here today, or what happens in this legislature, eventually this bill is going to go to referendum. I am against the bill, as I have stated, because if I thought it was honestly — honestly — going to do the job that we are concerned about I would vote for it. It is not, we know it is not, and I think in a sense, because the legislature takes a very strong, positive view on this thing, that it is a sham on the public of this state. And I wish we would all re-examine our conscience or our position as to whether or not we can honestly say that this bill, if it should become law, would serve the purpose of those who intend it to do so. I don't believe it will, and because I don't believe it will, and because I believe that it is strongly adverse to a lot of little storeowners in the state, plus a large segment of industry, I think the bill should not pass.

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

Mr. JACKSON: Mr. President and Members of the Senate: I have been sitting back and listening quite intently to the debate as it has been going on this morning about jobs, about small businesses, about the expansions, and the litter problem that exists. I think everybody realizes that we have a problem with litter. And the problem is not only with returnable containers; it is with solid waste, as far as your orange juice cans, your milk jugs, or whatever the case may be.

But I think one thing that we all ought to take into consideration is what effect this is going to have on the State of Maine. And what I mean is economically, what effect is it going to have on the State of Maine. For a state which is considered vacationland, we have people come from all over the United States and other parts of the world for the summer and they spend time here, so I ask you what is going to happen to the State of Maine and its revenue derived through the sales tax on these liquids in these containers which are consumed by these people that travel here? We have a mass of people that come from Massachusetts, Rhode Island, Connecticut and New Hampshire that come over here.

As the good Senator from Saco mentioned, Vermont has passed a returnable container law, but New Hampshire has failed to enact it and Massachusetts has failed to enact it. Now, I ask you what is going to happen to these stores which are within thirty miles of that New Hampshire border, and what effect this is going to have on the Maine sales tax that is derived from these sales?

Another point is that they talked about jobs. I employ four people, and I would dare say that a good many small stores that are in my district up and down that New Hampshire border employ anywhere from two to four people, and if this bill passes, then these stores will not be employing people because I say their sales are going to drop so that they are either going to have to get rid of people or go out of business. I have not checked to see what the facts are on the Vermont border as to how many stores have closed. I did check with one store and he stated that his sales on beverages have dropped 70 percent.

Now, if we pass a law like this, where it is just mainly for the State of Maine — and I agree with Senator Danton that there should be national legislation to cover this, where everybody would be treated equally — then the fact is that with the New Hampshire border all the way down across, they are going to sit right there, those state line stores, and stores inside New Hampshire are going to take business away from Maine businesses. And you talk about jobs. Well, these jobs are already in existence. We don't have to sit here and predict how many more jobs we are going to have by having returnable containers; I think we ought to look at how many jobs we are going to lose. And these are times when we can't afford to lose jobs.

Talking about expansions, I am in the process right now of putting 16 by 40 feet on my store, and if you don't think the costs are astronomical today to do that, I submit to you that maybe you ought to come up and sign the contracts with me and you guys can make the payments.

I am going to vote against the amendment and the bill.

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 please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Thomas, that the Senate recede and concur with the House. A "Yes" vote will be in favor of

receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, R.; Collins, Corson, Curtis, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Reeves, Thomas, Trotzky, Sewall.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Gahagan, Jackson, Johnston, Marcotte, O'Leary, Pray, Speers, Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with two Senators having paired their votes, the motion did not prevail.

Mr. Danton of York then moved that the Senate Adhere.

Mr. Collins of Knox subsequently moved that the Senate Insist and Ask for a Committee of Conference.

On motion by Mr. Danton of York, a division was had. 15 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I ask for a roll call.

The PRESIDENT: The Senator from Knox, Senator Collins, has now requested a roll call on the motion to adhere. 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 on the motion to adhere 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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, I ask permission to pair my vote with Senator Graffam, who, if he were here, would vote in favor of the motion to adhere, and I shall be voting against it.

The PRESIDENT: The Senator from Knox, Senator Collins, now requests permission to pair his vote with the Senator from Cumberland, Senator Graffam, who, if he were here, would be voting for the motion to adhere, and the Senator from Knox, Senator Collins, would be voting against the motion to adhere. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the question of the Senate adhering to its former action. A "Yes" vote will be in favor of the Senate adhering; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

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

NAYS: Senators Berry, R.; Corson, Curtis, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Reeves, Roberts, Thomas, Trotzky.

A roll call was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with two Senators pairing their votes, the motion prevailed.

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

Mr. MARCOTTE: Mr. President, having voted on the prevailing side, I now move we reconsider and hope you vote against me.

The PRESIDENT: The Senator from York, Senator Marcotte, now moves that the Senate reconsider its action whereby it adhered to its former action. All those Senator in favor of reconsideration will say "Yes"; those opposed will say "No".

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

Joint Order

WHEREAS, there have been many bills introduced this session concerning the election laws of this State; and

WHEREAS, some of these bills interact with other introduced bills in possibly unforeseen ways, some of these will duplicate parts of other bills and many of these bills represent differing legislative policies concerning the conduct of state and local elections; and

WHEREAS, it is desirable to have one uniform legislative policy concerning the election laws of Maine; and

WHEREAS, it is desirable that the Joint Standing Committee on Election Laws, which is currently studying this problem, needs more time during the interim to reach a set of firm conclusions; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Election Laws, to continue to examine the election laws of this State as provided in Title 21 of the Maine Revised Statutes and related Titles for the purpose of ascertaining as economically as possible all necessary repealers, amendments and modifications of existing laws as, in the judgment of the Council, are necessary and appropriate; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1646)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach John Coughlin and the Cony Rams Baseball Team Kennebec Valley Conference 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. (H. P. 1647)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine

One Hundred and Seventh Legislature

House of Representatives

Office of The Clerk

Augusta, Maine 04330

May 30, 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 Relating to County Administration of Certain Federal Programs." (Emergency) (S. P. 416) (L. D. 1312)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Clifford of Androscoggin (Cosponsor: Mr. Carbonneau of Androscoggin) 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

Jean Sampson

In her dedicated leadership to Education Over The Past 15 Years on

The State Board of Education and as a trustee of The University of Maine

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. 547)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Katz of Kennebec, ORDERED, the House concurring, that the Bureau of Taxation is directed to modify the State Personal Income Tax Form to more clearly indicate the community of residence of each person who files. (S. P. 548)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Exempt School Teachers, Secretaries, Bus Drivers, Teacher Aides, Cafeteria Employees and Custodians from Liability for Rendering Emergency First Aid or Transportation Services to Injured Students." (H. P. 1168) (L. D. 1466)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to the Liability of Registered and Licensed Practical Nurses." (H. P. 340) (L. D. 423)

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 Relating to the Transfer of Prisoners when a Jail is Unfit or Insecure." (H. P. 961) (L. D. 1215)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

The Committee on Local and County Government on, Bill, "An Act to Cause the Arcoostook County Commissioners to Hire a Full-time Administrative Assistant." (H. P. 1362) (L. D. 1664)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-542).

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

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act to Establish the Maine Vocational Development Commission." (H. P. 1458) (L. D. 1785)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-533).

The Committee on Agriculture on, Bill, "An Act Relating to Agricultural Fairs." (H. P. 1106) (L. D. 1395)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-531).

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 Local and County Government on, Bill, "An Act Creating Cumberland County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners." (H. P. 252) (L. D. 322)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-476).

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

Which report was Read.

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

Mr. CONLEY: Mr. President, a point of order: Perhaps the Chairman of the Local and County Government Committee could respond to the question, but the title of the

bill, at least one section of it, strikes me as being something very familiar to this body, the creating of Cumberland County Commissioner Districts, which was defeated in this body, and I believe the motion was to adhere. The question is that I would like to know what the difference is between this bill and the one that was earlier before us. And then secondly, the question is that under the Joint Rules, if this is essentially the same bill, whether or not it is a proper item to be before the Senate.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The difference in this bill is actually the heading. It is, "An Act creating Cumberland County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners." It is basically the same bill that was adhered to here about three weeks ago.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley, who may state his point of order.

Mr. CONLEY: Mr. President, under the rules, I would ask the Chair as to whether or not this bill is properly before the Senate?

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

Mr. CARBONNEAU: If I recall properly, Mr. President and Members of the Senate, when we had the hearings on these bills we had three different bills from Cumberland County requesting county commissioner districts. There was also an adjustment for the salaries of the county commissioners of Cumberland County, and basically that is what this bill does.

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

Mr. Merrill of Cumberland moved that the Bill be tabled until later in today's session, pending Acceptance of the Committee Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley, who may state his point of order.

Mr. CONLEY: Mr. President, again I would ask the Chair to make a ruling as to whether or not this item is properly before the Senate, and I will give the presiding officer the time to check with the parliamentarian.

The PRESIDENT: The Chair thanks the Senator.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, addressing my remarks to the matter of the germaneness of this bill, if my memory serves me right, the other bill created three commissioner districts and this creates five. I would request a division on the tabling motion.

The PRESIDENT: Would the Senator restate his remarks?

Mr. BERRY: Yes, Mr. President. I said that the bill I think Senator Conley referred to provided for three commissioner districts. That is the other bill that the legislature killed. This bill provides for five commissioner districts. So my personal opinion, sir, would be that this bill is in order. It was admitted by the

Reference of Bills Committee, and I don't believe it is exactly parallel.

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

Mr. JACKSON: Mr. President, maybe we should take a look at the Committee Amendment, under Filing No. H-476. If you will notice, everything after the heading of the bill, "An Act Creating Cumberland County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners", was struck out. Everything after that was struck out. In fact, it is creating just three commissioner districts in Cumberland County.

The PRESIDENT: The Chair is prepared to make a ruling, if the Senator would defer his motion. The Chair will call the Senate's attention to Joint Rule 21, Rejection of Bills. "When any measure shall be finally rejected it shall not be revived except by reconsideration, and no measure containing the same subject matter shall be introduced during the session" — repeat — "the same subject matter shall not be introduced during the session unless three days notice is given to the house in which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses."

In view of this joint rule, the Chair will rule that this bill is now out of order.

The Committee on Taxation on, Bill, "An Act Concerning the Applicability of the Sales and Use Tax to Inventory." (H. P. 904) (L. D. 1090)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-530).

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

Which reports was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. SPEERS: Mr. President, I wonder if some member of the Committee on Taxation might explain this particular bill. I notice that again it revises the definition of retail sale or sale of retail to not include the sale of tangible personal property which becomes an ingredient or component part of, or which is consumed or destroyed or loses its identity in the manufacture of tangible personal property for later sale or lease. And the words that are added are "or lease".

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 Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending Adoption of Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names." (H. P. 176) (L. D. 200)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-494).

Comes from the House, the Bill Passed

to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Hichens of York, tabled and Specially Assigned for June 4, 1975, pending Acceptance of the Committee Report.

The Committee on Business Legislation on, Bill, "An Act Concerning Home Repair Salesman Licenses Issued by the Department of Business Regulation." (H. P. 1197) (L. D. 1493)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-366).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-557).

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

Ought to Pass — in New Draft

The Committee on Transportation on, Bill, "An Act Relating to the Binding of Logs, Lumber and Timber." (H. P. 727) (L. D. 902)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Binding of Logs and Revising Certain Fines" (H. P. 1629) (L. D. 1903)

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

Which report was Read.

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

Mr. BERRY: Mr. President, I wonder if we could ask some member of the Committee on Transportation to explain the redraft and the difference between it and the original L. D. 902.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to any member of the Committee on Transportation who may care to answer.

Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Business Legislation on, Bill, "An Act Relating to the Licensing of Hearing Aid Dealers and Fitters." (H. P. 844) (L. D. 1038)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1643) (L. D. 1907).

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

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge Across the Kennebec River at Augusta." (H. P. 1038) (L. D. 1328)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
CYR of Arostook

Representatives:

FRASER of Mexico
ALBERT of Limestone
KAUFFMAN of Kittery
JENSEN of Portland
LUNT of Presque Isle
BERRY of Madison
JACQUES of Lewiston

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

Signed:

Representatives:

STROUT of Corinth
WINSHIP of Milo
WEBBER of Belfast

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

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

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly Disadvantaged Maine Citizens." (H. P. 1413) (L. D. 1683)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-472).

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives:

MORIN of Old Orchard
LAVERTY of Millinocket
LOVELL of Sanford
GOODWIN of South Berwick
SPROWL of Hope
HENNESSEY of West Bath
POST of Owl's Head
CURRAN of South Portland
KENNEDY of Gray

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

Signed:

Senator:

BERRY of Androscoggin

Representative:

LaPOINTE of Portland

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

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

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The reason that I signed the Minority Ought Not to Pass Report on this bill is not the fact that it is not an appealing piece of legislation, but the fact is that it was pointed out that over the next two bienniums this could be a multi-million dollar bill. And the appropriation on this bill, if you will notice, is 1975-'76, \$1, and 1976-'77, \$1. And it is my understanding that if the legislature enacts this bill, even though it is in the intent that this may be sponsored by outside business, if that fails, the next time it would only have to be submitted into our budget and we would be looking at a bill that we had passed for funding.

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

Mr. HICHENS: Mr. President, due to being called out, may I ask what the motion was that was made on this bill?

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, relative to L.D. 1683, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Mr. HICHENS: I would ask for a division on that motion, and I would speak on my stand.

The committee heard this bill, and it is a proposal by the Governor of our state to provide free drugs to elderly disadvantaged Maine citizens. His opinion is that it may be subsidized by people from the outside and not become a tax burden on the rest of the people of the State of Maine. As a committee, we couldn't quite go along with that supposition that we may have those generous donors, but if you will notice the statement of fact on the amendment, it says "The primary purpose of this amendment is to provide for public hearings and a public review period before the Commissioner of Health and Welfare adopts rules and regulations related to the program of free drugs for the elderly."

So all this bill does is grant the right to the Health and Welfare Department to dig into this problem and find out if it is going to be feasible and if it isn't going to be too much of a tax burden on the people of the State of Maine. So the majority of the committee went along with the amendment, and I hope the Senate will go along with it also.

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

Mr. CONLEY: Mr. President, I would pose a question to the good Senator from York, Senator Hichens. If that be the case, then why is the legislation needed? Why can't the Commissioner of Health or the Commissioner of Human Services just look into that himself without cluttering up the books with additional laws, knowing the position of the Chief Executive, who feels that anytime we pass one we ought to kill one?

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

Mr. HICHENS: Mr. President, the question posed by the good Senator from Cumberland was asked in the committee, and it was felt by the sponsor and the majority of the committee that it was feasible to put this into law and to require time to make a study of the problem.

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

Mr. BERRY: Mr. President, with some reluctance I stand in my place and hold my tongue, but I would like to point out, if I may, to the minority and the majority leaders that this is a particular piece of legislation that I had spoken to them on before, and it goes much more in depth than I feel at liberty to say on the floor of the Senate this morning.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, the only good thing I see about this bill is the title.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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 pending question before the Senate is the motion by the Senator from Androscoggin, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee in relation to L.D. 1683. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E. F., Jr.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Huber, Johnston, Marcotte and Merrill.

NAYS: Senators Berry, R.N.; Collins, Corson, Curtis, Gahagan, Graham, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky and Wyman.

ABSENT: Senators Cummings and Graffam.

A roll call was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, 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.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Board of Trustees of Bath Water District." (H. P. 463) (L. D. 565)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-495).

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

LITTLEFIELD of Hermon
SAUNDERS of Bethel
GRAY of Rockland
SPENCER of Standish
NADEAU of Sanford
TARR of Bridgton
LEONARD of Woolwich

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-496).

Signed:

Representatives:

KELLEHER of Bangor
BERRY of Buxton
LUNT of Presque Isle

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

Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon the Majority Ought to Pass as Amended by Committee Amendment "A" 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.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Establishing an Experimental Open Season on Moose." (H. P. 99) (L. D. 106)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-466).

Signed:

Senator:

PRAY of Penobscot

Representatives:

KAUFFMAN of Kittery
PETERSON of Caribou
CHURCHILL of Orland
MILLS of Eastport
DOW of West Gardiner
MacEACHERN of Lincoln
TOZIER of Unity
USHER of Westbrook
MARTIN of St. Agatha
WALKER of Island Falls

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

Signed:

Senators:

GRAFFAM of Cumberland
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" and House Amendment "A" (H-345).

Which reports were Read.

Mr. McNally of Hancock moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Mr. Pray of Penobscot then moved that the bill be tabled and Tomorrow Assigned, pending the motion by Mr. McNally of Hancock to accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Speers of Kennebec, a division was. 11 having voted in the affirmative, and 14 having voted in the negative, the tabling motion did not prevail.

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

Mr. PRAY: Mr. President, I would request a division on the motion by the Senator from Hancock, Senator McNally, and speak briefly to my request.

The PRESIDENT: The Senator has the floor.

Mr. PRAY: Mr. President and Members of the Senate: Again the annual fight for and against the moose is before us. As you can all see on today's calendar, the consideration of the committee was overwhelmingly in favor of a moose season. The reasons for this are based upon basically the recommendations of the department who have studied the problem and studied the moose situation. It is their opinion and the opinion of many people who are outdoorsmen and sportsmen that the moose herd has come back a long ways since 1935 to where it can now bear the pressure of a season.

There are a few things I want to point out

in the bill. One of them is considering the amendment adopted by the other body. It is upon the request of a biologist that the head of the moose study saying that these funds are badly needed to study and survey the moose, its habitat, population, and other information. It is their opinion that this bill will help them better protect and preserve the moose. This would give them much more data and information for them to better understand the animal and to make better recommendations as to the game management to which that department has been assigned the responsibilities. Quite often we assign responsibility and delegate authority to different departments and we rely upon their expertise to lead us into good legislation, legislation which is for the betterment of the state and the people of the state. It is my firm belief that this bill as written has deep consideration of both the moose, the moose population, the herd itself within the state, and of the sportsmen and the department, and I feel it is a good bill.

There are a few things I want to point out as to the fears that people have talked about. It is my basic understanding from facts and figures gathered by the department that the bill requesting 500 permits is going to give us an estimated kill of about 2 percent of the total population of the moose herd. Comparing this with other states and the Canadian Provinces which have it, they kill about 14 to 16 percent of the population, and their herds are increasing. One of the things they consider as the reason it is increasing is because they have been able to understand the problems better and they are taking out the diseased moose.

Now, perhaps Maine doesn't suffer the unique problem to the scale that these other places did at one time. It seems like the moose disease increases with deer population and many sportsmen in this state will realize that the deer population has just started an upswing again, thus, the disease and the illness throughout the moose has been at a low for the last few decades. Thus, the large increase in the population. Of Maine sportsmen that were polled by the department — the department polled some 19,000 Maine sportsmen — 80 percent of those favored the season. 15 were opposed to it, and 5 percent had no opinion of whether or not we should have one. Again, I point out just that the facts, the data and the statistics all point and lead toward a moose season. A lot of people play the emotional issues against the factual issues that we have. They compare the previous moose population to what we have today, but there are lot of factors that have to be taken into consideration concerning when we had our early seasons.

I have a paper before me here on the 1940 season. It was from November 1st to June 30th, no limit. I can remember talking with my grandfather and his telling about how in Millinocket when they used to come in and hunt for moose, they used to take them out by the trainloads, one piled on top of the other. They used to take them out like piles of pulpwood.

Well, I think our game management has gone a long ways since the early 1800's. The data that is gathered by these people to process their census of the moose population is not accurate, but it is a big improvement over what it has been previously. This bill, as I stated earlier, will also give a percentage of the funds for a moose study to be further surveyed and further studied so that the variables will be better known on the moose.

One last thing I want to say at this time is that the penalties, item 12 on the bill, it stiffens the penalties up on the illegal moose hunters. What this does is create a mandatory fine, and it also gives a suspension of all licenses that are issued by the department. Previously, the individual lost his hunting license. So the bill itself stiffens up the penalty and, hopefully, will help curtail the illegal hunters. So I hope that the motion by the Senator from Hancock would be defeated.

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

Mr. McNALLY: Mr. President and Members of the Senate: During the 50's and 60s in Ellsworth we had a man that always ran for the city council every year, and we called him the "smelt" because the smelts always run in the spring. So perhaps we should call this bill the elephant bill, because the gestation period of an elephant is from 18 to 22 months, and there has been a moose bill in every term since I was first elected to the 103rd in 1967. Back that year we had that most knowledgeable representative, Sumner Pike, in the House. And after many pro and con speeches for a moose bill, he got up and said "My very near relatives were members of this legislature when I was a small boy and was making my first visit here. In those days there was a bill to permit hunting of caribou. The argument then was that there was plenty and they needed to be thinned out and then they would increase." Then he asked us in the legislature, "How many of you ever saw a caribou?" To me then, as well as now, the most succinct statement about how thinning the herd would increase them.

Now, the moose is a large ruminant animal of the deer family, inhabits forested parts of Canada and the northern United States, and they are about seven feet tall and weigh 1,000 pounds, with flattened or palmated horns. They are very difficult to raise in captivity to adulthood because of their unusual feeding habits. The young are dropped singly or in pairs in May or June. Killing of females is usually forbidden. All this information I got from the Webster Unabridged Dictionary right down on the second floor.

Many times the legislators have been told that the Indians killed the moose only for food, to cover their teepees and make moccasins, but never to put up a set of horns to feed their ego or to be able to tell people what a mighty hunter they were because they had killed a moose. I suspect that the squaws who chewed the skins to soften them so moccasins and clothing could be made did more for their teeth than the television ads for toothpaste do for our teeth today.

But speaking about Indians, comes to my mind about a county agent traveling in the west who came across a tumbledown house in a deserted windswept area. He offered a prize for the best article on land erosion, and an Indian won the title. It read, "White man crazy, cut down trees, make big teepee, plow hill, waterwash, wind blow soil, grass gone, door gone, no pony, only moosehorns. Indian no plow land, keep grass, buffalo eat grass, Indian eat buffalo, hides make teepee, also moccasins, all time eat, no go hunt job, no work, no hitchhike, ask no relief, no build dam, no give dam. White man crazy."

Six states now permit moose hunting; namely, Alaska, Idaho, Minnesota, Montana, Utah and Wyoming. The non-resident fee now to hunt in Alaska is

\$200 and then, if you shoot a moose, to tag it is \$100, and this state charges the most. The armed services has so reduced the herd up there that you must now hire a plane or a helicopter and fly one day to find the moose, and then the next day you hunt them, because the law does not allow you to hunt the same day you found them.

The day the moose bill had a public hearing we had to have the hearing in the Civic Center, but we had to be out of the Cushman Room by 6 p.m. because of a meeting that night. This prevented the biologist who did the moose survey from being able to show us his charts and explain how he arrived at a count of 18,000 moose.

Why do I doubt this count? Well, he called me one Sunday night and explained how it was done. When I said the moose in Newfoundland had been thinned, he said there were so many when they opened their season that the feed was eaten as high as a moose could reach, both hard and soft wood trees. The forest owners and pulp mills were so concerned that they even built camps and roads for the hunters so that they could thin out this terrible number of moose. I had said that the first year many wounded moose had never been followed, and he assured me that this was not true. When he hung up, I called the owner of Branch Lake Trailer and Camping Park up in North Ellsworth, and this is what the man said. He first hunted in Newfoundland in 1961, and he knew of no roads or camps made especially by the mills and landowners. His guide put him in a blind and he shot a goodlooking bull that disappeared into the brush. He said the moose was bleeding freely and there were spots of blood two feet square. The guide said, "Well, it is time for lunch", so they went to camp. They came back and then the guide said, "Well, take the blind and another one will soon appear." It did, got killed instantly, but no move was made to look for the first one that was badly wounded. This man stopped going in 1970; the moose were quite scarce, and if you wounded one you followed it. Prices to hunt now have gone so high, and you must now hunt with an outfitter instead of a guide. Another Ellsworth hunter said he hunted from 1961 to 1972, and he told me the same type of story, that he would not now return due to the cost and the requirement that it must now be an outfitter instead of a guide.

Now, what happened in Newfoundland could surely happen here, and since both males and females may be taken, it would of course hurry the depletion of the herd.

One letter I received from a man in Rockwood says that the moose count they give us is not any more accurate than what they would have us believe about our deer situation. Another Rockwood resident wrote, "As a resident in Rockwood for many years, and living with and talking with old guides and old natives that know the country, the moose, as the deer, have been on the decline."

Quoting from a letter out of Greenville, "I would like to suggest that many of the Augusta lawmakers who favor the passage of such a bill are not nearly familiar enough with the attraction the moose has to tourists and local people alike. Perhaps also they may be overestimating this magnificent creature's ability to recover its losses after a season or two of devastation."

But let me give you what Finley Clark, a professional bear hunter up in Moro Plantation, was telling our committee at the last public hearing we had. It seems

he goes out and looks for bear signs so when his party comes in he knows right where to go to get them game, and he listed what he had seen in a week this year. He said there were X number of birds, coons and foxes, and then 44 deer that he had seen, and one moose. Do you get the message on why I think there are not as many moose as was reported?

If only residents may kill the moose, will that make the out-of-state hunters like this discrimination? How long is the time period to kill these moose? The bill doesn't state. Do you think this bill will lower the illegal kill by Canadians or any other poachers? A \$25 permit multiplied by 500 will make \$12,500, which is a very small part of the \$172,500 revenue for the fiscal year 1975-76 that the bill states.

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

Mr. PRAY: Mr. President, I would just like to make a few points. First of all, the gestation period of the moose is eight months, so I know he was talking about elephants. The second thing is that it doesn't include Ellsworth because it is just the northern zone, which is zones 1 and 2 in the game management areas.

At the public hearing that we had at the Augusta Civic Center, two individuals spoke in opposition to the moose, and they both had to leave before the hearing was over. And at the end of it the good chairman of the committee asked if there was anybody else opposed to it and there were only two other individuals who raised their hands. The rest were all in favor of it.

On the last point that the good Senator just brought up in talking about the \$25 a license times the 500 permits, it comes out to \$12,500, that is true. But he failed to mention that it required a \$3 application fee which is non-returnable. This is where the department estimates they will make up the other \$160,000.

I have a couple of points other than that. The department brought up that one concern has been in the past that if we hunt moose there won't be any moose, or substantially fewer, left to look at. This has not proven to be the case with other game species. Habitat is the key to the species' abundance. As long as we have the habitat, we will be able to have the species that live in that habitat.

I have heard the argument that, you know, we ought to leave it up to Mother Nature because she does a pretty good job. Well, I wonder where our dinosaurs are today. Mother Nature doesn't always balance things out. I have a piece of paper in summary of the report given by the department here before me giving the reasons why we should have a season:

The climate and habitat in the northern country strongly favors moose over deer.

The population is increasing at a high rate and is high enough to allow for a harvest.

The proposed season is limited to northern Maine, where the majority of the moose are located because it is a moose habitat area.

The season is very conservative.

I was one of the members of the committee who redrafted the bill. We took it back to Legislative Research, and when they printed it out it got lost somewhere and we never found it again, so we had to redraft it again. In the redraft as I have here, item 2, "Length of season. Any controlled open season on moose under this section shall be during the last three days in October." Now, I just read the

amendment this morning and it says it is left up to the commissioner. The committee voted on the last three days of October, not the bill that is before you, and that could be amended down to three days in the second reading.

To continue on, the majority of Maine citizens, as I mentioned earlier, favor a moose season, of those who have been polled.

Special measures can be taken to protect the southern region and Baxter Park, which the bill does. It includes just the northern zone and it excludes Baxter Park.

The biological and life history information obtained from the registered moose would help us to better manage Maine moose herds for the enjoyment of all.

The hunting and observation of moose are not mutually exclusive.

The good Senator from Hancock mentioned the fact that the Fish and Game, biologists were there and because of the time limit were not able to give their full testimony, but in that committee we invited them back to a working session. I have a letter from Francis Gunn, the biologist and field leader for the moose study. "I have been informed that it would not be necessary for me to testify at the working session of the Fish and Game committee, so I am sending some of the data that I intended to present." True, the good Senator didn't get all the data and all the information because the chairman of the committee cut the meeting short as we had to be out of there by a certain time. But after inviting the individual and telling him that they would inform him when the working session was, they then informed him that it wasn't necessary for him to show up.

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

Mr. SPEERS: Mr. President and Members of the Senate: This particular bill has been viewed probably with a bit of amusement over the past years when it has been introduced, and I am sure with a bit of amusement this year as well. But I would like to assure the members of the Senate that it is not particularly an amusing bill. It is a bill which is to be looked upon very seriously one way or the other, either for or against it. But I hope that when the Senate votes it will vote on the bill in a serious manner and not in a very amusing manner as has been the case in the past.

I don't know how many moose there may be in the State of Maine; I haven't taken a personal count, and I don't know how one would go about estimating. But we have a Department of Inland Fisheries and Game with individuals who are trained in this sort of manner, and they have estimated that the moose herd is now large in the State of Maine and is growing rather rapidly. And I guess I can take some leeway with regard to their estimations and still must come up with the conclusion that the moose are there.

The reason that I was interested in this bill, and the reason that I am a co-sponsor of one of the bills that was submitted to the committee, is simply because I recognize the stark fact that the Department of Inland Fisheries and Game, as many departments in state government, are facing a very real problem as far as the funding is concerned. Now, this goes beyond the individuals who are interested as sportsmen in the Department of Inland

Fisheries and Game. I had a visit just a few days ago from some individuals who were not particularly interested in hunting or fishing in the State of Maine, but whose fees went to support the Department of Inland Fisheries and Game because some of the activities that they were involved in were regulated by that department, and they felt a little bit disturbed that the department was not obtaining some revenue out of the general fund and had to depend upon their own fees for supporting hunting and fishing when they were not interested in hunting and fishing. Well, I indicated to them that I did feel as a general rule that dedicated revenue probably was not the best road to follow. But the point I am making here is that the Department of Inland Fisheries and Game is in dire need of funds to support hunting and fishing activities in the state and that this bill would be directly related to that activity, and it is not nickels and dimes that we are talking about. \$172,500, not in the biennium but per year — \$172,500 per year — as income to the Department of Inland Fisheries and Game.

Now, I think we all realize exactly what is involved in the budget, particularly this year, and I would say that that alone warrants very serious consideration of this bill.

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

Mr. McNALLY: Mr. President, I would like to pose a question through the Chair to the good Senator Speers on whether I had wrong information this morning from the deputy commissioner, who said that there was \$25 for the moose permit and \$3 to become one of the perhaps lucky members in the drawing, or to draw anyway or to be put on the list to be drawn, and a \$6.50 hunting license because it is a resident license, and that would be the most you could figure on? That is \$34.50 times 500, and I make that a whole lot less than \$172,500.

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

Mr. SPEERS: I don't think I heard the last part of the question, Mr. President, but if the gentleman is wondering about the \$172,000 figure, I can only relate to the amendment that has come out of the Fish and Game Committee, and it is the amendment that states this is the amount estimated to be income to the state.

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

Mr. PRAY: Mr. President, just to clarify it for the good Senator from Hancock, Senator McNally, who I thought was at the hearing and at the work sessions on the bill, it was testified at that time that the financial figures came from the estimation of the \$3 application fee — it was estimated, I can't remember what the number was now; but perhaps around 40,000 people would make application, and the remaining amount would come from the licenses. Perhaps he forgot that more than just the 500 will apply for the permits.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Hancock, Senator McNally, 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 of the

Committee please rise in their places until counted.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I ask for a roll call.

The PRESIDENT: The Senator from York, Senator Hichens, has requested a roll call. 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 one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Hancock, Senator McNally, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F., Jr.; Berry, R.N.; Cianchette, Collins, Conley, Corson, Graham, Greeley, Hichens, Huber, Johnston, Katz, McNally, Merrill, Reeves, Roberts and Wyman.

NAYS: Senators Carbonneau, Clifford, Curtis, Cyr, Danton, Gahagan, Jackson, Marcotte, O'Leary, Pray, Speers, Thomas and Trotzky.

ABSENT: Senators Cummings and Graffam.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby the Minority Ought Not to Pass Report of the Committee was Accepted.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Concerning the Transportation of Long Logs by Combination Vehicles." (H. P. 1166) (L. D. 1465)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-488).

Signed:

Senator:

CYR of Aroostook

Representatives:

STROUT of Corinth
BERRY of Madison
KAUFFMAN of Kittery
LUNT of Presque Isle
FRASER of Mexico
WINSHIP of Milo
WEBBER of Belfast
ALBERT of Limestone
JACQUES of Lewiston

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

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock

Representative:

JENSEN of Portland

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

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

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

Mr. CYR: Mr. President and Members of the Senate: I oppose that motion. At the hearing the Department of Transportation gave us this memo, and I will read just a couple of paragraphs from it. It says the primary change in the statutes proposed in L. D. 1465 is to increase the allowable length of vehicle combinations, including load, from 56½ feet to 65 feet. Now, that is just on the load. That doesn't include the vehicle. The increased length would be permitted only for those vehicles used exclusively for the transportation of long logs.

The Department of Transportation has authorized the issuance of permits to movers of tree length logs since 1968. This practice has been going on since 1968. These permits are to be used for hauling tree length logs from a stated point of origin to destination over a described route and issued with the understanding that the width, weight and height of the combined truck and load will be within legal limits. Now, this doesn't mean that you are going to increase the legal limits that we passed, the truck bill that we passed. It would still remain within that legal limit. Also, the width and the height would not be changed.

The permits are issued on a monthly basis. They have to have permits being issued monthly now. So what this would do is allow them by law to do it without having to have a permit.

It would appear that authority to allow 65 feet would be a matter of economics on the one hand and safety on the other. Now, as far as economics are concerned, this would allow the total utilization of all the tree. There would be no more ends left in the forest to rot. It would be the total utilization of the tree.

Now, at the hearing even the Forestry Commissioner testified in favor of this bill, that it would allow for the better utilization of the tree. Also, by hauling the tree length to the mill, it would improve the productivity of the cutters and it would also improve the utilization of these trees, because the butts that you would cut at the mill could be utilized either in the chipping mill or utilized for some other purpose. Right now it is a complete waste because it stays in the forest and it is not economical to take it out.

The state police also testified in favor of this, and they also have powers, if need be, to require lights and flags as needed.

Now, this same practice is being used extensively in Canada and in the western United States. There was an individual from Oregon who was here testifying, and I was particularly interested from the standpoint of safety, because the only opposition at the hearing was from AAA. They testified, of course, in the regard that they don't like to have a passenger car meet one of these big monsters, or big trucks. Maybe I shouldn't call them "monsters" because probably the opposition will use it against me. But we have it today, we are doing it today, under permits.

Now, I inquired of the gentleman from Oregon if they had similar roads and similar winter conditions to what we have here, and he said they are practically the same, and they have been able to handle these loads very efficiently and very safely. So, for that reason, I signed the Ought to Pass Report. It is very important for the industry. This new pulp mill that is

going up will utilize entirely the tree length, if this goes through, and they have provisions to be able to utilize the whole tree and improve their efficiency right there at the mill. It is for that reason that I signed the Ought to Pass Report, and I hope you defeat the motion that is now before you and will let it go.

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

Mr. PRAY: Mr. President and Members of the Senate: I rise to echo some of the comments of the good Senator from Aroostook, Senator Cyr.

Being an individual who lives in an area where long logs are hauled quite frequently — as a matter of fact, they average one truck every seven minutes hauling long logs, seeing this bill coming out and seeing the pictures that were passed around comparing them, and because the company that operates in my area where I live has its own private roads, I started checking on a few figures and compared them with these pictures I have here. They are quite modest compared to this. They are allowed to carry 168,000 pounds as company policy, and of course they travel with tree length logs. I was talking with a lot of the loggers and the economic factor is there. It is very beneficial to carry the entire log.

But I have also heard the cry and the concern about the safety factor. The company up in that area has three toll gates — not toll gates, but they have three gates where they register all vehicles going through, so I gathered the statistics from last year. They had 21,600 vehicles from Memorial Day to the end of hunting season go through the gates. That is not how many times they traveled up and down the road; that is how many vehicles went up into this section of the country in the State of Maine where tree length logs are hauled. The weight limit is a lot larger than what we have on the state roads, and the height limit, it is all there. If you want to talk about being scared when you see something coming at you, you can talk to some of the people that drive up on those roads seeing these trucks come down.

But the factor on safety I have heard is the talk about the extension of the logs hanging out over the trailer to the distances prescribed in the bill. Of the 21,600 vehicles that have gone up through there just last year, there was never a rear-end collision, and it is definitely not the same quality of road that we have for our highways. The curves on it and visibility when coming around a corner and meeting one of these trucks and lot more dangerous on the roads up there where I live.

As I understand it, as the good Senator from Aroostook pointed out, the fact is that permits are issued now, and all this bill would do is eliminate the permit process. It is going to allow these people in uneconomic times to carry a load without going through a little bit of bureaucracy and red tape. So I hope the motion would be defeated and we can support the good Senator from Aroostook, Senator Cyr.

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

Mr. GREELEY: Mr. President and Members of the Senate: Whether this legislation passes or not, I don't think it is going to make too much of a difference in my way of living, but I will tell you why I voted against the bill. I think it is going to open the door a little bit for longer vehicles.

As the Senator from Aroostook did

mention, this doesn't increase the length of the vehicle, but it does increase the length of the load 8½ feet, from 56½ feet to 65 feet. The bill to increase the length of the vehicle I think will be here in the next session of the legislature, so if I wanted to vote against that increase in the length of the vehicle I thought I wouldn't vote for this one.

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

Mr. CURTIS: Mr. President, I hope we don't confuse the issue. The matter we are discussing is a proposal to eliminate unnecessary red tape and hassle to the transport of a length of log that is already being transported.

I happen to be concerned because within the district that I represent is a very fine stud mill, and it is good to see a new business going on in the area. It is a clean business and pays good wages, and uses to the fullest extent the product that is produced in our forests. So I hope that we do pass this bill and do not accept the pending motion.

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

Mr. BERRY: Mr. President and Members of the Senate: I don't know how many of my fellow Senators are beginning to be somewhat concerned about the continual reference to the butt in the legislation that we are talking about in various fields. I hope that the Maine Senate doesn't get the reputation that all you need to do to weaken any of our laws or to forget about safety or to sell Maine down the drain is to say that we need to improve the economic climate or we need to make it easier for somebody to make an honest dollar by doing those various things. I would like to appeal, I think, a little bit to some of our better sentiments here in the state.

I think some of us should remember that the laws we have got on the books now were put on the books after long and careful deliberation by people certainly who are our peers and people who gave a great deal of thought to the consideration when these laws were put in the books. Consequently, efforts to weaken laws deserve a very close and critical analysis.

The argument to date, to this minute now, by the people who are speaking for the bill, of course, has been for the dollar, and I don't downgrade their motives at all, but their arguments have all been that somewhere along the line the dollar is involved very much. I am impressed by Senator Cyr's statement that we can do everything we are doing right now by permit and this has been going on for some time. My thought on that score is why not let it continue. These people can find exceptions to the law by getting a permit, apparently it is easy to do, and there must be some money involved here, from the number of rigs like this we see on the road. So I would assume we are going to lose quite a lot of money by just giving a free hand to everybody to go to 65 feet without requiring a permit.

As Senator Greeley has stated, this is the opening wedge for longer loads. Now, what kind of longer loads are we talking about? No longer will you be seeing the house trailers and the prefabricated houses coming into this state preceded and followed by vehicles saying "Long Load" because then it will be possible to bring in 65-foot overall loads. Our trucks will then come and be requesting exceptions for the present law of 65 feet.

Now, let me call to your mind what I think perhaps is a very important part of the whole bill in any similar type of legislation to downgrade our safety laws, and that is the matter of safety itself. 65 feet is quite a lot to pass. It is quite a lot for all of us in this room. It is quite a lot for our wives and our friends or anybody who isn't perhaps a real whiz-bang driver to try to pass. It is quite a place to find yourself in when you are riding along with your eye level below the load and half away along when all of a sudden somebody comes out of the rain and snow ahead of you pointed right at you. 65 feet is an awful long distance to pass if you are not sure you can do it under circumstances like that.

Now, there is another feature in particular to these loads that doesn't apply to length, and that is the matter of your vision when you come up on the rear of these loads. This law provides for a 25 percent overhang on that stern of the truck, and if you are coming along at a pretty good speed or legal speed and catching up with one of these things around a corner or over a hill, and there it is right in front of you, you don't have the perspective to see the distance between you and that truck by the length of that overhang. That is where your judgment is functioning at a disadvantage. Frequently these don't have the red flag on the back, or if they do, it's covered with dirt and you don't notice it. At nighttime there is no red reflector on the back log, and it is just a matter of time, and there have been, of course, many accidents where people run right up onto the ends of these logs.

Considering the fact that we can haul these logs with a special permit which is easily obtainable at a relatively small fee, but still something that brings money in, this will permit the truckers to do just what they are doing now, to economically harvest these trees. So I would hope we would go along with the majority of the members of the Senate and eventually kill this bill.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to go back to the truckers bill that we just passed, where it was 80,000 pounds with a 10 percent tolerance. At the same time we passed that bill we also eliminated the 15 percent tolerance on logs and pulpwood.

Now, you are not going to see these trucks on the Interstate because they are not going to travel with an 80,000 pound load. So you are going to see these trucks only on the side roads where you see them today. There won't be any changes whatsoever. Plus the fact that in the truck bill which we passed there are a lot of safety devices which were built into the law, one of which, of course, is that by '76 you will not be allowed to carry any more weight than the acceptance by the manufacturer of that truck. Also, a truck which is more than ten years old will not be allowed to have any tolerance.

So on this here, I really was at first a little alarmed myself about the safety, because I didn't think there were enough people at the hearing who addressed themselves to the safety angle of it. But, when the gentleman from Oregon came over to testify, at the request of the chairman, I questioned him quite hard on the safety features and the safety of this load in Oregon, about what the experience was that they had. He assured me that they have had no problems whatsoever from the safety standpoint in Oregon, so I

accepted that and this why I went along on the Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Waldo, Senator Greeley, 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 of the Committee please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question: The pending question before the Senate is the motion by the Senator from Waldo, Senator Greeley, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Collins, Conley, Gahagan, Graham, Greeley, Hichens, McNally, Merrill, Reeves.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Corson, Curtis, Cyr, Danton, Huber, Jackson, Johnson, Katz, Marcotte, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Cummings, Graffam.

A roll call was had. 10 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, 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.

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

On motion by Mr. Speers of Kennebec, Recessed until 2:30 this afternoon.

After Recess

Called to order by the President.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act to Require the Filing of Estimated Income Tax Returns by Corporations." (H. P. 1569) (L. D. 1874) Reported that the same Ought to Pass.

Signed:

Senators:

JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

MAXWELL of Jay
DRIGOTAS of Auburn
MULKERN of Portland
TWITCHELL of Norway
FINEMORE of Bridgewater
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:

WYMAN of Washington

Representatives:

SUSI of Pittsfield

IMMONEN of West Paris

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

Which reports were Read.

Thereupon, on motion by Mr. Merrill of Cumberland, 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 Lobster Fishing Boat Operators from Withholding State Income Taxes from Stermen's Share of Proceeds." (H. P. 1246) (L. D. 1547)

Reported that the same Ought Not to Pass.

Signed:

Senator:

JACKSON of Cumberland

Representatives:

MAXWELL of Jay

TWITCHELL of Norway

SUSI of Pittsfield

FINEMORE of Bridgewater

MORTON of Farmington

IMMONEN of West Paris

COX of Brewer

DAM of Skowhegan

DRIGOTAS of Auburn

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

Signed:

Senators:

WYMAN of Washington

MERRILL of Cumberland

Representative:

MULKERN of Portland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-578).

Which reports were Read.

Thereupon, on motion by Mr. Wyman of Washington, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill 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 Education on, Bill, "An Act Relating to School Dropouts and to Potential School Dropouts." (H. P. 1442) (L. D. 1702)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec

BERRY of Androscoggin

Representatives:

MITCHELL of Vassalboro

INGEGNERI of Bangor

POWELL of Wallagrass Pt.

CONNALLY of Portland

BAGLEY of Winthrop

TYNDAL of Kennebunkport

CARROLL of Limerick

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

Signed:

Senator:

KATZ of Kennebec

Representatives:

LEWIS of Auburn

FENLASON of Danforth

LYNCH of Livermore Falls

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-571).

Which reports were Read.

Mr. Katz of Kennebec moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders" (H. P. 1114) (L. D. 1416)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-474).

Signed:

Senators:

KATZ of Kennebec

GRAHAM of Cumberland

Representatives:

SAUNDERS of Bethel

TALBOT of Portland

BACHRACH, of Brunswick

DAVIES of Orono

TRUMAN of Biddeford

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

Signed:

Representatives:

AULT of Wayne

CONNERS of Franklin

HUNTER of Benton

HUTCHINGS of Lincolnville

RAYMOND of Lewiston

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-555) Thereto.

Which reports were Read.

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

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

Mr. SPEERS: Mr. President, I would like to ask a couple of questions through the Chair regarding this particular piece of legislation. I note that the amendments that have been placed on it would seem to take care of one question, but I would like to make sure, and the question is whether or not an ex-offender would be required, if he is brought under the civil rights acts and the civil rights law, whether or not he would be required to be hired by other businesses or any business that might object to the fact that he has had a past record. Now, I can envision the situation arising where a bank would be required to hire an ex-felon who has been convicted in the past for bank robbery or embezzlement or something of this sort. Now, I notice that the committee amendments are on the bill, and I would just simply ask whether or not the

committee amendments take care of that particular problem.

Another question I would have is whether or not the committee amendments would go only to banks rather than other businesses. And other businesses may indeed have some slight objection to the necessity of hiring someone who has been convicted for embezzlement or something of this sort.

Thirdly, I would like to find out whether or not this bill would require, if individuals who are ex-felons, whether or not they come under the civil rights acts with regard to renting property or renting apartments or homes from landlords. Again, I can think of situations, and I am sure that all of us can think of situations where somebody might be renting an apartment and maybe living in the same home and they would have some very reasonable and understandable objections to the idea that they would be forced to be renting to an individual who is an ex-felon under the civil rights laws. And I ask the question of whether or not this particular bill would have that result?

The PRESIDENT: The Senator from Kennebec, Senators Speers, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I will try to answer two or three questions as I heard them. First, the committee attempted through the amendment to make it very clear that an employer was not forced to hire a felon under any circumstances. The Human Rights Act puts things the other way around. It says that you may not refuse to hire somebody specifically because of sex, or specifically because of age, or specifically because of physical handicap. But the law very clearly says that if a physical handicap or age is demonstrably disadvantageous to the specific nature of the job the matter does not pertain. On that basis, we felt that we had covered financial institutions and jewelry stores and women's dormitories against, and in the proper order, embezzlers, light fingered Harrys and rapists.

The banking profession apparently felt we hadn't gone far enough and I notice there is another House Amendment onto our Committee Amendment, but I am calm in my feeling that any employer under the Human Rights Act, as amended by this legislation, would have the right to review whether the nature of the prior conviction disqualified the convicted felon from the specific employment. Obviously the rapist would not be welcome in the girls dormitory nor the embezzler be welcome in the bank, but there surely must be in this state convicted felons, the nature of the felony for which he was convicted did not necessarily disqualify him from being an employee in a jewelry store, and we attempt to walk that fine line.

Insofar as housing was concerned, as I recall the Human Rights Act, it makes an exception of homes with a limited number of rental apartments, and in this case again there is nothing in this legislation that would force a landlord to take in a convicted arsonist as a handy-dandy tenant, and would retain for the landlord the right to evaluate the nature of the person who he is hiring but not to exclude him solely because he had a previous record of conviction.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I do appreciate the explanation that was given by the good Senator from Kennebec, Senator Katz. I must confess, however, some doubts regarding this particular matter in that, specifically speaking of a tenant-landlord relationship, if an individual came to a tenant and requested to be allowed to rent an apartment, and the landlord happened to know that that individual had been at one point a convicted arsonist or a convicted rapist, and that was the only objection that he might have had against that particular individual, it does seem to me that this act would require that landlord to rent to that individual nevertheless. If that is not the case, then I would certainly like to be corrected, but I think that the comments that the good Senator from Kennebec, Senator Katz, made were that this would be exactly the case.

I really question how far we should go in society to attempt to gloss over a bad mistake that may have been made on the part of an individual and to attempt to pretend that it never even happened. I think we would all like to think that perhaps it never even happened, and I am sure the individual involved, if he is truly rehabilitated, would like to think that it has never happened. But the fact of the matter is that in many cases it does happen, and how far should we go in saying to society that we are supposed to close our eyes and forget all about the past.

Now, this of course does not preclude a landlord or a business or whatever from hiring an individual or renting to an individual if that landlord or employer is convinced that the individual is indeed rehabilitated and that he should be given a chance, and I think that in those instances the landlord or employer is most laudable in attempting to give somebody a chance. I think that is the way society voluntarily should go. But I really question the advisability of the state telling a landlord that he must rent to a convicted arsonist or one who has been a convicted arsonist in the past, if that is the only objection that he might have to the fellow.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested. Will all those Senators in favor of accepting the Majority Ought to Pass as Amended Report of the Committee please rise in their places until counted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is, of course, a very touchy subject and the committee worked on it rather long and hard. We are always anxious to say good things about making progress and having an open society, and this bill attempts to walk some kind of mid-point to open up society to a group of men and women to whom it is really very closed. It is all very well to say that you paid your debt, but if when you get out of an institution every darn door is closed to you, you are guaranteed that you are going to go back in there.

I don't think that this is an extreme piece of legislation and I think the Senator from Kennebec is incorrect when he gives the impression that the state is ordering you to hire a felon or ordering you to rent your home to a felon. The whole Human Rights Act is something else again. The Human Rights Act says you may not refuse to hire somebody solely because he is black or solely because he is too old, and there is quite a difference.

I think this is a moderate approach. It has been recommended by any number of people who say without damaging the rights of the majority of society let's give these people a chance, without damning them solely because a kid may have been convicted twelve years ago for breaking and entering or solely because somebody got mixed up in a party and was convicted of involuntary manslaughter in a traffic case. I think we have proceeded along a very, very moderate route.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to say a couple of words in support of the position held by the Senator from Kennebec, Senator Katz.

I think it is important that we find some moderate ways to move in this direction, and I think it is important if we care about trying to create a situation of more law and order and less crime in our society. Anybody who you talk to who is involved in penal institutions will tell you that a lot of people come out of jail with good intentions and with the intention to reform their conduct, and because of the great amount of discrimination that is against them that they find, that makes it impossible for them to do so and to continue to live, that they return to their life of criminal activities. I know that this has been recognized by a lot of businessmen who have worked in an alliance to help find jobs for people who are in this situation, not just for those people, but for the people who would be the victims of the next criminal act that takes place as the person does something in desperation from the situation he finds himself in.

So I think this is a moderate bill. I compliment the committee for the drafting that they have done on this bill and I think that the Senate ought to support it.

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

Mr. CONLEY: Mr. President, I notice that in the statement of fact of this bill that this is one of the recommendations of the report of the Governor's Task Force on Corrections. It seems to me that if we are going to try to correct the injustices of society that we must start somewhere. And I would be amazed, I am sure many of us would be, as to the results of experiences of ex-offenders who

unfortunately got off on the wrong step when they were young. Some of them, I think statistics again could be shown that the rate of recidivism of people who have crossed to the wrong side of the street, so to speak, overwhelmingly will show that it has happened once or twice in their lives, many times just once. And it would seem to me that if the state is to take a step forward in trying to assist and aid these people that we do definitely need this legislation.

I would have to compliment the good Senator, the Senator from Kennebec, Senator Katz, and his committee for what I consider to be a responsible and rational presentation to the Senate, and would hope they would vote to accept the majority report of the committee.

The PRESIDENT: Is the Senate ready for the question? A roll call has been ordered. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. A "Yes" vote will be in favor of acceptance of the Majority Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graham, Greeley, Hichens, Huber, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Thomas.

NAYS: Senators Clifford, Jackson, Speers, Trotzky, Wyman.

ABSENT: Senator Graffam.

A roll call was had. 26 Senators having voted in the affirmative, and five Senators having voted in the negative, with one Senator 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. 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.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500)

have had the same under consideration, and ask leave to report: That the House recede from its action whereby it passed the bill to be engrossed, adopt Committee of Conference Amendment "A" and pass the bill to be engrossed as amended by Committee of Conference Amendment "A"; that the Senate recede from its action whereby it accepted the "Ought Not to Pass" report of the Committee on Human Resources, accept the "Ought to Pass" report of the Committee, adopt Committee of Conference Amendment "A" (H-556), and pass the bill to be engrossed as amended by Committee of Conference Amendment "A".

On the part of the House:
Signed:

ROLDE of York
NAJARIAN of Portland
McKERNAN of Bangor

On the part of the Senate:

Signed:

KATZ of Kennebec
TROTZKY of Penobscot
JOHNSTON of Aroostook

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-556).

Which report was Read and Accepted in concurrence.

Senate

Leave to Withdraw

Mr. Pray for the Committee on Labor on, Bill, "An Act Regulating Procedures under the Municipal Public Employees Labor Relations Act." (S. P. 363) (L. D. 1166)

Reported that the same be granted Leave to Withdraw.

Mr. Curtis for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Governatorial Appointments and Their Confirmation. (S. P. 1) (L. D. 1)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass — As Amended

Mr. Curtis for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office. (S. P. 334) (L. D. 1120)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-243).

Which report was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: Maine's Constitution provides that the President of the Senate shall assume the office of Governor when that office becomes vacant, but it contains no provision concerning a situation in which the office of Governor is not vacant but for some reason the Governor is unable to carry out his powers and duties. Now, the purpose of this Resolution, which has been amended by the committee, is to provide that when the Governor is unable to carry out his duties and provides the President of the Senate shall carry out the powers and duties of the Governor without becoming Governor.

The bill is explained in some detail in a memorandum which I have had distributed and I hope because of the importance of this matter, which is a constitutional amendment, you will have an opportunity to look at that memorandum. Thank you.

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

Thereupon, the 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 Natural Resources on, Bill, "An Act to Clarify Standing Before the Board of Environmental Protection." (S. P. 352) (L. D. 1152)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-242).

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

HALL of Sangerville
HUTCHINGS of Lincolnville
DOAK of Rangeley
AULT of Wayne
CURRAN of Bangor
CHURCHILL of Orland
BLODGETT of Waldoboro
McBREAIRTY of Perham

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

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

WILFONG of Stow
PETERSON of Windham

Which reports were Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending acceptance of either Committee Report.

Divided Report

Six members of the Committee on Health and Institutional Services on, Bill, "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care." (S. P. 345) (L. D. 1146)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

BERRY of Androscoggin

Representatives:

CURRAN of So. Portland
KENNEDY of Gray
POST of Owl's Head
SPROWL of Hope
LaPOINTE of Portland

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (S-240).

Signed:

Representatives:

LAVERTY of Millinocket
LOVELL of Sanford
MORIN of Old Orchard Beach
HENNESSEY of West Bath

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "A" (S-241).

Signed:

Senator:

HICHENS of York

Representative:

GOODWIN of So. Berwick

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept Report "C" of the Committee.

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

Mr. BERRY: Mr. President and Members of the Senate: I stand to oppose the motion, and when the vote is taken I would ask for a division.

Mr. President, in L. D. 1146 one of the problems is that a pharmacist must keep a profile card on each patient for a period of five years after the last entry. Another problem is that every time a drug is sold a pharmacist must either verbally or by

telephone, or through a written statement at best, explain the use of the drug and any other information which a customer requests. It also calls for a pharmacist to keep a medical record on each patient.

It was the belief of the committee members who signed the Ought Not to Pass Report that basically what is being asked here is being done by some pharmacists, but there is no guarantee that every time a consumer goes to the drug store he is going to go to the same pharmacist. So we felt that this might have a tendency for people to believe that they have to go to the same pharmacist because of the records being kept by that particular individual.

We also recently have passed another piece of legislation within this body that called for advertising of prescription drugs. We felt that with this legislation people would have more tendency to shop around and go to various pharmacies. Then the Committee Amendment was attached to the bill, and the Committee Amendment, if you will read it, replaces the word "shall" with "may", which puts it right back in status quo, so we felt there was no need for the legislation.

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

Mr. HICHENS: Mr. President and Members of the Senate: The good Senator from Androscoggin has gone so far but he hasn't gone far enough. The second report, or Report "B", did provide that it should be "may" all the way through, and which doesn't change anything from what it is at the present time.

Report "C" has three basic parts. The first, as amended by Committee Amendment "A", encourages every pharmacist rather than compels him to explain the proper use of the prescription he or she is about to receive. No one should quarrel with this concept. Further on through the bill it is "shall", that they shall keep records and that they shall have a continuing education, which differs from Committee Amendment "B".

Secondly, the bill provides that each pharmacy shall keep a patient profile record system for each person for whom prescriptions are dispensed, except that one card may be kept for all members of one family living at the same address. This is a protection for the consumer who goes to a certain drug store. And as the good Senator has explained, we have passed a bill which allows them to go to other drug stores if they have got cheaper prices, but on the whole, especially in the country, they will go to the same drug store, and the druggist will keep a record and be able to explain to them what one drug may do to counteract another drug which may have been prescribed by a different physician. Most pharmacies already keep patient profile systems and find the concept very helpful to all concerned.

Thirdly, the bill, as amended, provides for a continuing education regulation which will not be effective until 1977, so druggists can prepare for this education which may be provided through courses, correspondence, or even through magazine courses.

All features of this bill have the approval and blessings of a great majority of the Maine Pharmaceutical Association. That association feels that several features of this bill considerably enhance the quality of services offered by the pharmacies of this state, and I hope you will vote for the acceptance of Report "C".

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

Mr. BERRY: Mr. President and Members of the Senate: I wholeheartedly agree with the statement, in part, that was made by the good Senator from York, Senator Hichens. He stated that it encourages but it does not mandate or demand for the pharmacist to do this, which is the exact status quo as it is now. When you pick up a prescription, on the bottle you notice it says take two or four times one pill daily, or whatever it happens to be. I think the pharmacist is doing just what the good Senator has indicated he might not be doing now. I think it is being done.

I also believe that as far as the pharmacist keeping a profile on his particular customer that they do it now, but you will find that the profiles are being kept in maybe three, four or five different drugstores where that particular consumer shops, and there is no way for a cross-reference from one druggist to another, so he doesn't know where you are buying your drugs.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept Report "C".

The Chair will order a division. Will all those Senators in favor of accepting Report "C" please rise in their places until counted.

A division was had. Four having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children." (H. P. 1467) (L. D. 1726)

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

Senate

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

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate." (S. P. 192) (L. D. 660)

Bill, "An Act to Clarify the Laws Relating to Municipalities." (S. P. 236) (L. D. 815)

Bill, "An Act to Clarify the Municipal Regulation of Land Subdivision Law." (S. P. 465) (L. D. 1518)

Bill, "An Act Relating to School Administrative District No. 53." (S. P. 526) (L. D. 1891)

Bill, "An Act Relating to Membership of the Board of Trustees of the Maine State Retirement System." (S. P. 282) (L. D. 996)

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

Bill, "An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers." (S. P. 412) (L. D. 1311)

Bill, "An Act to Clarify Certain Provisions of the Tax Lien Law." (S. P. 373) (L. D. 1200)

Bill, "An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556)

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

Which were Read a Second Time and, except for the tabled matters, 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 State Employees Serving in Acting Capacities. (S. P. 119) (L. D. 384)

An Act to Prevent Hunting of Bear in Areas Near Dumps in Unorganized Territories and Plantations of the State. (S. P. 205) (L. D. 695)

An Act Relating to the Maine State Lottery Law. (S. P. 299) (L. D. 1031)

An Act to Provide for the Appointment of Deputy District Attorneys. (S. P. 321) (L. D. 1098)

An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services. (S. P. 332) (L. D. 1118)

An Act Relating to the Statutes Concerning Licensing of Dogs. (S. P. 351) (L. D. 1151)

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

An Act to Provide Opportunity for Reasonable Correction of Applications before the Board of Environmental Protection. (S. P. 527) (L. D. 1892)

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

An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax. (H. P. 386) (L. D. 479)

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

An Act to Change Provisions of the Law Relating to the Board of Environmental Protection. (H. P. 931) (L. D. 1175)

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

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)

An Act to Increase the Veteran's Property Tax Exemption. (H. P. 1174) (L. D. 1172)

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

An Act Relating to Protective Custody of Children under Health and Welfare Laws. (H. P. 1577) (L. D. 1880)

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.

Emergency

An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate a Raffle without a License from

the Maine State Police. (H. P. 316) (L. D. 394)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with one Senator voting in the negative, 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 Relating to Additional Roads on Indian Reservation at Indian Island. (S. P. 499) (L. D. 1851)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Mr. Huber of Cumberland moved that the Resolution be placed on the Special Appropriations Table.

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

Mr. CLIFFORD: Would it be in order, Mr. President, to request the good Senator from Cumberland to withhold his motion or withdraw his motion?

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, if it is in order, I would just like to state that we are checking into future costs on this bill. It can be taken off if there proves to be no future costs.

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

Mr. CONLEY: Mr. President, I request a division.

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

Mr. KATZ: Mr. President, as a point of personal privilege, I wonder if the Senator might defer his motion briefly to table.

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

Mr. HUBER: Mr. President, I will withdraw my motion temporarily.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests permission to withdraw his motion to place the Resolution on the Special Appropriations Table. 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 Tomorrow Assigned, pending Final Passage.

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

House Report — from the Committee on

Business Legislation — Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." (H. P. 1160) (L. D. 1459) Leave to Withdraw.

Tabled — may 13, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.
(In the House — Leave to Withdraw Report, Read and Accepted)

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

Mr. CONLEY: Mr. President and Members of the Senate: As many of you are aware, the nation is currently embroiled in a crisis relating to medical malpractice insurance, and this body on Friday enacted emergency legislation to establish a special commission to study the entire situation. However, a situation currently exists in Maine concerning the availability of this insurance, and the Superintendent of Insurance has requested temporary authority to establish a joint underwriting association when he determines the malpractice insurance is unavailable.

The amendment which I am presenting today will establish such a temporary stopgap mechanism. It permits the Insurance Superintendent to form the association when he determined that the insurance is not available. The underwriting association will only last until the commission reports or July 1, 1977, whichever occurs first. The amendment has been received by representation of the insurance industry, the health care providers, and the Superintendent of Insurance. While it provides only a stopgap measure, it is vitally necessary at this time.

Mr. President and Members of the Senate: At the time that the good Senator from Aroostook, Senator Gahagan, and I presented the study commission bill before the Committee on Health and Institutional Services, we found at that hearing that there are several doctors within the state, I think it is around 22, who are confronted with a real serious problem of trying to obtain malpractice insurance. In fact, just the other day I received a call from one of the hospitals in Portland while I was here from a young doctor who was trying to transfer from the Maine Medical Center down to the Mercy Hospital, and finds that he is unable to continue his practice because of the unavailability of malpractice insurance for him. As I stated, I think there are somewhere in the neighborhood of 22 doctors today in the state that have been brought to my attention.

Mr. President and Members of the Senate: What I propose to do today is to move to substitute the bill for the report. Somebody has told me that we already hold the record on the longest number of pages for a Senate amendment at this session. It is nothing obviously that we intend to rush through, although I have cleared this with the legislative leadership relative to this legislation. Today all I would hope to do is to be able to substitute the bill for the report and present this Senate amendment, under suspension of the rules, thereby giving people an opportunity to review this document prior to it going any further.

At this time, Mr. President, I would move that under suspension of the rules we substitute the bill for the report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the bill be substituted for the leave to withdraw report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Read Once.

Under suspension of the rules, the Bill was given its Second Reading.

Mr. Conley of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-225, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

Orders of the Day

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

Bill, "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns." (H. P. 1041) (L. D. 1331)

Tabled — May 29, 1975 by Senator Collins of Knox.

Pending — Passage to be Engrossed.
(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "B" Thereto (H-478).)

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

On motion by Mr. Collins of Knox, retabled and Specially Assigned for June 4, 1975, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Motor Vehicle Excise Tax." (S. P. 293) (L. D. 1018)

Tabled — May 30, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Curtis of Penobscot to Recede and Concur.

(In the House — Passed to be Enacted.)
(In the Senate — Indefinitely Postponed, in non-concurrence.)

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

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 on the motion to recede and concur please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion is the motion by the Senator from Penobscot, Senator Curtis, that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, for all the reasons that have been stated here before, I request that we defeat the motion to recede and concur.

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

Mr. CURTIS: Mr. President, I don't think there is anybody who has forgotten what this bill is about, but this is an excise tax bill and I hope that we pass the motion to recede and concur.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Curtis, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Collins, Corson, Cummings, Curtis, Danton, Gahagan, Huber, Jackson, O'Leary, Reeves, Speers, Thomas.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley,

Cyr, Graham, Greeley, Hichens, Katz, Marcotte, McNally, Merrill, Roberts, Trotzky, Wyman.

ABSENT: Senators Graffam, Johnston, Pray.

A roll call was had. 12 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Mr. Katz of Kennebec moved that the Senate Adhere.

Mr. Curtis of Penobscot then moved that the Senate Insist and Ask for a Committee of Conference.

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

Mr. KATZ: Mr. President, to the 17 Senators who just voted as we did in opposition to this, a motion to insist is disadvantageous. I request a division and hope all 17 will move subsequently to adhere.

The PRESIDENT: A division has been requested on the motion to insist. Will all those Senators in favor of the motion to insist and ask for a committee of conference please rise in their places until counted.

A division was had. 11 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

Mr. MERRILL: Mr. President and Members of the Senate: Having voted on the prevailing side, I would move that the Senate reconsider and hope they will defeat my motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby it voted to adhere. Will all those Senators in favor of reconsideration please say "Yes"; those opposed, "No".

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

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

Bill, "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands." (H. P. 590) (L. D. 730)

Tabled — May 30, 1975 by Senator Corson of Somerset.

Pending — Adoption of House Amendment "B" (H-554) to Committee Amendment "A" (H-354).

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

Mr. Trotzky of Penobscot then moved that House Amendment "B" to Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: The bill we are talking about concerns the Wetlands Law, and the wetlands are the area below the high tide mark, an area of great productivity where many of the fish breed that eventually live off the continental shelf.

What we are basically talking about here in wetlands is a state resource, one that has to be carefully guarded and for which there are state level ownership functions through the Bureau of Public Lands.

The basic premise of House Amendment "B" is to wipe out Committee Amendment

"A". The committee voted unanimously to reject L. D. 395. The sponsor of L. D. 395, has now turned around and put in House Amendment "B" to wipe out this committee amendment.

Right now, under the Wetlands Law, the municipalities have the permitting authority, where the DEP has review or veto power. Now, there has been a great deal of concern in our committee and in our hearings that the municipalities, many of them, would like a return of authority to regulate areas of their concern. So what we have done is rewritten the wetlands bill, and the new wetlands bill is Committee Amendment "A". What it does is the following:

It says a municipality may apply to the BEP for authority to issue wetlands permits. These are permits such as to build piers and so on. Now, to do this, the municipality has to have established a planning board, No. 1; 2, adopt a zoning ordinance; 3, make provision for prompt notification to the BEP on specific forms.

The committee felt this was a good bill, and the sponsor of another bill has tried to kill this one with his House Amendment, so I would urge defeat of this amendment.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: First, I would like to request a division on this motion. As I understand it, the House Amendment would allow the local officials certainly more leeway than they have now and would provide that the citizens could go through the permit application procedure with a great deal less trouble and red tape than they are currently required to. And I believe that the BEP still has the right to intervene if they feel that there is something going on that is not quite proper or that the environment is being placed in danger.

I think over the past several years we have moved a great deal of power and authority toward Augusta that perhaps should have been left with the municipalities. I feel that this might be a good time to return a little bit of it to these municipalities, which I think we can do safely without destroying our environment. Therefore, I hope you would defeat the motion to indefinitely postpone the House Amendment.

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

Mr. TROTZKY: Mr. President and Members of the Senate: What this amendment does here is that it mandates, it takes a mandatory approach that these coastal communities take on this authority. There are many communities that don't want this authority, there are many communities that can't handle it. So I would urge the rejection of this amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate indefinitely postpone House Amendment "B".

A division has been requested. Will all those Senators in favor of the pending motion please rise in their places until counted.

A division was had. 16 having voted in

the affirmative, and 12 having voted in the negative, House Amendment "B" was Indefinitely Postponed in non-concurrence.

Thereupon, Committee Amendment "A" was Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Senate Reports — from the Committee on State Government on Bill, "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286) (L. D. 1002)

Majority Report — Ought to Pass as amended by Committee Amendment "A" (S-235); Minority Report — Ought Not to Pass.

Tabled — May 30, 1975 by Senator Curtis of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Marcotte of York, 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.

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

Bill, "An Act to Create the Commission on Education Finance." (H. P. 1622) (L. D. 1897)

Tabled — May 30, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-507).

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

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-244, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Teacher Certification." (H. P. 1069) (L. D. 1349)

Tabled — May 30, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-500).

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 418) (L. D. 1375)

Tabled — May 30, 1975 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "B" (S-238).

(In the Senate — Senate Amendment

"A" (S-232) and Committee Amendment "A" (S-196), Adopted.)

Senate Amendment "B" was Adopted.

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

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

Bill, "An Act Creating the Post-secondary Education Commission of Maine." (S. P. 344) (L. D. 1160)

Tabled — May 30, 1975 by Senator Katz of Kennebec.

Pending — Motion by Senator Conley of Cumberland to Reconsider Action whereby the Senate Receded and Concurred.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-134).)

(In the House — Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.)

(In the Senate — May 29, 1975, Receded and Concurred.)

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

Mr. KATZ: Mr. President, an amendment is being prepared which I hoped would have been ready by this afternoon. It is not yet ready and I hope it might be tabled for one legislative day by some good friend.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Senate reconsider its action whereby it voted to Recede and Concur.

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

Bill, "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

Tabled — May 30, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone Bill and Accompanying Papers.

(In the House — Indefinitely Postponed.)

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (H-441), in non-concurrence; subsequently, Passage to be Engrossed was Reconsidered.)

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

Mr. BERRY: Mr. President, just a final word before the burial, please. This was a decease that was anticipated but I am sure is regretted, and maybe we will see the second coming some year in the future.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that L.D. 900 and all its accompanying papers be indefinitely postponed. Will all those in favor of the motion to indefinitely postpone rise in their places until counted.

A division was had. 24 having voted in the affirmative, and three having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act Relating to Environmental Controls and the Sardine Industry." (S. P. 471) (L. D. 1605) Majority Report — Ought to Pass in New Draft and Under New Title of: "An Act Relating to Environmental Controls"; (S. P. 541) (L. D. 1908); Minority Report — Ought Not to Pass.

Tabled — May 30, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Trotzky of Penobscot to accept the Minority Ought Not to Pass Report.

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

Mr. REEVES: Mr. President, I request permission to pair my vote with Senator Johnston, who, if he were here, would be voting against the Ought Not to Pass Report, and I will be voting for it.

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

Mr. BERRY: Mr. President, I think in all fairness to Senator Reeves and to Senator Johnston, that this question or privilege should be denied Senator Reeves, and he ought to vote whatever it is that he is going to vote on.

The PRESIDENT: The pending question before the Senate is the request of the Senator from Kennebec, Senator Reeves, that he be granted leave to pair his vote with the Senator from Aroostook, Senator Johnston, who, if he were here, would be voting against the motion to accept the Ought Not to Pass Report, and the Senator from Kennebec, Senator Reeves, would be voting for the motion to accept the Ought Not to Pass Report. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I am hoping that this Senate will vote against the motion to accept the Ought Not to Pass Report and accept the 9 to 4 Ought to Pass Report of the Committee. That will put the bill into position where I can amend it tomorrow, and I have an amendment which I know will satisfy 15 of the objections to the bill and will perhaps clarify some more. So it is my hope that in order that I may act further on the bill that we will reject the Ought Not to Pass Report and accept the Ought to Pass Report. I hope the Senate will vote against the pending motion.

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

Mr. SPEERS: Mr. President, this is a very basic and very simple issue that is being voted on here at this moment, and the question really boils down to the question of whether or not we wish the State of Maine to remain free to enact and promulgate its own rules and regulations regarding its own environment or whether we wish to relegate that authority to some agency in the morass of Washington, D. C. I would submit that the people of this state would rather see control over its own environment remain right here in the State of Maine, and I hope we support the motion to accept the Minority Ought Not to Pass Report.

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

Mr. HUBER: Mr. President and Members of the Senate: I also concur with the remarks of the Senator from Kennebec, Senator Speers, and hope we will accept the Ought Not to Pass Report. I would request a division.

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

Mr. BERRY: Mr. President and Members of the Senate: Senator Speers and Senator Huber have appealed to your intelligence, but I wish to appeal to something far more basic, and that is some sort of a law of self-preservation. And I would plead with Senator Wyman, please don't try to do anything to keep this monstrosity alive, Senator Wyman.

Over the weekend my telephone has been going steadily, and the last call I got was at 7 o'clock this morning. The people in my area are very, very concerned about the implications of this bill. I think they are also concerned, and perhaps quite properly, about something on a hearing in relationship to this bill. And I think an attempt by an amendment to change the bill around and to do something that wasn't originally visualized in the title, which says "An Act Relating to Environmental Controls and the Sardine Industry", is just an overt attempt to do something without proper legislative procedure, and I would hope that we would indefinitely postpone this by accepting the Ought Not to Pass Report.

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

Mr. WYMAN: Mr. President, I want to quote or at least paraphrase what the good Senator from Cumberland, Senator Conley, said this morning. He said sometimes people read a newspaper, a newspaper with loose talk and talk that sometimes brings about a misunderstanding by the people who read it, and I think that is what started the telephone ringing, the article in the Portland paper. I think they thoroughly misunderstood it and their explanation was not strictly according to facts. I would plead with you to keep this bill alive and see what I offer for an amendment tomorrow, and then there will be plenty of time to kill it.

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

The Chair will order a division. All those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, to accept the Ought Not to Pass Report will please rise in their places until counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would 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.

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I cannot support this bill as it is in its present form, but because the good Senator from Kennebec, the Majority Floor leader, has asked for a

roll call on this bill, I intend to vote for the bill up to the point that the good Senator from Washington offers his amendment. At that time I intend to make my feelings known relative to the entire matter.

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

Mr. CURTIS: Mr. President and Members of the Senate: We heard in a previous debate on this matter on another day the Senator from Penobscot, Senator Trotzky, read an opinion from the Attorney General's office as to the effect of this bill the way it is drafted, which basically would be to wipe out all the environmental laws of the State of Maine. I really haven't heard anything else specific indicated as to what the sponsor of the bill would like to do with it. I think it is about time we laid this matter to rest before we have any more clarification.

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

Mr. CYR: Mr. President and Members of the Senate: I didn't want to get involved in this however, I can understand the concern of the good Senator from Washington, Senator Wyman, and I also can understand what he is trying to do, and I think we ought to give him a chance. He didn't realize, I am sure, the slap at the environmental laws that he was taking when he did this. I am sure that he is going to correct it to make it palatable.

After the debate of last Friday in regards to cone burners, I dug a little bit further into this air emission. And if you will recall, during the debate the question was asked of the good Senator from Penobscot, Senator Trotzky, as to how the federal air emission standards compare to the state standards, and his answer was that our standards were much more stringent than the federal standards. Well, roughly, this is what I found out: the air emission standards are related in micrograms per cubic meters on a 24-hour standard. Now, the federal law for the primary standards of articulate matter reads at 260. For secondary it reads at 150. For Maine, and there is only one — there is no primary or secondary, there is only one, and it reads at 100 for particulate matter on the 24-hour standard. As you can see, we are quite a bit more stringent than the federal laws, and particularly in a state such as what we have here, the State of Maine, where we have 17 million acres of wildland, and I think you are familiar with the fact that trees or plants take in carbon dioxide and release oxygen, so this is nature's way of cleaning up the air, and we have got 17 million acres of that in the State of Maine here, so why should we have much more stringent — I can see possibly a little bit more, but this difference here is more than twice the reading of the federal standards and I don't understand it.

Now, if we push this a little further, when the air emissions on cars become effective in 1978, what is it going to be? Those are federal standards. Now, are the new cars that are going to come into the State of Maine going to be refused permission to come in because they don't meet our air standards, or are we going to have two types of programs, one for cars and one for our own? Are we going to deny our automobile dealers and our people from buying automobiles that meet the federal standards but don't meet our state standards? I think it is going to offer quite a serious problem, plus the fact that I think at that time probably somebody is going to

bring this to court and show that there is discrimination. Why should we be discriminating against our communities? I am talking now just on the air emissions, the air standards, and the same thing applies, for instance, to airplanes.

So I think we ought to give Senator Wyman a chance to give this a first reading, and then let him come in with an amendment. If it is satisfactory, we will pass it along, and if it is not, we will kill it at that stage, but I think we ought to let it survive until Senator Wyman has a chance to put his amendment on it.

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

Mr. MERRILL: Mr. President and Members of the Senate: The argument has been made that we should defer from accepting the Ought Not to Pass Report until a future amendment can be offered, and I would say that under many circumstances, particularly in regards to the Senator from Washington, whom I respect and who usually extends equal courtesies to the rest of us in the Senate, that I would extend this. However, I shall vote for the Ought Not to Pass Report for one basic reason, and that is that I can't accept this approach to the problem, no matter how it is drafted.

There may be areas where specific Maine laws with regards to the environment are hurting specific industries more than they would if we were at the federal level but no great gain for the environment. If there are such areas, I would support a bill that spoke to that specific concern with the evidence addressed to that specific item. The approach of this bill, however, in its present context and as I understand the amendment that will be coming forthwith, it is a general one, and I cannot support it. Furthermore, I think that tying ourselves specifically to the federal standards in any area would be a mistake. If in a specific area we are above the federal standards, then we should move that specific item to where we want it to be, and not let the federal government legislate prospectively for the Maine Legislature.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: Thinking about this and Senator Berry's problems over the weekend with the telephone calls, I think it not the problems of the Senator from Washington, Senator Wyman, but the problems of, No. 1, the overreaction and the irresponsible reply that came out of the Attorney General's office. I read that reply to the questions quite thoroughly, and I think that the Attorney General's office in preparing that took a very one-sided approach to answering the question. They did not try to look at the intent of the legislation, they did not try to offer corrective language. They obviously must have known that Senator Wyman did not intend to wipe out all the environmental laws of the State of Maine. I say this is irresponsibility coming out of the Attorney General's office.

Then this irresponsible action was multiplied again by reporting in the leading newspaper in the State of Maine, and they too over-reacted, and I think very irresponsibly to the citizens of this state, because they attempted to report just one side of the question. I think we deserve better from our leading newspaper than to

be so critical without even looking for another side to the story, which I am sure they could have found if they had simply asked a simple question.

This was extremely unfair to the Senator from Washington, Senator Wyman, and for no other reason than that, I am going to vote to keep this bill alive to see what Senator Wyman really intended to do.

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

Mr. KATZ: Mr. President, if I am being asked to vote to keep this bill alive so it can be amended at its second reading tomorrow, may I through the Chair request of the Senator from Washington, Senator Wyman, some idea of the direction his amendment may go please?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Senator from Washington, Senator Wyman, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. WYMAN: Mr. President, I am having an amendment drawn which I hope will remove all of the objections that were raised by the Attorney General in charge of environment. I just hope to get it worded properly so it will do that. But I don't have anything to amend unless this bill is passed at this stage.

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

Mr. KATZ: Mr. President, I have got the letter of the Attorney General in front of me, and apparently the Senator from Penobscot, Senator Trotzky, asked a simple question. He asked him what existing laws would be affected by this redraft, and he listed them. And I really don't see anything unfair about responding to a factual question by a member of the legislature.

For the life of me, I am perplexed even more than I was before I asked the question. If an amendment to this bill is going to accomplish anything, it certainly has to weaken the Site Location Law or some of these or all of these, and the thing that scares the living pants off me is that there is no part of my legislative horizon which I find more perplexing than environmental laws — saving only educational finance — and I am scared stiff of moving into this broad area without a public hearing based upon faith that we can accomplish something by an amendment on this enormously important area which is of deep concern to all my constituents and to most people in the State of Maine. With all due respect, I feel that we are biting off an awful lot more than we can chew.

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

Mr. WYMAN: Mr. President and Members of the Senate: This amendment which I propose will take care of the 15 objections which the environmental Attorney General had, and the Site Location Law or LURC, any of these, will not be affected by this bill if it becomes a law.

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

Mr. BERRY: Mr. President and Members of the Senate: If the amendment is going to take care of all the objections of the Attorney General, then we are getting back to the bill itself, and let me read the bill itself to you.

"Notwithstanding any other provisions of law, no state agency or municipality of

this state may impose any environmental rule, regulation, law or ordinance on any segment of the sardine industry which is more stringent than federal law."

Well, I suppose then that we are going to amend it back so that this will become possible. So let's discuss this for a minute because apparently this is what Senator Wyman has on his mind.

I would suggest that in addition to relieving the sardine industry of complying with environmental laws — this has to do with water pollution and air pollution — that we include potato processing and papermaking and a few other payroll industries in the State of Maine. I don't think we should single out the sardine industry for a special license to violate the environmental laws. So I think this is what we are talking about. I think that any other thing would not be under the purview of the title and that the Chair would quite probably rule such an amendment not germane. This is the bill we are talking about right here. So let's face it and let's vote on it and let's accept the Ought Not to Pass Report now.

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

Mr. DANTON: Mr. President, would it be in order to table this until we have a chance to read the Senator's amendment? If it is in order, I wish someone would table this for one day.

The PRESIDENT: A tabling motion is always in order.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot to accept the Minority Ought Not to Pass Report of the Committee.

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

House Report — from the Committee on Taxation — Bill, "An Act Concerning the Applicability of the Sales and Use Tax to Inventory." (H. P. 904) (L. D. 1090) Ought to Pass as Amended by Committee Amendment "A" (H-530).

Tabled — earlier in the day by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

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

Mr. KATZ: Mr. President, there were questions asked this morning which so far as I know have not been answered yet about the implications of this bill. Through the Chair, I would like to repose the request for a little light on the subject.

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

Mr. MERRILL: Mr. President and Members of the Senate: This is another tax bill having to do with our sales tax here in Maine which tries to come to grips with some of the problems that are posed by our attempts to avoid double taxation on goods that are used in the production of other goods. Right now, if you buy some steel and use that to make sewing machines, that steel will not be taxed under our tax law. The sewing machine will. What this is attempting to do, it is attempting to put the sewing manufacturers, I believe in the City of Westbrook, and other people similarly situated in a situation whereby when they make these machines for

long-term commercial lease, which is the way more and more of this business equipment is being produced today, that they will be in a similar circumstance.

The limitation that the amendment proposes is that this not include goods that are produced for lease here in the State of Maine. So what we are talking about is a situation where this company or any other similar company is buying these materials to make them into machinery, in this case sewing machines, or it could be computers or anything else, to be then leased in other states on a permanent basis. They will be put into a company, these machines, and it will be leased.

The situation for this company, of course, is that it is competing with other companies to lease this equipment all over the United States, but they aren't under similar taxes. For that reason, this bill as amended got a favorable recommendation from the Taxation Committee.

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

Mr. KATZ: Mr. President, I am going one step further. There presently is no sales tax applied to machinery which is leased, as I recall it, or to any merchandise which is leased. I am not quite sure where the double taxation comes in on a lease. Second, might I ask, although I understand there is just one industry involved in this one, how much loss in revenue might there be to the state?

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 Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I am sorry that I can't remember the exact figure, but I can assure the Senate the reason for this final amendment was because there was concern about this area and concern that we may include a lot more than we wanted to. We have been assured by the Department of Taxation that with the bill as amended the amount of revenue loss is small. I can't remember the exact amount, but it is a matter of \$1,000 or \$2,000, in that area. Before we had this amendment we ran into the problem of picking up a lot of things that we didn't want to, and we could have had a considerable loss of revenue to the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the acceptance of the Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

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 and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Report — from the Committee on Transportation — Bill, "An Act Relating to the Binding of Logs, Lumber and Timber." (H. P. 727) (L. D. 902) Ought to Pass in New Draft Under New Title: Bill, "An Act Relating to the Binding of Logs and Revising Certain Fines." (H. P. 1629) (L. D. 1903)

Tabled — earlier in the day by Senator Berry of Cumberland.

Pending — Acceptance of Report. (In the House — Bill in New Draft Passed to be Engrossed.)

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

Mr. GREELEY: Mr. President and Members of the Senate: Just an explanation of what this does: At the present time when people are hauling lumber on their trucks and they bind their loads with chains the chain cut into the finished product. This bill takes out the finished lumber and timber and gives them a privilege of using a new product that is on the market, a nylon webbing, and this would prevent the cutting into the finished product. It is permissive legislation.

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

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

Papers from the House

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

Communication

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 2, 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 Providing that Spousal Consent to Voluntary Sterilization Procedure is not Required" (S. P. 485) (L. D. 1615).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports House

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

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

Bill, "An Act Establishing an Office of Citizens Assistance." (H. P. 1073) (L. D. 1353)

Bill, "An Act to Create the Office of Environmental Ombudsman to Advise Applicants of Project and Environmental Requirements under State Law." (H. P. 1463) (L. D. 1782)

Bill, "An Act to Maintain Aid for Dependent Children Payments at the Present Level." (H. P. 1085) (L. D. 1365)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to the Prevailing Wage Law under the Labor and Industry Statutes." (H. P. 1078) (L. D. 1358)

Reports that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Concerning Weekly Benefits Paid to

Persons who are Partially Unemployed." (H. P. 984) (L. D. 1247)

Reports that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Increase the Maximum Weekly Benefit under the Employment Security Law." (H. P. 305) (L. D. 368)

Reports that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Amend the Employment Security Law as it Applies to Disqualifications for Benefits." (H. P. 430) (L. D. 524)

Reports that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Requiring Periodic Review to Assure that Telephone Costs to Subscribers Reflect Actual and Potential Economics to Companies and Actual Usage by Subscribers." (H. P. 1411) (L. D. 1777)

Reports that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to the Chief of the State Police Serving as Acting Commissioner of Public Safety." (H. P. 801) (L. D. 977)

Reports that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to the Modification of the Laws of the Maine Real Estate Commission." (H. P. 577) (L. D. 712)

Reports that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds to the Community Industrial Building Fund Under the Maine Guarantee Authority." (H. P. 1110) (L. D. 1387)

Reports that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Improve the Dental Health of Maine Children." (H. P. 924) (L. D. 1141)

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.

Enactors

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

An Act to Require the Department of Transportation to Maintain the Ferry Ramp at Frenchboro, Long Island Plantation. (H. P. 86) (L. D. 121)

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

An Act Relating to State-wide Correctional Program Improvement. (H. P. 473) (L. D. 593)

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

An Act Concerning Replacement of Eyeglasses and Certain Other Prosthetic Devices under the Workmen's Compensation Statutes. (H. P. 708) (L. D. 887)

An Act Concerning Seasonal Potato Packers. (S. P. 362) (L. D. 1165)

An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties. (H. P. 932) (L. D. 1176)

An Act to Provide for the Identification

of Past Offenders. (H. P. 947) (L. D. 1185)

An Act to Clarify the Medical Practice Act. (H. P. 1100) (L. D. 1381)

An Act to Limit Tuition Increases. (H. P. 1175) (L. D. 1479)

An Act to Amend the Fishing Laws of the State of Maine. (H. P. 1250) (L. D. 1531)

An Act to Promote Efficiency in Public Utilities. (H. P. 1315) (L. D. 1633)

An Act Creating Knox County Commissioner Districts. (H. P. 1373) (L. D. 1706)

An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits. (H. P. 1450) (L. D. 1721)

An Act to Provide Workmen's Compensation Benefits for Injured Employees with Insolvent, Inadequately Insured or Uninsured Employers. (H. P. 1454) (L. D. 1729)

An Act Relating to Public Utilities Commission Jurisdiction over Certain Contracts. (H. P. 1536) (L. D. 1857)

An Act to Conform the Pesticide Statutes to Federal Law. (H. P. 1611) (L. D. 1890)

An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Therefore. (H. P. 1626) (L. D. 1900)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

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.

An Act to Revise the Fish and Game Laws. (H. P. 1425) (L. D. 1817)

On motion by Mr. Pray of Penobscot, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-222, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

Sent down for concurrence.

Emergency

An Act to Amend the Taxing Provisions under the Catastrophic Illness and Mentally Indigent Program. (H. P. 1162) (L. D. 1461)

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

Emergencies

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

An Act to Implement the Recommendation of the Trial Court Revision Commission (S. P. 350) (L. D. 1263)

An Act to Authorize Hancock County to Raise \$600,000 for Construction of a Detention Center and a District Court Facility. (H. P. 1243) (L. D. 1544)

An Act to Incorporate Howland Water District. (H. P. 1193) (L. D. 1786)

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. 1902)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, were Passed to be

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

Emergency

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

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

Constitutional Amendment

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 the 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)

This being a Constitutional Amendment, and having received the affirmative votes of 26 members of the Senate Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Two Past Presidents of The Freeport Lions Club Richard Wagner, Club President, 1973-1974 and Roger Sanders, Club President, 1974-1975 Each Named As The Best Lions Club President During His Term In Lions Club District 41-L

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 and Passed in concurrence.

Joint Order

WHEREAS, The Legislature has Learned of the Outstanding Achievement and Exceptional Accomplishment of Freeport Lions Club Named "The Club" in District 41-L

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1652)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the caseload of the Supreme Judicial Court of Maine has been increasing at an alarming rate; and

WHEREAS, persons with matters before the court must frequently wait months for a ruling; and

WHEREAS, these delays threaten the right of all Maine citizens to a speedy resolution of their legal problems; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Judiciary, to study the judicial appeal procedure as it bears on the workload of the Supreme Judicial Court; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1653)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Father Roland Reny of Holy Cross Parish of South Portland on the Occasion of his 40th Anniversary of Ordination to the Priesthood

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1654)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act Repealing Invalid Rate Provisions and Other Provisions of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water Districts." (H. P. 1370) (L. D. 1808)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-552).

The Committee on Judiciary on, Bill, "An Act Concerning Preliminary Injunction and Temporary Restraining Order under the Labor and Industry Statutes." (H. P. 1385) (L. D. 1700)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-561).

The Committee on Local and County Government on, Resolve, to Appropriate Funds to the West Somerset Historical Society. (H. P. 1336) (L. D. 1646)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-566).

The Committee on Labor on, Bill, "An Act Amending the Employment Security Law." (H. P. 811) (L. D. 973)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-545).

The Committee on Local and County Government on, 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)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-567).

The Committee on Public Utilities on, Bill, "An Act to Codify the Charter of the Portland Water District." (H. P. 1345) (L. D. 1802)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-560).

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

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-549).

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

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

The Committee on Natural Resources on, Bill, "An Act to Permit the Board of Environmental Protection to Accept Municipal Subdivision Permits in Lieu of Site Location Review and to Repeal the Minimum Lot Size Requirements." (H. P. 1272) (L. D. 1597)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-546).

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I wonder if I could ask any member of the committee to enlighten the Senate as to the import of this particular bill?

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: The original bill was replaced with a committee amendment, so it has a new title now, which is "An Act to Permit the Board of Environmental Protection to Accept Municipal Subdivision Permits in Lieu of Site Location Review." What this bill does is turn over to the municipalities the right to approve subdivisions. But before the Board will grant the municipalities those rights, it has to find that the municipality has established a planning board,

developed suitable applications, made provisions for ordinance and regulations, with prompt notice to the Board. The Board, I believe, still has a check on the subdivision, but again it is a step in moving authority back to municipalities. This is similar to the bill I discussed before.

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

Mr. SPEERS: Mr. President, in quickly going through the committee amendment, I do not see where the provisions regarding minimum lot size requirements are mentioned in the committee amendment, and I am wondering if the bill does repeal minimum lot size requirements, and if so, what the rationale behind that provision might be.

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 Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I do not believe the bill repeals the minimum lot size. The bill was approved and was actually written by the DEP, and they usually check with their Attorney General on this.

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

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 and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Ogunquit Sewer District." (H. P. 138) (L. D. 176)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-551).

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

Which report was Read and 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 Committee on Labor on, Bill, "An Act Relating to Benefits Under the Employment Security Law." (H. P. 1017) (L. D. 1297)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-548).

Which report was Read.

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

Mr. CIANCHETTE: Mr. President, I have been looking at this bill and the amendment and I must admit I am a little confused. I wonder if someone maybe on the Labor Committee could explain just what this bill does as amended?

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

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: Let's put it this way: what I think it is supposed to do, and I haven't looked at the amendment since

you asked the question, Senator Cianchette, it is supposed to allow anyone who is called up for jury duty to be able to serve on the jury and not lose their unemployment compensation. However, the \$20 a day, which is the current price that you now get for serving on the jury, that \$20 would be deducted from the amount of unemployment that they would be getting. As you probably know, you get called on the jury and you might go in on Tuesday on the first day of court and they might tell you they won't have any cases until Friday, so you are excused until Friday, and you don't get a week's pay; you only get paid for that one day. So if you were unemployed and you only collected for one day that week, then that \$20 would be deducted from your unemployment, but you wouldn't lose your unemployment for the whole week because you did get some money on that particular day for that service.

The balance of the bill was amended out by the amendment, as I recall. As I say, I haven't read the amendment since you asked the question.

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

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 and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Judiciary on, Bill, "An Act to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried." (H. P. 1301) (L. D. 1602)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-524).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-582) 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 Provide for One Representative of the Fishing Industry on the Board of Environmental Protection." (H. P. 1307) (L. D. 1591)

Reports that the same ought to Pass as Amended by Committee Amendment "A" 576).

Signed:

Representatives:

PETERSON of Windham
CURRAN of Bangor
McBREAIRTY of Perham
BLODGETT of Waldoboro
CHURCHILL of Orland
HUTCHINGS of Lincolnville
HALL of Sangerville
WILFONG of Stow

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

Signed:

Senators:

WYMAN of Washington
TROTZKY of Penobscot
O'LEARY of Oxford

Representatives:

DOAK of Rangeley
AULT of Wayne

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Provide for Two Labor Representatives on the Board of Environmental Protection." (H. P. 88) (L. D. 116)

Reports that the same Ought to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

CURRAN of Bangor
PETERSON of Windham
HUTCHINGS of Lincolnville
HALL of Sangerville
BLODGETT of Waldoboro
McBREAIRTY of Perham
WILFONG of Stow

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

Signed:

Senators:

TROTZKY of Penobscot
WYMAN of Washington

Representatives:

DOAK of Rangeley
AULT of Wayne

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to the Structure of the Board of Environmental Protection." (H. P. 914) (L. D. 1128)

Reports that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot
WYMAN of Washington
O'LEARY of Oxford

Representatives:

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

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-579).

Signed:

Representative:

PETERSON of Windham

Comes from the House the Majority Report Read and Accepted.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide Immunity to Certain Persons with Advanced First Aid Training when they Render Emergency Care." (H. P. 331) (L. D. 403)

Reports that the same Ought to Pass in New Draft under New Title: "An Act to Provide Immunity to Persons who Voluntarily Render Emergency Aid or Rescue Assistance" (H. P. 1648) (L. D. 1910).

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

McMAHON of Kennebunk
HUGHES of Auburn
BENNETT of Caribou
HOBBINS of Saco
HENDERSON of Bangor
MISKAVAGE of Augusta
HEWES of Cape Elizabeth
GAUTHIER of Sanford
SPENCER of Standish

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

Signed:

Representative:

PERKINS of South Portland

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-604).

Which reports were Read.

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

(Off Record Remarks)

On motion by Mr. Speers of Kennebec, Adjourned until 10 o'clock tomorrow morning.