

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

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 18, 1976

Senate called to order by the President.

Prayer by the Rev. David Glusker of the Methodist Church, Augusta:

Father, we acknowledge Thy presence here in this chamber and throughout all your creation. We acknowledge that you have a will, and we seek to be a part of that will by participating in right decisions, by thinking clearly, by using all of the resources at our command to make wise decisions. We pray your blessing upon each member of this Senate, each person who is involved in the important decision making process, that together we may be instruments of the good and the right and the true. To that extent we call forth your blessing upon us, and we do it with confidence because we know you are very present here. Amen.

Reading of the Journal of yesterday.

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

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John Bower Coach of the US Ski Team at the XIIIth Winter Olympics

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. 2043)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Thomas Upham Coach of the US Ski Team at the XIIth Winter Olympics

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. 2044)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Karl Anderson Named to the US Winter Olympics Team in Alpine Events

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. 2045)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Paper
Labor**

Bill, "An Act Concerning the Workmen's Compensation Statutes." (H. P. 2046) (L. D. 2218)

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

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

Senate Papers

Appropriations and Financial Affairs

Mr. Huber of Cumberland presented, Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 700)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Hichens of York presented, Bill, "An Act Relating to Mental Health and Retardation Programs in the Department of Mental Health and Corrections." (S. P. 698)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Huber of Cumberland presented, Bill, "An Act to Promote Efficiency in Maine State Government." (S. P. 699)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Study Report — Agriculture

Mr. Hichens for the Committee on Agriculture to which was referred the study relative to Maine's potato licensing and bonding laws and the effect on the Maine potato industry, pursuant to S. P. 530 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Promote the Sale of Maine Potatoes" (S. P. 701) (L. D. 2220) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Agriculture.

Sent down for concurrence.

Study Report — Agriculture

Mr. Hichens for the Committee on Agriculture to which was referred the study relative to Maine's potato licensing and bonding laws and the effect on the Maine potato industry, pursuant to S. P. 530 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Revise the Potato Licensing Law" (S. P. 702) (L. D. 2221) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Agriculture.

Sent down for concurrence.

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

Senate Papers

Appropriations and Financial Affairs

Mr. Conley of Cumberland presented, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1977." (S. P. 703)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Mr. Collins of Knox presented, Bill, "An Act Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time for Necessary Revisions." (S. P. 704)

(Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended.)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Judiciary and Ordered Printed.

Thereupon, under suspension of the rules, the Bill given its First Reading.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be given its second reading at this time.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: We passed in the regular session the criminal code with an effective date of March 1. Since that time the Criminal Code Commission has worked on a few revisions, some of them caused by court decisions which occurred late in the regular session. Those revisions were printed and received by us only this week and have been scheduled for public hearing for two days next week.

We conferred with members of the enforcement groups and with prosecutors and court officials, and it was felt by all of these groups that there would be a more orderly transition to the new criminal code if the revisions could be passed upon first and take effect at the same time that the code takes effect. We did not feel that we could do a proper job with this with public hearings, therefore, unless the effective date were postponed for one month. We conferred with the leadership about this and that is why this bill is before you. We are asking that this effective date simply be deferred for one month until April 1st.,

and we hope that this bill may pass through without the usual formalities of committee hearings.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be given its second reading at this time?

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed without reference to committee.

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

Committee Reports House Ought to Pass

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation. (H. P. 1970) (L. D. 2159)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council." (H. P. 1974) (L. D. 2163)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-895).

The Committee on Veterans and Retirement on, Bill, "An Act Concerning the Uniform Processing of Employer Contribution into the Retirement System." (H. P. 1871) (L. D. 2042)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-896).

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Allow Certain Mining Operations within the Sandy River and Temple Stream without a Permit from the Commissioner of Inland Fisheries and Wildlife." (H. P. 1885) (L. D. 2063)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

PETERSON of Windham

HALL of Sangerville

CURRAN of Bangor

McBREAIRTY of Perham

AULT of Wayne

HUTCHINGS of Lincolnville

BLODGETT of Waldoboro

CHURCHILL of Orland

WILFONG of Stow

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

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford
Representative:

DOAK of Rangeley

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

Which reports were Read.

Mr. Trotzky of Penobscot moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: What this bill does is exempt the Town of Farmington from the Stream Alteration Act. Some people from the Town of Farmington came in at the hearing and would like to be exempt from this act so they can mine the river, so that they can alter the river by digging channels to try and prevent erosion, and so on.

There is one problem with this bill, and that is that this is special legislation, and what it does, if the Town of Farmington can mine the river and can alter the shores without obtaining a permit from the Department of Inland Fish and Game, the towns downriver are going to receive siltation and so on, and they have no way of stopping the Town of Farmington if Farmington is made exempt from the Stream Alteration Act. So I hope you would accept the Majority Ought Not to Pass Report.

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

Mr. O'LEARY: Mr. President and Members of the Senate: Senator Trotzky has told you what he believes this bill will do. However, that is not my understanding of the bill whatsoever. A few years ago all the towns were mandated to come up with shoreland zoning, and I have here a plan for shoreland zoning that was submitted by the Town of Farmington and accepted by the proper authorities here in Augusta.

I would like to read you one section of it on Page 9 of the shoreland zoning. It says, "(e) Gravel Mining. Gravel, sand, and loam mining within and on the banks of the Sandy River shall be done in such a manner as to minimize erosion and/or altering the course of the river. The operator/owner of the site or his agent shall submit to the planning board an application describing the site area, river bed, proposed bars, banks, channels, or areas to be mined, to what extent and in what manner the mining is to be done, and any other information bearing on the course of the river or the effect on the river environment requested by the planning board."

Now, this bill would simply allow the Town of Farmington to go ahead with its planning process even further, and I have here a copy of the proposed plans to be adopted by the Town of Farmington should this bill become law. And in section 4 it says, "The committee shall advise the planning board that an application for a mining permit be approved if the proposed project or operation described in the worksheet will be conducted in such a manner as to (a) minimize site connected erosion or inhibit natural erosion, (b) not contribute to changing the course of the river, and (c) not adversely affect the Sandy River as a fish and wildlife habitat or as a recreational area."

So, with these things in mind, I would suggest to you that the people in Farmington who have been studying this are responsible people. They have

designed a fully responsible plan. The committee is chaired by a Dr. Tom Eastler. He is a Ph.D., a geologist and a pilot, and he has photographed the river. Now, the origin of Sandy River starts at Sandy River Plantation, flows on down through Madrid, and on down. It is pretty fast water and this is where your fish habitat is. When it gets down towards the Farmington Flats and on down through to its confluence with the ocean, it is pretty flat and you have scrub fish, so it is not merely something that is going to be detrimental to the fishing in there. When this river is at its natural flow, I think it is something like about 5,000 cubic feet per second. In the spring, I think it goes up to around 30,000 feet per second. And this wanders through the flatlands of Farmington or Farmington Falls, and as it meanders through it almost in a number of places makes a complete 360 degree turn, and it is just like a snake going through the fields. And the high water causes erosion of the banks, trees are falling in and such, and this contributes a lot to the siltation and such that goes down the river.

However, the sand bars that are created divert the water flow so that you have even more erosion, and that is all that they are asking in this piece of legislation, the right to do the same thing that they have been doing for over 200 years, mining these sand bars, taking them out so that they will not change or alter the course of the river, and will not result in one farm being moved again. The river right now is 25 feet beyond where one farm was. It had to be relocated, and the state itself has had to shore up the roadway because of the way the course of this river has been changing. All they ask here is that they be allowed to continue to mine these gravel beds, and it will not in any way destroy the habitat of the fish downstream.

There is no one who spoke in opposition to this bill from downstream. The people that are asking for this are responsible people. They are environmentalists and they do not want to do anything to harm the environment in any way, and I think that it behooves us to allow them to continue to do what they have been doing in the responsible manner that they have suggested.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Again, if you give the Town of Farmington an exemption, what you are doing is gutting the whole Stream Alteration Act, because if any town can come in and say that the river they are on is unique, then they can get the exemption. The real problem you have here is that you have no protection for the towns downstream on the river.

Now, I want to talk somewhat quickly about erosion. The good Senator from Oxford mentioned a figure in the summer of maybe 5,000 cubic feet per second flow. In the spring it will go up to 30,000 cubic feet per second. In other words, the flow is six times in the spring what it was during the summer. During that time no channeling of a meandering river is going to stop the erosion when that river rises in the spring. The Town of Farmington right now has not gone into the river and taken out the gravel bars and dug up the river below the water surface. However, the Fish and Game Department stated when they were there that if the Town of Farmington comes in with a presentation

to the Fish and Game Department, Fish and Game would work with the town. But right now the town does not have any funding for their plans. There is no money behind it; it is just on a piece of paper. So I hope you will defeat this bill.

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 accept the Majority Ought Not to Pass Report of the Committee.

The Chair will order a division. Will all those Senators in favor of accepting the Ought Not to Pass Report please rise in their places until counted. Will all those Senators opposed to accepting the Ought Not to Pass Report please rise in their places.

A division was had. 16 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

Second Readers

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

House — As Amended

Bill, "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 1910) (L. D. 2097)

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

Enactors

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

An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements. (H. P. 1912) (L. D. 2099)

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

Emergency

An Act Concerning the Purchase of Liquor. (H. P. 1884) (L. D. 2062)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways. (H. P. 1887) (L. D. 2065)

Tabled — February 13, 1976 by Senator Berry of Cumberland

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed)

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to encourage your vote against passage of this bill to be engrossed and give you very briefly some of the reasons which I think are cogent on the subject.

First, the factors which have been brought out as to why this bill should pass seems to me of a very special interest nature, and they are summed up in words

such as "everybody else does it, so why can't the grain people do it." I would remind the members of the Senate that it is arguments like this that have resulted in the continual deterioration of the truck weight situation which we have been dealing with now for some time. Maybe this is and maybe it is not the last of the group that are trying to erode away the weight limit, and if they are successful we will probably have everybody permitted to carry excess weight.

When the arguments were made for the pulp trucks to go over the limit we were told that because of moisture and snow that it was very, very difficult to exactly put the load on the truck. Well, this is one argument we haven't heard in defense of this bill, because the stuff that these fellows are carrying is almost worth its weight in gold, silver, or coin anyway, and no one is going to guess as to how much grain is put on a grain truck today. They know right exactly to the pound because the price per pound is very high. So we don't have the argument that through inability to load a truck we should permit an excess weight.

I would invite your attention to the fact that the Commissioner of the Department of Transportation is against the bill. There have been several newspaper articles dealing with the point so there is, in my opinion, no need to bring to the attention of the members of the Senate the public opinion on the matter. But I would bring to your attention the fact that the people initiated and successfully passed a referendum, an effort ably spearheaded by Senator Graffam and myself a while ago, so I would ask you to keep this in mind and vote against the passage of this bill.

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

Mr. GREELEY: Mr. President and Members of the Senate: Some years ago when I was a member of this same committee we had a bill come into the legislature pertaining to salt, to give them a 10 percent tolerance. We all know that salt is weighed before it leaves the port of entry for its destination. I opposed the bill at that time but it became a law, and I find myself in the position now that as long as salt stays in the law entitled to the 10 percent tolerance I had to go along with the grain bill. I find that down where I live there is a lot of grain delivered. It is the one thing that keeps the railroad alive. If it wasn't for that, there would be no railroad. So that is the reason that I voted for the grain bill.

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

Mr. McNALLY: Mr. President. I signed this bill out ought to pass because I know that among the tolerances that are permitted is farm produce, and I maintain in my mind that anything that is grown on the farm is farm produce. Now, a lady over in the House asked the Attorney General's opinion on it, and the Attorney General's opinion is that he don't really know what farm produce is. So what that opinion is doesn't seem to amount to too much.

But I do know that grain trucks have several bins in them, and I also know that in this weight law is the fact that if you have too much load on your tires you are just as liable as if you have too much load on the entire truck. And if you go from poultry house to poultry house, or from any dairy farm which might be left, you might take out one or two of these several

bins that are in the truck, and then it isn't a problem of overweight in the truck, it isn't a problem of 80,000 pounds; it is a problem that some tire is overloaded. And there is no question but there is a good many places that where this grain is loaded there are no scales to weigh them either. It is also very true that these trucks don't all haul the same kind of grain in these separate bins, there are different kinds of grains in them. And it seems to me that it was covered under farm produce, but since the Attorney General doesn't know whether it is or not, and they are more knowledgeable than I am, I voted what I thought was right, and I still think it is right, and I think that if it is right to have a tolerance for farm produce, I think it is right to have a tolerance for grain that is delivered to one of the industries that has still managed to struggle along and surely needs all the aid they have, and not have twigs put in their way.

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

Mr. BERRY: Mr. President, would it be in order to ask if the Chair is in possession of the committee report, and could we have the results of that report read?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Secretary will read the committee report.

The SECRETARY: The Majority of the Committee on Transportation on Bill, "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways" (H. P. 1887) (L. D. 2065) reports that the same Ought to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook

Representatives:

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

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

Signed:

Representatives:

JENSEN of Portland
LUNT of Presque Isle

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

Mr. KATZ: Mr. President, I think the debate has brought out that the passage of this bill will not increase the maximum gross weight of trucks on our highway; we are talking about a specific group of trucks. I am impressed by the fact that when you talk about agriculture in the State of Maine today, and you get by the question of the magnificent potatoes from Aroostook County, that by and large you are talking about the poultry industry, and it is the poultry industry that is the backbone to the entire agricultural system in the State of Maine today. I am impressed by that. I know something of the enormous inroads in the Boston market that have been made by poultry firms in the Del-mar-Va. section of the United States, and I know that everything really is stacked against the poultry industry that operates in the upper right-hand corner of the United States far away from any markets. And I know that the freight rates that have been so discriminatory to New

England over the years are nowhere more apparent than in the question of hauling grain.

If in conscience I can put a little -- if you will excuse the expression -- feather on the scales, to help an industry which is so important to so many thousands and thousands of Maine families, and if I can do that in conscience knowing that I am not increasing the overall maximum allowable weight on Maine highways, I think it is a pretty decent opportunity for me to support a major Maine industry that employs so many people.

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

Mr. HICHENS: Mr. President and Members of the Senate: When I saw this bill early in the session, I was surprised the grain hadn't been included long before this, but apparently it had been taken for granted that as a farm product it was included. When I looked into it a little bit I was told that that had been the impression up until it was brought out in fact by the sponsor of the bill. But as far as the tolerance is concerned, a truck can be loaded on a day like today and may increase in weight as it travels on the highway on a damp day like today is. The same truck can be loaded on a nice sunny dry day and might decrease in weight as it traveled the highways. Temperatures and conditions make an awfully lot of difference in the weight of your grain, just like it would in salt or some other product of like manner. So I would go along with passage of this bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: Two quick observations: First of all, I am impressed in this debate by the fact that nobody has really offered any evidence why these tolerances are necessary. I recall in the regular session being uneducated on the subject of truck weights. I inquired when we had a joint caucus here that Mr. Mallar attended why we had these tolerances, and the explanation I think that we were given by Senator Greeley at that time, which I found very convincing, was that these tolerances were given special commodities which were hard to weigh.

Now, it is my impression that grain is carried in closed trucks. If there is anything that is possible to make a prediction on as to what it is going to weigh and to stay within the law, I think it would be grain. But there is one other thing that I think should be overriding when this legislature votes on the question. In the current confusion that we find ourselves in over education and some other matters, I think it is easy to forget those areas we dealt with in the regular session and that we dealt with rather responsibly. I think one of those areas is the area of truck weights legislation. And I am impressed by the editorial which was handed out today, not so much in the fact that it comes out against this bill, but in the fact that it takes cognizance of what the legislature did and in essence said that the legislature, the Senate and the House, acted in compliance with the wishes the people expressed in that referendum. I think it would be too bad today if, in order to give special treatment to some special industry, we clouded one of the areas we can point to with some pride as we go back to the people, some pride that we over all acted responsibly and we dealt with the truck weights measure in a way consistent with public opinion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: In listening to the debate, I cannot help but think that the Senate might possibly agree with some of the statements that have been made, which of course are of a general nature. I think it would be wrong to put those of us who are opposed to this bill in a position of being against the poultry industry, as of course was intimated. I think we all do understand the situation. We could increase the weights fifty percent and help the industry out. So, I would hope that you would vote very carefully. 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 pending question before the Senate is the engrossment of L. D. 2065, An Act to Include Grain and Weight Tolerances for Certain Vehicles Operating on State Highways. A "Yes" vote will be in favor of the passage of this bill to be engrossed; A "No" vote will be opposed.

ROLL CALL

YEAS: Senators Berry, E.; Carboneau, Clifford, Collins, Corson, Cummings, Cyr, Danton, Greeley, Hichens, Huber, Jackson, Katz, Marcotte, McNally, O'Leary, Pray, Reeves, Wyman.

NAYS: Senators Berry, R.; Curtis, Gahagan, Graffam, Graham, Merrill, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senators Cianchette, Conley, Johnston.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Bill was Passed to be Engrossed in concurrence.

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

House Reports — from the Committee on Natural Resources — Bill, "An Act to Establish the Maine Forestry District Fire Protection Fund." (H. P. 1853) (L. D. 2022) Majority Report — Ought Not to Pass; Minority Report Ought to Pass

Tabled — February 17, 1976 by Senator Speers of Kennebec

Pending — Acceptance of Either Report (In the House — Majority Ought Not to Pass Report read and accepted)

On motion by Mr. O'Leary of Oxford, retabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

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

Bill, "An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies" (Emergency) (S. P. 672) (L. D. 2143)

Tabled — February 17, 1976 by Senator Speers of Kennebec

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.