

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Friday, May 13, 1977

Senate called to Order by the President.

Prayer by the Honorable Richard A. Morrell of Brunswick.

Mr. MORRELL: Our Father, We praise Thee with ever grateful hearts, for the land we love, for the privileges of this Republic, for our laws and liberties, and ideals of justice and benevolence.

Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President and Members of the Senate, we have been made well aware that this is the 13th day of May, and a Friday the 13th, and that we should watch ourselves very carefully, but it also is a very important day in the history of Maine, and in our State Senate.

With that in mind, I would like to read these few words to you:

TO ED GREELEY

We've all heard about the "Gay Nineties"
With a meaning much different today;
Not about what took place in that decade
But the new definition of "gay".
And no one that's there can share with us
Just what did transpire at that time,
Having not lived in that decade
To enjoy those gay moments sublime.

One member of this sedate body
Did manage for six months or more
To be part of these famous gay nineties
But I'm sure he couldn't share on this floor
The events that took place in that decade
So fondly recalled through the years;
But his life has been long and eventful
And few that we know are his peers.

From Childhood to the present moment
He's been quite a cutup I've heard
And the stories he's shared with his
colleagues,
Many humorous heartbeats have stirred.

He's a flirt — and he never denies it!
And his ways with all maidens alike
Are responded to — in admiration.
He also does well at the mike.
In his way he is very convincing,
Experience lies on his side
For in these Senate Chambers, he tells me,
It has been his good luck to abide
For ten busy terms, and his record
Unblemished remains through the years;
For he's known to stand firm on convictions
Determined — without any fears.
Of how many votes he may forfeit
From those who with him don't agree.

And he's gained great respect from his
colleagues

For in him an example, they see.
On this floor just last year he imparted
Why he's seldom been put on the shelf
"Had I known I'd live this long — he told us
I'd have taken better care of myself!"

It's been a great privilege granted
To each of us serving this year
To have such a man serving with us.
And this day as I speak to you here
It gives me great joy to remind you
That today he observes his birthdate

So let's give a hand to Ed Greeley
Who on this May 13th's — seventy eight!
—Walter W. Hichens

Papers From The House
Non-concurrent Matter

Bill, An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine. (S. P. 131) (L. D. 311)

In the Senate May 9, 1977 Majority Report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed. (S. P. 490) (L. D. 1766)

Comes from the House, the Minority Report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed, in non-concurrence. (S. P. 491) (L. D. 1767)

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

Mr. KATZ: Mr. President, this is a matter that has been in Committee for some months. We finally have it out in front, and I would hope that the Senate would act promptly on it so that it can be enacted with a minimum of delay.

In order for the Senate to re-state the very strong case we made the other day when we passed it out of here, I move that the Senate adhere.

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

Mr. MARTIN: Mr. President, I move the Senate recede and concur.

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

Mr. CONLEY: Mr. President, it may be good for the Chairman of the Education Committee to get up and explain exactly what both of these Reports are, so that the Senate may have an idea as to what they are voting on.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Kennebec, Senator Katz.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, The reason I did not was that yesterday I stood up and spoke against the Constitutional Amendment, and the vote was 32 to 1 in my favor, and I did not think it was fair to put such powerful arguments behind this.

The only difference between the two positions is the inclusion of the word "optometry" in one Bill. The Majority Report which the Senate accepted does not have the word "optometry". The Minority Report that the House accepted does include the word.

I explained to you the other day that within the Committee is a Bill which will accomplish for the optometrists exactly what they are attempting to do by inclusion in here. It has the unanimous support, so far as I know, of the Committee on Education, and either is floating around in the other Body or it is on the table in the other Body.

Now the majority of us in Education ask that you do not include the word "optometry" in this Bill, because optometry has just emerged as an issue. I am fully supportive of optometry, but I would ask the Senate to go along with the second Bill which identifies the problem separately.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Aroostook, Senator Martin, that the Senate recede and concur with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion to recede and concur, please rise in their places to be counted.

Will all those Senators opposing the Motion to recede and concur, please rise in their places to be counted.

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

Mr. CONLEY: Mr. President, I urge the Senate to vote to recede and concur. I think the good Senator from Kennebec again influenced the Majority of this Body as to how to vote.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I move this item lie on the table One Legislative Day.

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

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

The PRESIDENT: A Division has been requested on the tabling Motion.

Will all those Senators in favor of tabling L. D. 311, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine", please rise in their places to be counted.

Will all those Senators opposed to tabling L. D. 311, please rise in their places to be counted.

The PRESIDENT: 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 on the Tabling Motion. 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 to be 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 Kennebec, Senator Pierce, that this item, L. D. 311, be Tabled for One Legislative Day, pending the Motion of the Senator from Aroostook, Senator Martin, that the Senate recede and concur.

A Yes vote will be in favor of tabling for One Legislative Day. A Nay vote will be opposed. The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, S.; Curtis, Greeley, Huber, Jackson, Katz, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

NAY — Carpenter, Collins, D.; Conley, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Cummings, Danton, Hewes, Hichens, Lovell.

15 Senators having voted in the affirmative, and 12 Senators in the negative, with 5 Senators being absent, the Motion to Table does prevail.

Non-concurrent Matter

Bill, An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife. (H. P. 354) (L. D. 447)

In the House May 2, 1977 the Minority Ought Not to Pass Report Read and Accepted.

In the Senate May 5, 1977 the Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-243) in non-concurrence.

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

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

Mr. REDMOND: Mr. President, I move that the Senate recede and concur with the House.

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

Mr. PRAY: Mr. President, I move this item lie on the Table until later in Today's Session.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that L. D. 447 be Tabled until later in Today's Session.

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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I withdraw my Motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests leave of the Senate to withdraw his Motion to table. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I withdraw my Motion.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now requests leave of the Senate to withdraw his Motion that the Senate recede and concur. Is it the pleasure of the Senate to grant this leave? It is a vote.

On Motion of Mr. Redmond of Somerset, The Senate voted to insist and join in a Committee of Conference.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

John P. Conroy of Portland will be honored by his induction into the "Maine Sports Hall of Fame" at its annual awards dinner on May 14, 1977, in Bangor. (H. P. 1554)

The Arbor-Day Foundation has honored the City of Westbrook, Municipal Arborist Wesley N. McKague, and the employees of the city's forestry department by selecting Westbrook as the only New England city to be named "Tree City USA" (H. P. 1555)

Came from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Communications

House of Representatives

May 12, 1977

Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent" (S. P. 289) (L. D. 915)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Mr. Collins of Aroostook presented, Bill, "An Act Relating to the Powers of the Maine Seed Potato Board." (Emergency) (S. P. 498)

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

Sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Provide for Full-time Principals in Elementary Schools." (H. P. 1264) (L. D. 1491)

Bill, "An Act to Provide Equal Tax Treatment of Nonprofit Hospital or Medical Service Organizations." (H. P. 842) (L. D. 940)

Bill, "An Act to Exempt Fund-raising Sales of Schools or Student Organizations from the Sales Tax." (H. P. 1180) (L. D. 1408)

Bill, "An Act to Exempt Certain Non-profit Charitable Organizations from the Sales Tax at Fairs and Municipal Events." (H. P. 662) (L. D. 803)

Bill, "An Act Exempting Sales to Community Action Agencies From the Sales Tax." (H. P. 660) (L. D. 801)

Bill, "An Act Exempting Clothing for

Children under 16 from the Sales Tax and Increasing the Cigarette Tax to Offset the Loss in Revenue." (H. P. 658) (L. D. 819)

Bill, "An Act Exempting Newly-added Returnable Beverage Container Storage Structures from the Property Tax." (H. P. 886) (L. D. 1094)

Bill, "An Act Repealing Certain Laws Relating to Property." (H. P. 1375) (L. D. 1574)

RESOLVE, Authorizing Donald LaRochelle as Executor for the Estates of Wilfred and Alice LaRochelle late of Waterville or his Legal Representatives to Bring Civil Action Against the State of Maine. (H. P. 1506) (L. D. 1739)

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Repeal the Property Tax on Commercial Fishing Vessels." (H. P. 554) (L. D. 671)

Reported that the same be granted Leave to Withdraw.

Came from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Certain Watercraft from Property Taxation." (H. P. 1291) (L. D. 1523)

Reported that the same be granted Leave to Withdraw.

Came from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Agriculture on, Bill, "An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement." (H. P. 932) (L. D. 1129)

Reported that the same Ought to Pass.

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

The Committee on Natural Resources on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Oxford Paper Company. (H. P. 1383) (L. D. 1683)

Reported that the same Ought to Pass.

Came from the House, the Resolve Passed to be Engrossed.

The Committee on Natural Resources on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Diamond International Corporation. (H. P. 1001) (L. D. 1392)

Reported that the same Ought to Pass.

Came from the House, the Resolve Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act Concerning a Standard Method of Tallying Ballots." (H. P. 1212) (L. D. 1442)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-301).

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

The Committee on Marine Resources on, Bill, "An Act Concerning the Issue of Special Licenses for the Commissioner of Marine Resources." (H. P. 996) (L. D. 1185)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-303).

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

The Committee on Natural Resources on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with the Dead River Group of Companies. (H. P. 1381) (L. D. 1687)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-302).

Came from the House, the Resolve Passed to be Engrossed as amended by Committee Amendment "A".

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

Ought to Pass in New Draft

The Committee on Liquor Control on, Bill, "An Act to Provide Malt Liquor Licenses for Caterers." (H. P. 1276) (L. D. 1516)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1549) (L. D. 1773)

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

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

Divided Report

The Majority of the Committee on Education on, Bill, An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine. (H. P. 1114) (L. D. 1332)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-279).

Signed:

Senators:

USHER of Cumberland

PIERCE of Kennebec

Representatives:

MITCHELL of Vassalboro

WYMAN of Pittsfield

BEAULIEU of Portland

PLOURDE of Fort Kent

CONNOLLY of Portland

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:

BIRT of E. Millinocket

FENLASON of Danforth

LYNCH of Livermore Falls

BAGLEY of Winthrop

LEWIS of Auburn

Came from the House, the Majority Report Read and Accepted, and The Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-279) as amended by House Amendment "A" (H-299) thereto.

Which Reports were Read.

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

Mr. KATZ: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report, and I would like to speak to my Motion.

This is a Bill which expands the Board of Trustees from its present level, which I believe is 15 to 17, and the two Members which are added, one is a member of the faculty from one of the campuses, and the other is a student in good standing at some campus of the University of Maine.

It is unclear from reading the Bill whether the student member ends his tenure as a voting member immediately upon the fact of his not being a student any more, or whether he serves until his successor is appointed. But the implication is very clear that he will serve only while he is a student, or perhaps, and I am not sure, until his successor is appointed.

Those of us who signed the Minority Ought Not to Pass Report felt that it would be inappropriate to expand the Board of Trustees to

add an employee of the Board, namely a member of the faculty, and a student who was a transient in the scheme of things to the Board, and on that basis we ask you to support the Minority Ought Not to Pass Report, and I request a Division.

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

Mr. CONLEY: Mr. President, as I read the Committee Amendment of the draft of the proposed Bill, it seems to state very clearly here that the student member of the Trustees shall be a full voting member of the Board of Trustees, that the member of the faculty that would be a member of the Board of Trustees would not participate in any type of collective bargaining, and it would seem strange to me and it certainly is not clear to me why the Senator from Kennebec, Senator Katz, would not be satisfied with the Committee Amendment as it is presently drafted amending the Bill.

I would urge the Senate to vote against the pending Motion.

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

Mr. CURTIS: Mr. President, although I feel that perhaps this Legislation could be improved somewhat, it is not possible to improve it if the pending Motion is accepted, and I would certainly hope that we would not vote to accept the Motion at this time.

It is very important for a Board of Trustees to have as much input as possible from the people who are close to the real problems that they are trying to solve in their decisions as a Board. As a Trustee of a small private school, I found that it is very helpful to have a student as a full voting member on the Board of Trustees. It is also helpful to have a faculty member as a voting member on the Board of Trustees. This institution happens to be Unity College, and I think that we found that that works very well. I expect it would work equally as well for the Board of Trustees of the University of Maine, but the only way that they can change their charter, of course, and provide for other membership on the Board of Trustees is through action of the Legislature.

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 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 Minority Ought Not to Pass Report, please rise in their places to be counted.

Will all those Senators opposed to the Motion to accept the Minority Ought Not to Pass Report, please rise in their places to be counted.

12 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass, as amended, Report accepted in concurrence.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended by House Amendment "A" adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act to Provide Statutory Procedures for Grievances against Attorneys. (H. P. 701) (L. D. 844)

Reported that the same Ought Not to Pass. Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot
MANGAN of Androscoggin

Representatives:

BENNETT of Caribou
BYERS of Newcastle
DEVOE of Orono
HENDERSON of Bangor
HOBBINS of Saco
HUGHES of Auburn
NORRIS of Brewer
SPENCER of Standish
TARBELL of Bangor

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

Signed:

Representative:

GAUTHIER of Sanford

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-312).

Which Reports were Read.

Majority Ought Not to Pass Report accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on, Bill, An Act Relating to the Procurement of Engineer and Architectural Services by Competitive Bidding. (H. P. 1095) (L. D. 1319)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin
MARTIN of Aroostook

Representatives:

CURRAN of S. Portland
LOCKE of Sebec
VALENTINE of York
BACHRACH of Brunswick
CHURCHILL of Orland
SILSBY of Ellsworth
DIAMOND of Windham
STUBBS of Hallowell
MASTERTON of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-314).

Signed:

Representative:

KANY of Waterville

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

Which Reports were Read.

Majority Ought Not to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Exempting Scouting Supplies and Equipment from the State Sales Tax." (H. P. 245) (L. D. 317)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

Representatives:

CARTER of Bangor
TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
POST of Owls Head

The Minority of the same Committee on the

same subject matter Reported that the same Ought to Pass.

Signed:

Representatives:

MAXWELL of Jay
CHONKO of Topsham
MACKEL of Wells
TWITCHELL of Norway

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

Which Reports were Read.

Majority Ought Not to Pass Report accepted in concurrence.

Senate

Leave to Withdraw

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Authorize the Construction of a Bridge Across the Saco River Between the Cities of Biddeford and Saco." (S. P. 368) (L. D. 1225)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges." (S. P. 271) (L. D. 829)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin

Representatives:

CARROLL of Limerick
BROWN of Mexico
ELIAS of Madison
JENSEN of Portland
McKEAN of Limestone
HUTCHINGS of Lincolnville
LITTLEFIELD of Hermon
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
LUNT of Presque Isle

Which Reports were Read.

Majority Ought Not to Pass Report Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Prohibit the Use of Electronic Devices for the Purpose of Detecting Radar." (S. P. 147) (L. D. 389)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-136).

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock

Representatives:

LITTLEFIELD of Hermon
CARROLL of Limerick
McKEAN of Limestone
STROUT of Corinth
ELIAS of Madison
JENSEN of Portland

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

Signed:

Senator:

MINKOWSKY of Androscoggin

Representatives:

LUNT of Presque Isle
 HUTCHINGS of Lincolnville
 BROWN of Mexico
 JACQUES of Lewiston

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, and Members of the Senate, I would hope that you would vote against the Motion to accept Majority Ought to Pass Report of the Committee.

In testimony presented to the Transportation Committee, it was pointed out very clearly that we do not have a problem here in the State of Maine, in reference to using electronic devices to detect radar zones. I think it is quite a long time in the future before this problem does come about.

In fact, the way I analyzed it, and a few other people did, was that they are postulating a situation that might materialize, but I can assure you the average person could not afford to spend anywhere from \$90.00 to \$140.00, nor would they spend \$90.00 to \$140.00 for these radar detection devices.

Members of the Maine State Police were there, and it was brought out clearly by them that in other States with a large population, possibly a problem does exist. But, insofar as they know, in the State of Maine they have had no problems at all, and I do not think there is that many of that kind of device being used at the present time.

I was just trying to recollect, Mr. President and Members of the Senate, if members from the AAA or other organizations were there, and if they were I am trying to recollect if they opposed this particular measure, because they did not feel there was any mandatory requirement at the present time that we now have another device to entrap motorists since we have enough mechanisms at the present time.

I guess I also look at it a little bit from the ingenuity of the free enterprise system, that if people are smart enough to buy these devices and use them on their cars, it might be incumbent upon people in law enforcement to change their equipment and up-date it, and in the end result in the free enterprise system everybody makes a fair profit, including the Courts.

I would, therefore, move that you do not accept the Majority Ought to Pass Report, and accept the Minority Ought Not to Pass Report.

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

Mr. GREENLEY: Mr. President, I will admit there is probably not too much of a problem now with these instruments, but there could be one in the future.

I remember 30 years ago, my first Term in this Senate, we had a Bill in here to prohibit television in automobiles, and, if I remember right, there was not too much television around in those days. But somebody was smart enough to look into the future so the Bill was passed, and later on Massachusetts had some problems with television, and I think they had to pass a law to prohibit television in automobiles.

If people do start buying these instruments, it is going to cost the State Police a lot of money to replace their radar system, the way I understand it.

I hope we accept the Majority 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 Majority Ought to Pass, as amended, Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of accepting the Majority Ought to Pass Report, please rise in their places to be counted.

Will all those Senators opposed to accepting the Majority Ought to Pass Report, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to accept the Majority Ought to Pass, as amended, Report does prevail.

The Bill Read Once, Committee Amendment "A" read and adopted.

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

Mr. MERRILL: Mr. President and Members of the Senate, I am not going to make a motion today to kill this Bill, but I think it should be brought to the attention of the Senate that merely for carrying one of these items in your car, and not even in operative condition, you can be sent to jail for ten days.

I think that this fits into the category of the head-phone legislation that this Senate dealt with earlier, and I think it is unnecessary for criminal law to be put on the books, and I hope the Senate will give it further consideration and move along with the process.

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

Mr. CONLEY: Mr. President, as the good Senator from Cumberland, Senator Merrill, has certainly said enough as far as I am concerned, and I would now move that this Bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that LD 389 be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would hope that the Senate today would not indefinitely postpone this measure, and I might expand a little bit on the remarks made by the good Senator from Androscoggin, Senator Minkowsky. He made a point that there was not a problem in the State, and I agree probably at this point there probably is not one but if we wait any longer, you know and I know that it is going to be politically impossible to put anything like this through if, in fact, there are enough of them in the State.

He also mentioned the fact that the State Police were there. He did not mention that they testified strongly in favor of this Bill, and, not even at my request or anybody's request, came back to the working session to speak again in favor of it. They feel that if we can eliminate the devices like this, it will save them money in the long run because they will not have to buy better radar and better counter-radar instruments, which they feel they might have to do, and spend taxpayers dollars in the future.

Also with reference to the AAA people, yes, Senator, they were at the hearing. They did speak strongly in favor of the Bill.

I think the main point here is these fuzzbusters, or whatever other name they go by, what good do they do. The only purpose they serve is to avoid the law, and if this State is going to spend hundreds of thousands of dollars on traffic control, then why do we want to allow devices like this.

This particular Bill is modelled after the Virginia law, and in corresponding with them I found that many other States have contacted them. They feel it has worked very successfully, and I would urge that you do not indefinitely

postpone this Bill, and I would ask for the yeas and nays.

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

Mr. MERRILL: Mr. President and Members of the Senate: There are times when the Senate does an excellent job weeding out legislation such as this. Unfortunately, I think there are times when the Bills are sponsored by the Democrats and Members of the other Body.

This Bill makes it a criminal offense to have one of these devices in your car. Many of these devices are portable, and they hitch onto the visor of your car. Somebody gets into your car with one of these devices in his pocket, and you can be sent to jail for ten days.

Now it was reported by the previous speaker that this law is working very well in other States. I ask you, how is this law working well. How is this law enforced. Maybe that is where we should give a little consideration before we pass it. Are we going to search the cars? Are we going to have road blocks where the cars will be torn down and stripped to see if they have radar detecting devices on them. After a while, in listening to the other speaker, I think we are in an arms race here in trying to catch our people speeding on the highways. If we are going to have this device, and then we are going to have another device to make a law to enforce this law.

I think that this is an unnecessary law to put on the books, if somebody is going to go to jail for ten days for having one of these devices in a car. I think it is as unnecessary as having a criminal statute against somebody wearing headphones when he drives down the street in his car.

One of the greatest distractions to safety driving down the street in a car, I would say, is a father and children yelling and screaming in the back seat, and maybe we should make that a crime punishable by ten days.

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

Mr. MARTIN: Mr. President and Members of the Senate: I would seriously hope that you would consider this Bill today and not pass it, and rather indefinitely postpone it. Before too long we are going to set a precedent here, and I would expect that by next Session we may see a Bill to prohibit CB radios in our cars.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Just a note of correction, the good Senator from Kennebec, Senator Pierce, made reference to the State Police officer who was at the executive meeting of the Transportation Committee. He was not there primarily for this particular piece of legislation. He was there on other matters we were debating and evaluating and analyzing, and I just want to make it clear that he was not called in because the Maine State Police were violently opposed to this piece of Legislation.

I think the points taken by Senator Merrill of Cumberland are well taken, as well as Senator Martin of Aroostook. I certainly would be in concurrence, and I would hope the Members of the Maine Senate would concur that this item should be indefinitely postponed.

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

Mr. CARPENTER: Mr. President and Members of the Senate: I would ask you not to vote for indefinite postponement of this Bill. I happened to have occasion some time ago to work with a constituent who has run afoul of this law in the State of Connecticut. It is very simple how it works.

This man pulled into a MacDonald's in the State of Connecticut, and the State Police happened to pull in next to him and they saw this

device in this car, and they ordered him to dismantle it and they confiscated it.

I am voting for the Bill today, and I realize I just gave all my opponents all the reason in the world to get up and oppose me, but I cannot conceive that this Legislature will do something that will allow something to happen, and believe me, you know, I have heard two speakers this afternoon say that this is not a big thing. I would disagree with you. I think you might be surprised. I know up my way this goes on quite often, and I have already spoken to the sponsor of the Bill and Monday morning, if this Bill passes the First Reading today, I will have an Amendment to take out the confiscation portion and also an Amendment to reduce the penalty so that nobody goes to jail for this particular offense.

As far as my dear friend from Aroostook, Senator Martin's comments about CB radios, CB radios are used for many other purposes other than detecting where the State Police happen to be, and I do not see any objections to that, although I do not have a CB in my car.

This device we are talking about is in the car for one reason and one reason only, and I think it makes fools of all of us to not consider this a problem, to not consider this something that the Maine Legislature should deal with, and I was quite frankly surprised at the vote, and I would hope that you would continue to support this Bill.

Thank you.

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

Mr. LEVINE: Mr. President and Members of the Senate, I voted with the good Senator from Waldo, Senator Greeley, to accept the Majority Ought to Pass Report, and I think perhaps now I may have been in error.

The reason I voted for his Motion was that I recall a few weeks ago I was making a delivery in my business, and there were also some gentlemen there making a delivery from another company who were driving tractor trailers, 18 wheelers, and they were talking about their "fuzz-busters", and the fact that they use them and they avoided ticketing on radar and so on, and I felt perhaps the Senator from Waldo, Senator Greeley, was correct.

However, the good Senator from Kennebec, Senator Pierce, brought something else to mind, which has made me change my mind. He mentioned the State of Virginia, and I happen to think again about what they had been discussing, and one of them had asked another driver, "What did you do coming up through Virginia". And he said, "Well, that is alright," — in effect what he said was he has got his fuzz-buster hooked up so all he has to do is put it on the seat behind him below the dash, and he has a red light on the dash that comes on when he enters the radar; therefore, there is a way that he is going to get away with using it even in a State where it is illegal to have it.

I do not feel that that is a proper advantage to give some people who happen to be sly enough to get away with it. I do not think the law will have any real effect, because I think other people will learn to do this, and, therefore, I would support the Motion to indefinitely postpone this Bill and all its accompanying papers.

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

Mr. MANGAN: Mr. President and Members of the Senate. As I was coming up here today, and I am one of the CB nuts, as I entered the Town of Greene I had one of my Brethren on the road mention to me that there was a Smokey sitting up just outside the Mobile station on Route 202 with his picture taking equipment heading eastbound, and so I figured that I might as well watch myself. As I got up closer to this Smokey they told me what the number of his plate was, and exactly where he was, across the street from such and such house, and well

hidden. As I got much closer to it, I got another report, I think you better watch this guy because he has got a friend just a little further up the road.

Now it impresses me that if an individual has a CB set he tends to drive a lot more slowly, especially if he knows that there is a police officer around. I can see this as the next step next year, legislation coming in to eliminate the use of CB sets because they give the motorists an unfair advantage over police officers.

The other point that bothers me is that if an individual has got a fuzz-buster, if that is what they call them, in his car, it is going to be extremely difficult to catch an individual who knows that the police are there in advance, and, therefore, would be very quick to take the thing off and put it in the back seat, and it would be almost impossible to find.

I would suggest that this is just another piece of Legislation to throw into the books to make some people happy, and will really accomplish very little, since very few people are going to be prosecuted by this Bill, unless, of course, you have a State Trooper sitting at MacDonald's, and I would hope you would want to have him on the road rather than in MacDonald's trying to take somebody else's fuzz-buster away.

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

Mr. REDMOND: Mr. President and Members of the Senate: I happen to have been lured by American ingenuity and salesmanship, and bought one of those devices. I can assure you that I enjoyed hearing the beep-beep each time I drove by an airport or a speed trap. It was a good reminder for me to observe the speed laws.

I abandoned this device after a few months, because the batteries were getting to be expensive. I do not believe that that was malicious behavior, and rather only being an American in the USA and in the State of Maine here.

I hope that the Senate tables this indefinitely.

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

Mr. CONLEY: Mr. President and Members of the Senate: I hope that the Senator from Somerset, Senator Redmond, would forward to me that little device, because it seems to me that I need one.

I do not think we have come to the point in this country yet where we have to start looking ahead for the boogieman. They are around us now, and I think the best thing to do is get rid of legislation like this, rather than throwing a continual fear in my future.

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

Mr. PRAY: Mr. President and Members of the Senate: I think the question is quite clear that what we are talking about is the law and not a question.

I would like to remind the Members of this Body that yesterday we passed a Bill relating to possession of firearms by persons convicted of certain crimes, and now we are talking about an individual being guilty of having something in his car and somebody finding it. I am sure a person that is convicted of a crime is not going to go around wearing a gun on his hip. Every day we are passing Legislation here stating that if an individual is committing an act which is by our statutes illegal, that they will be guilty of certain crimes. We decide that a person that is convicted of a certain crime carrying a firearm must have it for devious purposes.

When we stop and we start talking about radar detection devices, and I spent four years in the military working with radar and I know quite well how they work, and the definite advantages of having one, and I do not and I should, but I think the question is clear here today. I was bothered by the point of what the penalties were on this Bill, but I feel that the question is the intent of the person who buys one

is not to listen to the beep-beep of the radar station or in the vicinity of any airport, it is to circumvent the law that we have put on the books.

For that purpose, I hope we defeat the Motion today to indefinitely postpone, and give the message to the Senator from Cumberland, Senator Conley, to slow down.

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 on this matter, please rise in their places to be 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 Cumberland, Senator Conley, that this Bill, L. D. 389, and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Secretary will call the Roll.

YEA — Conley, Curtis, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Redmond, Trotzky, Usher.

NAY — Carpenter, Chapman, Collins, D.; Collins S.; Farley, Greeley, Hichens, Huber, Jackson, Katz, McNally, Morrell, Pierce, Pray, Snowe, Speers, Wyman.

ABSENT — Cummings, Danton, Hewes, Lovell.

11 Senators having voted in the affirmative, and 17 Senators in the negative, with 4 Senators being absent, the Motion to indefinitely postpone does not prevail.

The Bill as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, An Act Appropriating Funds for Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (Emergency) (H. P. 564) (L. D. 689)

Bill, An Act Concerning Damage to Cars Involved in Collision with Deer. (H. P. 692) (L. D. 874)

Bill, An Act Relating to a Single State Contact Agency for Matters Dealing with the Federal Fire Prevention and Control Act of 1974. (H. P. 949) (L. D. 1143)

Bill, An Act Concerning the Disposition of Human Remains. (H. P. 1543) (L. D. 1771)

Which were Read a Second Time and Passed To Be Engrossed, in concurrence.

Bill, An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union. (Emergency) (H. P. 511) (L. D. 748)

Which were Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, I move this Bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves that LD 748 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, I oppose the Motion for indefinite postponement. We had maybe limited debate on this matter yesterday and, of course, maybe I should apologize to the Senate for coming on a little too strong in some of my feelings with reference to this particular piece of Legislation, but you must bear in mind like many of you I did receive in the vicinity of 25 telephone calls from people living in my Senatorial District, that had strong feelings

about the school system, and what the intent and purpose of this Legislation was.

You realize that this is an emergency measure, and if the Motion to indefinitely postpone, which I hope does not prevail, I have an Amendment which I would like to offer after that, Mr. President and Members of the Senate, that will take the emergency clause off the Bill, as well as the emergency preamble.

This has been a matter that has been very well discussed and very well resolved by the people in the area, and I think basically the greatest majority of them concur that something has to be done.

During the public hearing I believe there were only two opponents to this particular Bill, the sponsor and a superintendent, whereas the greatest majority of the people there representing the towns where this Bill will affect their activities, and I really believe consideration should be given to them because they seem to have a better understanding of what the problem is they have in that particular area.

Mr. President and Members of the Senate: I would sincerely hope that you would oppose the Motion to indefinitely postpone this Legislation, and allow me to place this Amendment on the Bill which will take away the emergency preamble.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: This Bill, as I understand it, is going to cause considerable cost to one of the small communities involved, a community which is not listed in the title of this Bill, the small community of Richmond. As a matter of fact, it is my understanding it will cost an additional \$60,000.00 in administrative costs each year for this town if this Bill is passed.

I think we have a regional problem here, which should be further resolved amongst the towns within the region, rather than legislated in this manner.

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

Mr. SPEERS: Mr. President, first of all, I would like to comment on some comments that appeared in the news media with regard to the reason for this Bill being before the Legislature.

I think that in some way unfortunately the inference has been given that this is a matter having to do with one particular individual who is the superintendent of schools, and I can assure this Body that this is not the case. I have received a number of calls from individuals who are supporting this Bill, but who were quite disturbed that the inference that the reason that the Bill was introduced or was gaining support is because of some dissatisfaction with a particular superintendent involved. I want to assure this Body and the people of the State that that is not the case.

I would oppose the Motion to indefinitely postpone this particular item, and mention that whereas the good Senator from Sagadahoc, Senator Chapman, mentioned there may be some additional costs involved with respect to one particular town, I do not think that is necessarily the case. I think that that particular town will be free to join another union, or to associate itself with other school districts to avoid the particular cost that the good Senator referred to.

Very briefly, what the Bill attempts to do, what I mentioned yesterday in debating this Bill, is to revise a School District situation that exists uniquely in the State of Maine, and that is that these towns are involved, some of the elementary schools are in one school union, and the secondary schools are in another school union, and the particular towns are dealing with two separate superintendents, two separate administrative situations. The towns themselves

are quite concerned about this. The Department of Education itself is quite concerned about this, and the Department endorsed this Bill, to make the Legislative intent clear that these towns could indeed form their own union, and put both the secondary and elementary schools into the one single union.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Sagadahoc, Senator Chapman, That LD 748 be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposing the Motion to indefinitely postpone, please rise in their places to be counted.

12 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to indefinitely postpone does not prevail.

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

Mr. MINKOWSKY: Mr. President, I now offer Senate Amendment "A" (S-137) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now offers Senate Amendment "A" (S-137) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

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

Mr. KATZ: Mr. President, I have just found Senate Amendment "A", and I wonder if the sponsor might explain what is in it.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, originally when the emergency preamble was put onto this piece of legislation, it was anticipated that it would take effect or the commencement of this union by June of this year. Since it was in the Education Committee for quite a length of time, they now feel it is too late to actually have the June deadline, and they are asking that they be given to possibly January 1978 in which to form this new union.

Basically, Mr. President and Members of the Senate, if I look at this correctly, this was its only intent and purpose at the time.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly. (H. P. 68) (L. D. 98)

Bill, An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District. (Emergency) (H. P. 837) (L. D. 1025)

Bill, An Act to Amend and Repeal Certain Laws Relating to Public Utilities. (H. P. 1091) (L. D. 1315)

Which were Read a Second Time and Passed To Be Engrossed, as amended, in concurrence.

Bill, An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service. (H. P. 650) (L. D. 794)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day.

Pending Passage to be Engrossed.

Senate

Bill, An Act to Amend the Charter of the Ocean Park Association. (S. P. 443) (L. D. 1533)
Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, An Act Concerning Ritual Burial by Certain Religious Groups. (S. P. 325) (L. D. 1085)
Bill, An Act Establishing the Maine Student Incentive Scholarship Program. (H. P. 423) (L. D. 1481)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Enactors

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

An Act Concerning the Powers of the Eagle Lake Water and Sewer District. (H. P. 1521) (L. D. 1747)

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Enactment.

An Act Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto. (H. P. 790) (L. D. 1014)

An Act Relating to the Director of Finance of the Public Utilities Commission. (S. P. 139) (L. D. 380)

An Act to Establish Arbor Week. (H. P. 766) (L. D. 959)

An Act Concerning the Definition of Full-time Local Law Enforcement Officer. (S. P. 103) (L. D. 232)

An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters. (S. P. 25) (L. D. 38)

Which 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 Measure of Damages Under the Unfair Trade Practices Act. (H. P. 277) (L. D. 341)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins, with reference to L. D. 341.

Mr. COLLINS: Mr. President and Members of the Senate, I ask for a Division on this matter.

This has been debated before. It is a Bill that adds only half a dozen words to existing law, but those few words have the effect of changing the measurement of damages under the Unfair Trade Practices Act.

The change would expand recoveries under the Act so that they would include what we call consequential damages. In years past in bringing law suits, I have attempted to prove consequential damages in Court litigations, and I know that it is not an easy thing to prove. It requires a great deal more preparation than much of the work in proving ordinary damages.

To cast this burden on the Attorney General seems to me unwise, and it seems to me that it will cause people to come to the State for their legal services, who could very well afford to have their legal services provided by the usual method. I think that in time it would become a burden on the Attorney General's office that could well be borne in the private sector.

Thank you.

The PRESIDENT: The Chair will Order a Division.

Will all those Senators in favor of the Passage of this Bill to be Enacted, please rise in their places to be counted.

Will all those Senators opposed to the passage of this Bill to be Enacted, please rise in their places to be counted.

6 Senators having voted in the affirmative, and 21 Senators in the negative, this Bill fails enactment, and will be sent down for concurrence.

"An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist them in Remaining in their Own Homes and in Caring for Themselves." (S. P. 338) (L. D. 1123)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table Pending Enactment.

"An Act Relating to Resident State Police Troopers." (H. P. 1493) (L. D. 1705)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley, with reference to L. D. 1705.

Mr. FARLEY: Mr. President and Members of the Senate: I would now move indefinitely postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from York, Senator Farley, now moves that L. D. 1705 be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion that L. D. 1705 be indefinitely postponed, please rise in their places to be counted.

Will all those Senators opposed to the Motion that L. D. 1705 be indefinitely postponed, please rise in their places to be counted.

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

Mr. HICHENS: Mr. President, I would change my vote.

The PRESIDENT: The Chair will order a Second Division.

Will all of those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: 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 to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate, I commend the Senator from Penobscot, Senator Curtis, for requesting a Roll Call. If I remember correctly, sometime last week we had a Roll Call on this very same Bill, and we did vote to accept the Majority Ought to Pass.

It will be interesting to discover what we do today.

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

Mr. FARLEY: Mr. President, the Bill before us calls for ten resident State Troopers, and the cost of that, the State cost, I might add, for the first year, 1977-78, is \$64,000.00; the second year it is \$45,000.00.

Now as I said, the Bill calls for ten resident State Troopers. The state is to pick up 25 percent, and the small towns the other 75 percent.

Now who are going to be the ten towns to get these, or the ten areas. They leave it up to, I guess, the Chief of the State Police for him to choose what area from the Rural Crime Report Study that we have had here a couple of years ago.

If you think, some of you people who are supporting this Bill for several small towns, there

are going to be only ten of them that are going to get these resident troopers. One question I would like to pose in support of this Legislation here. Say that the town after the first year backs out on this contract with the Resident State Trooper. Who is going to pick up the State Troopers cost, are they going to lay him off or are they going to keep him.

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

Mr. PRAY: Mr. President and Members of the Senate, I am one of those individuals that voted for this Bill the other day, and I will be one of those individuals who will vote against the Bill today.

After the debate that we had the other day, I had a discussion with some of the people in my county, Penobscot County, on the existing programs that they have at this time relating with the Sheriff's Department in that District, and to the cost of money that is involved by the communities as compared to the cost that might be involved by those ten lucky communities under this Bill.

I think, as I look through my Senatorial District and the communities that I have, and whether or not they are going to be able to come up with \$13,500.00 for their 75 percent of this State Trooper, in relation to all of the other costs that they are going to have, I just cannot see where there is going to be an advantage to those areas of the State which are having a rural crime problem, and basically that is what this Bill calls for, and be able to meet the other State regulations that they have which we will be discussing a little bit later today, and be able to find the additional funding to help solve the problem of rural crime.

I would urge my colleagues in this Chamber today to reverse the position that we took as an entire Body and support the Motion of Senator Farley and defeat this Bill.

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

Mr. FARLEY: Mr. President and Members of the Senate, just to proceed a little further. I mentioned to you that the cost of this program the first year is \$64,000.00. Now that is 25 percent of the cost. What we are talking here, ten Resident Troopers, if you multiply it three times, it is \$250,000.00, or \$25,000.00 per Resident State Trooper. Now I submit we can get a lot better police protection of some kind in these small towns at half that cost.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that L. D. 1705, be indefinitely postponed.

A Roll Call has been ordered.

A yea vote will be in favor of indefinite postponement. A no vote will be opposed to indefinite postponement.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Farley, Greeley, Jackson, Katz, Mangan, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Trotzky, Usher, Wyman.

NAY — Carpenter, Collins, S.; Conley, Curtis, Hichens, Huber, Levine, Martin, McNally, Minkowsky, Speers.

ABSENT — Cummings, Danton, Hewes, Lovell.

17 Senators having voted in the affirmative, and 11 Senators in the negative, with 4 Senators being absent, the Motion to indefinitely postpone does prevail.

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

Mr. FARLEY: Mr. President, having voted on the prevailing side, I now move reconsideration, and hope you will vote against me.

The PRESIDENT: The Senator from York, Senator Farley, now moves the Senate recon-

sider its action whereby it indefinitely postponed L. D. 1705.

A viva voce vote being had, The Motion to reconsider does not prevail. Sent down for concurrence.

Emergency

An Act to Amend the Vocational Education Laws. (H. P. 1209) (L. D. 1329)

This being an emergency measure and having received the affirmative vote of 22 Members of the Senate, with 2 Senators 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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1977. (H. P. 1518) (L. D. 1745)

This being an emergency measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator voting in the negative, was Finally Passed, 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: House Reports — from the Committee on Judiciary — Bill, "An Act to Repeal the Marijuana Decriminalization Statute." (H. P. 1272) (L. D. 1500) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass Tabled — May 12, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I move the acceptance of the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I move this lie on the Table for Two Legislative Days.

The APRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that this item, L. D. 1500, be tabled for Two Legislative Days, pending the Motion of the Senator from Knox, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of the Motion to table this Bill for Two Legislative Days, please rise in their places to be counted.

Will all those Senators opposed to the Motion to table this Bill for Two Legislative Days, please rise in their places to be counted.

13 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Table for Two Legislative Days does prevail.

The President laid before the Senate: House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Prenatal Scientific Determination of Sex." (H. P. 1075) (L. D. 1297) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass Tabled — May 12, 1977 by Senator Speers of Kennebec Pending — Acceptance of Either Report.

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

Mr. COLLINS: Mr. President, I move acceptance of the Majority Ought Not to Pass Report of the Committee.

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

Mr. MANGAN: Mr. President, as one of the signers of the Minority Ought to Pass Report, this Bill has bothered me very seriously every since I saw the thing initially.

What this Bill will do, and it is a very short Bill, is basically make it criminal to allow or to permit parents to go over to the hospital while the wife is expecting — I assume it is the wife — and ask for an amniocentesis, which is at this point a fairly simple procedure, to make some sort of a determination as to whether the child is male or female, and upon the determination of whether the child is male or female, make a determination on whether they shall or shall not abort the fetus.

It is my impression that this is discrimination to the utmost, and it bothers me in that I have had basically three pre-mature children, and I have had a tough enough time hoping to keep my children, and that this is just some sort of an attempt to permit to some degree the aborting of a child because the child is not of the sex that the parents would like to have the child.

I feel that the entire Bill is wrong, the entire Majority Report is wrong. I feel that the Bill should pass. I think that we should attempt to discourage this.

There is another factor that does come into this. It is today illegal in the State of Maine to have an abortion. Now the State of Maine does differ with what the United States Supreme Court does say, but this should be kept in ones mind when one is voting. If it is illegal to have an abortion, therefore, it should also be illegal to have an amniocentesis done to determine the Sex of a child, to determine whether one shall abort or shall not abort. We are just looking at some very inconsistent laws.

Therefore, feeling very strongly about this, I would hope that the Members of this Senate would vote against the Majority Ought Not to Pass Report.

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

Mr. COLLINS: Mr. President, when this Bill came before the Judiciary Committee, we promptly requested an opinion of the Attorney General as to its constitutionality. Attorney General Joseph Brennan responded with a letter to the Committee in which he stated that this Act is clearly unconstitutional.

Even if I favored the idea, which I do not, I could not vote for it under those circumstances, and I would urge the Senate to promptly defeat it.

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

Mr. MARTIN: Mr. President, this is all very confusing to me. If I understand the good Senator from Androscoggin, Senator Mangan, correctly, this Bill, if enacted, would make it a criminal offense for a parent to abort a fetus, or a child, because of sex, and if that is correct, Mr. President, I move for the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. CURTIS: Mr. President, what the Bill provides is a penalty for a new crime, and the new crime, using the language of the Legislation, is "It shall be unlawful for any physician, nurse, laboratory technician or any other person to disclose the result or any information about a scientific prenatal determination of the sex of any human fetus, when such a person knows or has reason to believe that this dis-

closure may result in an abortion if the sex is not what the mother or parents wish."

My first objection to this piece of Legislation has to do with the very, very hazy area of criminality which would be created if we were to enact that particular language. You think about that language — "when such a person knows or has reason to believe that this disclosure may result in an abortion".

The second problem I have is the same one that the Chairman of the Committee, the Senator from Knox, Senator Collins, has referred to, and that is the Attorney General's opinion reflecting upon the relationship of the Supreme Court's Decision in 1973 of Roe vs. Wade, in which they addressed the question of the right to privacy of a woman regarding her decision of whether or not to terminate a pregnancy.

In the conclusion of that State of Maine Attorney General's opinion dated May 3, 1977, Attorney General Brennan states that:

"L. D. 1297, by prohibiting the pregnant woman from obtaining information she may need to make a decision regarding abortion, and by prohibiting her physician from providing her with information regarding her condition, sets up State regulation of the kind forbidden by the Constitution. The bill would unconstitutionally place limits in an area which the Supreme Court has expressly ruled that the State may not limit."

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

Mr. LEVINE: Mr. President, I am kind of at a loss here. The good Senator from Androscoggin, Senator Mangan, would seem to state that we have a law on the books right now that proclaims it is illegal to receive an abortion, or is it to perform an abortion, in the State of Maine. It seems that it restricts both of these things.

Now this law is found to be unconstitutional, and therefore, is unenforceable. Is it the position of the Senator from Androscoggin, Senator Mangan, that we should add another unconstitutional law to our Statutes, and have another law that is unenforceable.

The PRESIDENT: The Senator from Kennebec, Senator Levine, has posed a question through the Chair to the Senator from Androscoggin, who may answer if he so desires. The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate: It was apparently the intent of I believe the 107th Legislature in its great wisdom to override the opinions of the Supreme Court of the Land to continue making abortions illegal in the State of Maine. The continuation of this law on the books, all though it be unconstitutional, and although there is a law on the books I do not believe the police officers have ever enforced it, and it is the same law I believe as is on the books in the Commonwealth of Massachusetts, and that was the Dr. Eidlou trial approximately two years ago, if I recall correctly.

However, if the law of the State of Maine said that it would be illegal to have an abortion, and there are two pieces of Legislation coming up before you shortly, one is to prohibit payment of abortion, but the law says abortions are illegal, and this is the second one as far as the State of Maine is concerned, and I think the scope is somewhat shy, but this law here, 1279, states that if any one has reason to believe that a disclosure of the sex of the fetus may result in an abortion, if the sex is not what the mother or parent wished, I feel that this Bill is a beautiful example of chauvinism, if that is the word for it, as the good Senator from Androscoggin, Senator Minkowsky, stated, or is a fine example of discrimination, and I realize that this may be unconstitutional as far as the law of the country

is concerned, but it certainly is not unconstitutional as far as the law of the State of Maine is concerned, and if we are going to go in the State of Maine with the position that abortions are illegal, then certainly we should follow through with all of our other laws until such time as that matter has been tested in the Courts. But regardless of whether that is constitutional or unconstitutional, I feel that this piece of Legislation is certainly at the most discriminatory and I would certainly urge the Members of the Senate to vote against the Motion of the Senator from Aroostook, Senator Martin, to indefinitely postpone this Bill.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I am a little bewildered at the statement Senator Mangan made about the term chauvinism, and I am certain it was not in conjunction with this particular measure. I just want to make that point perfectly clear. It was in conjunction with our prostitution Bill, and not this particular one here.

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

Mr. HICHENS: Mr. President, I would 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 to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I would just like to point out that one of the Committees that I serve on, Health and Institutional Service, we have a Bill which will be coming out of that Committee shortly, and as it goes through the Legislative process into Chamber, sponsored by a Member of the other Body, and it is a Bill entitled "An Act to Establish the Legal Rights of Hospital Patients". A section of that Bill gives the right to a patient to have the results of all tests, and to review his medical records at any time.

I would just caution the Members of this Body today as they vote on this Bill, and consider the one that is coming along, that we are going to be basically addressing the same issue at a later point in time. I think to avoid any conflicts in the many Statutes which sometimes overlap in Legislative documents, that we follow the advice of the Senator from Aroostook, Senator Martin, and deal with patients rights later.

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

Mr. MERRILL: Mr. President and Members of the Senate, to add another wrinkle to this debate, it is my opinion that even if the purpose of this Bill were not an unconstitutional purpose, and the constitution of the United States is the supreme law of the land, that this Bill would be unconstitutional as a restriction on free speech. It does not have a sufficient purpose so as to justify that restriction.

The specific wording of the Bill says that if a doctor has information, information that in fact you may have paid for, he cannot disclose it, which is a clear restriction on his ability of free speech, and the purpose of that, even if it were not to prohibit a practice which is protected by the constitution. I think would be unconstitutional. Therefore, whatever our feelings about what the constitution of the United States ought to say about the subject of abortion, I think we ought to defeat this Bill.

The PRESIDENT: A Roll Call has been ordered.

Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Martin, that this Bill, LD 1297, and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Curtis, Farley, Greeley, Huber, Jackson, Katz, Levine, Martin, McNally, Merrill, Minkowsky, Morrell, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

NAY — Conley, Hichens, Mangan, O'Leary.

ABSENT — Cummings, Danton, Hewes, Lovell.

24 Senators having voted in the affirmative, and 4 Senators in the negative, with 4 Senators being absent, the Motion to indefinitely postpone does prevail.

The President laid before the Senate: Bill, "An Act Concerning the Small Claims Laws." (S. P. 301) (L. D. 927).

Tabled — May 12, 1977 by Senator Merrill of Cumberland

Pending — Motion of Senator Minkowsky of Androscoggin to Reconsider Indefinite Postponement.

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

Mr. CURTIS: Mr. President, I hope the Senate will indeed reconsider its previous action, so that the Bill be in a posture to offer an Amendment, which I have already distributed (S-140).

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

Mr. MINKOWSKY: Mr. President, I hope the Senate maintains its previous posture, and reconsiders its action, and votes against me on this particular matter.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby it indefinitely postponed this Bill.

The Chair will order a Division.

Will all those Senators in favor of reconsideration, please rise in their places to be counted.

Will all those Senators opposed to reconsideration, please rise in their places to be counted.

13 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to reconsider does not prevail.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Relating to Solid Waste Disposal." (Emergency) (S. P. 248) (L. D. 756)

Tabled — May 12, 1977 by Senator Pray of Penobscot

Pending — Motion of Senator Trotzky of Penobscot to Indefinitely Postpone.

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

Mr. PRAY: Mr. President, I offer Senate Amendment "B" (S-138) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "B" (S-138) and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" (S-138) Read.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I just wonder if the good Senator from Penobscot, Senator Pray, might explain the Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question of the Senator from Penobscot, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. PRAY: Mr. President and Members of the Senate, I think he asked me to explain the Amendment, but I am not sure, thus I will do that.

What the Amendment does is extend the time period for municipalities to fall under the regulatory requirements on solid waste disposal to 1979, and it allows this for municipalities under 10,000. The reason for the figure and the extension on the date is although the economy is seemingly starting to bounce back at this time, the municipalities have not yet recovered to the position where they can afford to go into the strict requirements that are being mandated upon them by State regulation, and this would allow the smaller communities that have a lesser tax base an extended period of time to fall under that requirement.

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

Mr. TROTZKY: Mr. President, I would oppose this Amendment. First of all, the Amendment is not clear. It appears what the Amendment does possibly is again to say to all communities under 10,000, and that is probably most of the communities in the State, you can start burning again, and all that is going to do is bring the Federal government in to each of those communities in law suits.

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

Mr. MORRELL: Mr. President, I hope ultimately we will move to and vote to indefinitely postpone this Bill, and I would like to read a short comment by Bill Adams, Williams Adams, to the Joint Legislative Committee on Natural Resources, which seemed to me to make some sense:

"Another major impact of this bill would be to once again change the rules of the game part way through, and at a time when considerable progress is being made. Thus, those many Maine municipalities which have decided to deal with the solid waste problem in a responsible manner, and have expended substantial effort and resources, will be penalized for their actions. Those municipalities which have done little or nothing will have been rewarded for their inaction. And a number of regional programs now in the planning stages which show signs of promise would be seriously jeopardized."

It seems to me that it would make entirely good sense to continue in the path we are presently headed, and to definitely postpone this Bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to L.D. 756.

The Chair will order a Division.

Will all those Senators in favor of adoption of Senate Amendment "B", please rise in their places to be counted.

Will all those Senators opposed to adoption of Senate Amendment "B", please rise in their places to be counted.

10 Senators having voted in the affirmative and 14 Senators in the negative, Senate Amendment "B" fails of adoption.

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

Mr. PRAY: Mr. President, I offer Senate Amendment "C" (S-139) and move its adoption, and would like to speak to that Amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "C" (S-139) and moves its adoption. The Secretary will read Senate Amendment "C" (S-139).

Senate Amendment "C" (S-139) Read.

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

Mr. PRAY: Mr. President and Members of the Senate, the basic objection to the Bill as originally written was the fact that it drastically changed the rules of the game in the middle of that game. What this Amendment "C" does is it basically strikes out the Bill as it is presently written, and it inserts in there a number of aspects, which I think help to put the Bill in an acceptable stage.

First of all, it redefines the word municipality — excluding those small communities under 2,500 people.

The second section or change in the Bill is that it establishes a northern and southern zone, as we basically have in our regulations at this time. It moves the zones a little further south, and I think we checked the calendar today we had an issue of arbor week, and the intent of that Legislation was based upon the fact that in the northern regions of the State of Maine, that the frost leaves a lot later than what the regulations in this section of the Solid Waste Management regulations required. It moved it south to and including Aroostook, Piscataquis and Penobscot Counties, the northern part of Hancock and Washington Counties, and the northern parts of Somerset, Franklin and Oxford Counties, basically in a very near straight line easily identifiable to any municipality by naming Routes 2 and 9 through that area.

Then it separates further, in relation to that same thing, it moves the dates from what the regulatory requirements are from December 1st to April 15th, and if any of you from the southern part of the state have been up in the northern part of Maine throughout the winter months, or, as a matter of fact, recently I was just talking to the Senator from Aroostook, Senator Collins, and he just informed me the ice just went out in Aroostook County, but the regulatory requirements that we have we say after April 15th the ground is in such a suitable position in the northern part of the State that we can then start our landfill requirements which they are through regulation.

This Amendment continues on to require that the Department of Environmental Protection shall evaluate all land disposal sites annually, and my good seatmate, the good Senator from Oxford, Senator O'Leary, has alluded to earlier in debate on this matter and on other matters, the great concern and question about sanitary landfill.

I had a small editorial from the Lewiston Daily Sun which talks about our dumps and the DEP, and it talks about the alternatives in relation to landfill, and exactly what the dangers of it are. For those of you that realize the process, that we are burying our rubbish, covering it with sand, and the question that this Amendment would require is an annual evaluation of this to see if possible water tables underground could become polluted, and it would require for the safety and the welfare of the citizens of this State this annual test to see if any such pollution was going on.

Also, under the present statutes, we have a section which gives DEP the authority to accept any grants in relation to the solid waste disposal. Section 5 of this Amendment says that "Preference on grants shall go to municipalities which costs relating to this Act exceed 3 mills." In other words, the towns that are spending the most money on a percentage scale, would have a preference on any grants which would come down from the Federal government in relation to the solid waste problem.

In the several meetings that I have had around the State throughout my district, there seemingly is pending legislation in Congress at this time granting a certain amount of money

throughout the country for this problem. I think Maine presently is scheduled for half a million dollars, and really it is not very much money, but I think if we are going to get it, we should give it to those communities which are spending the money, attempting to take care of the problem, and which have the greatest need for it.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I assure you that half a million dollar appropriation from the Federal government will not do anything at all.

The City of Lewiston was faced with this dilemma not too long back, and we had to take the bull by the horns and make a decision. At that particular segment of time, the EPA mandated the City of Lewiston to either close or stop open dump burning, or be fined a minimum of \$25,000.00 a day. We checked into the legality of it, and we found out that they meant business, and in turn we had no funds except municipal funds to spend \$1.3 million to go to a solid shredding process, which is presently being built. The State law which extended the two year span of time was ineffective, and does not supersede the Federal law which mandates the State of Maine to discontinue open dump burning.

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

Mr. PRAY: Mr. President, the Bill as amended, if this Amendment is adopted, does not change the open burning dump law that we have on our statute at this time. It eliminates those things which the good Senator from Penobscot, Senator Trotzky, related to when the original Bill came in, in reference that it took away all the laws we had on our books, which the Bill did, but through this Amendment, the Amendment becomes very restrictive, a very small amount of changes under Title 38, and I think that I have yet to see the good Senator from Penobscot stand up, and I can see that his mike is about ready, and I would be interested to hear his objection to this Bill as it is now amended, because I think it is a very mild attempt to aid communities which have not rejected or neglected to do something. It is just a Bill which would assist them in their attempts to fall within the guidelines which we have set.

Now I had the pleasure of going down into Cumberland County, down to the City of Portland a few weeks ago, with the Senator from Cumberland, Senator Usher, and as I drove by Lewiston he pointed to the big black cloud coming out over the hill, and said that is where Lewiston's dump is and they are still burning.

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

Mr. TROTZKY: Mr. President, I move that Senate Amendment "C" be indefinitely postponed, and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate, what this Bill does is it changes the northern and southern zones around the way the Senator from Penobscot, Senator Pray, would like them. Unfortunately, there has been no hearing on this. There has been no input from the Department, or in-input from anybody, for that matter.

Secondly, in Section 4 it says the "Department of Environmental Protection shall evaluate all land disposal sites annually for potential environmental harm. This possibly creates a great load on the Department, and possibly there should be a cost factor on this Amendment.

I would say that this has not been scrutinized at all by the Department, by the Natural Resources Committee, or by the public, and, therefore, I feel it should not be passed.

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

Mr. O'LEARY: Mr. President, the very things the good Senator from Penobscot, Senator Trotzky, alluded to, I think need a little bit of clarification.

This Bill did have a hearing, and the northern and southern zones were discussed at the hearing.

However, I would like to put into the record a little problem I have up in the Town of Weld. I do not know exactly how many people there are that live in this little town, but 71 percent of them signed a petition which I presented to Commissioner Adams about the problem they have with their dump, and what the Department wants them to do.

Now I am sure that the good Senator from Penobscot, Senator Trotzky, likes the land clean, and so do we. We want our air clean. We want our water clean. We all want the same things.

However, the Department is telling the little town of Weld that they have to go to a landfill, stop their burning dump, and they are going to put this right at the edge of Tumble Down Mountain. Now I would suggest that there had better be some friends of Tumble Down somewhere, for this is the entranceway to the Appalachian Trail, and these people that are concerned, I am going to read this letter to the Editor into the record in a moment, but I first must tell you that there is also another letter to the editor, and this is Wednesday, May 11th, — this other one is Wednesday, April 20th. These people are environmentalist. They are writing these letters, and they are concerned. Now I will read this letter into the record.

As we continue searching for alternatives to the D.E.P.'s sanitary land fill dumps, may I present one more thought; my uncompromising opposition to the D.E.P.'s sanitary land fill program is based on its absolute waste; — and this man has made some very good points in here.

Sand, a very definite natural resource will be squandered and wasted on sanitary land fill dumps all over the State of Maine.

Energy, so badly needing conservation will be increased many times over in maintaining our dumps in this manner.

Equipment, so badly needed in many areas of our state will be worn out, accomplishing no useful purpose.

Funding, sanitary land fill will cost the various towns and cities in this program hundreds of thousands of extra dollars throughout the state. All this at a time when dollars are already being stretched to their limit.

Finally our land surface is also a natural resource and in meeting the D.E.P.'s standards, new land must be acquired. Once a dump is placed on this new site, both the new site and the old site become useless for any other practical purpose.

So for the stated purpose of protecting our environment, we find ourselves protecting two resources, water and air. To accomplish this we destroy two: sand which is used for land fill is lost forever, and the land used for dumps is also lost. Then we in turn use up two other resources, money and energy. To sum it up, in protecting two resources we are destroying four. This from a Dept. committed to protecting our total environment. I ask you; should towns accept being put to very great expense by this type of single mindedness?

Burnable waste is being looked to more and more as a possible energy source. The City of Auburn is working on a plant to convert burnable waste to energy, and in Dearborn, Michigan, General Motors is combining coal with burnable wastes and saving thousands of tons of coal annually.

And I would commend to the Senate that in

the City of Lynn, Massachusetts, they have a plant there that burns this, and in turn manufactures electricity which is purchased by the General Electric Corporation across the river from it. And I thought this was the direction our committee was going to take at one time, but I guess we got lost on the bottle bill.

If the D.E.P. insists on their sanitary land fill program, I would like to suggest this new approach. While many details would have to be worked out, I would like to see each town expecting to be involved in sanitary land fill, to call a special town meeting, at this meeting, voters would be asked to raise or appropriate a sum of money (possibly two-thirds of the expected cost of complying with sanitary land fill) to be placed in trust. This money would be made available to an accepted company, free and clear, as an incentive to construct or alter a generating plant to use our burnable waste. As each town complied with this funding, the D.E.P. would offer a variance to allow time for study and construction of said plant.

A final one third of this cost for sanitary land fill would be raised or appropriated by the town to run its present dump and possibly to purchase equipment to transport their burnables.

I wish to point out that if the heavy hand of the D.E.P. forces this land fill program onto us, funds will flow down the drain so fast that the above opportunities can never present themselves again.

The difference between these hundreds of thousands of dollars being wasted, or being used constructively should be obvious.

Mr. President, I would remind the Members of this Senate that I have a lot of small communities in the area that I represent. One of them is Rangeley Plantation, and it has perhaps 350 people. Now if they have to go to the cost of a landfill up in that area, I do not know what they are going to do. They are presently receiving about \$10,000.00 from the State for their education program, but yet in turn are paying out \$77,000.00. I wonder how much more we can do to them. They have got to have some relief in these areas. I think it behooves us to do something.

Thank you.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I want to quickly respond to a few remarks by the Senator from Oxford, Senator O'Leary. First he said the towns do not want to go to solid landfill. Well, first of all, the towns cannot have open burning. That is a Federal law that says you cannot have open burning, and solid landfill is the next cheapest way of handling your municipal trash and so on. I do not know what other way he suggests.

Secondly, getting down to what he said about the northern and southern zones, I sat through the whole hearing and it was never, never discussed about where the northern and southern zones are in the municipal solid waste disposal regulation, — never brought up. All that was brought up was a few towns from Senator Pray's district came in, Milo and Brownville, and complained about the expense of solid waste regulations.

Now I want to quickly look at this Amendment, because this is what is before us today. The Amendment defines a municipality. A municipality means a city or town with a population in excess of 2,500. Then the law itself states right here, each municipality shall provide a solid waste disposal facility, and there shall be some regulations concerning that facility. So what this Amendment does is it says towns under 2,500 can do what they like. That is what it says.

Also, again it states here that the Senator from Penobscot, Senator Pray, wants to change the boundary between the northern and

southern areas of the State which are under these regulations, and it had no public hearing.

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

Mr. REDMOND: Mr. President, I will be brief. Solid waste regulations were written by our Department of Environmental Protection. The Federal government is concerned only with open burning and not solid waste. It is alleged that the State can appeal to the Federal government to amend the Federal regulations controlling open burning in which we want to clarify and find what the exact procedure is.

This will cost the small communities a tremendous amount of money, and many of them are frustrated with this problem now, and have no solution offered to them. It is a legitimate concern to all of us.

I, as a member of the Natural Resources Committee, would like to have more time to study this matter and all of these Amendments, to find a resolve, and before we enact anything I would like to know what we are doing, because this is a very serious matter as it has been stated here right along. Therefore, I move that we table this for Two Legislative Days.

The PRESIDENT: The Chair would advise the Senator that he has been debating a tabling Motion.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, first of all, I would like to advise the good Senator from Somerset that perhaps the proper Motion to handle what he wants would be to recommit.

Second of all, I would like to address the statements by the Senator from Penobscot, Senator Trotzky, in reference to what the first part of this Amendment which takes care of municipalities or redefines the word municipalities as those communities with a population exceeding 2,500. If the good Senator would read the next paragraph in the law book, he would find that we have the definition of the word persons, and persons means an individual, firm, corporation, partnership, association, municipality, Courts, state agency or any other legal entity, so they are still covered by the Statute of law, so his statement there was completely untrue.

I would also like to point out that the definition of the northern and southern zones, and I just checked one area real quick, is only an area of moving the zone about 60 miles south, and when I go back to my area throughout the winter months if I work down here in the Session, leave here and up to two weeks ago we still had snow back home, and, you know, I just ponder about the thought as to how we can decide exactly where this northern and southern zone would be. There is definitely a problem in the northern part of the State when the frost is in the ground: I have some water pipes that are eight feet down and are broken right now, because the frost went in excess of eight feet down. And we are going to ask these communities, at great expense throughout the winter months, to continue the practice or requirements that they are bound by at this time. The time period that I alluded to in the northern and southern zones is November 1st to May 15th, and it is a one month extension on one end, and rolls it back a month on the other end.

I think that the Amendment, and I know the longer we debate this, the more conversations go on and the more people wander in and out, but the concern of the landfill question, as to whether or not it is a proper direction in which to go, is one that concerns me greatly. I am fearful that five years down the road, if we come to the decision that land fill was the wrong way to go because of the ground water being polluted from this rubbish which we have been burying for year after year without any re-

quirement of inspection, that we are going to be past the point of return.

As to the reference of the Senator from Penobscot, Senator Trotzky, that the Department has no funds provided in the Bill, that there are a number of requirements within the Department to continuously evaluate. This just sets the time period on which they will do it on an annual basis.

I am sure that if the Department needed another individual or something, that it would go through the budgetary process at the second regular session.

I would like to point out exactly the declaration of policy and the intent of the Legislature when it enacted the Solid Waste Management Act, that it shall encourage solid waste programs, public or private, which reduce the volume of solid waste production and improve efforts to reuse and recover valuable resources currently being wasted, and it goes on and on. No where in the regulations, if you read through the entire book, does it promote these Legislative intentions, and I think that some individuals here may be very confused by the initial arguments of the Senator from Penobscot, Senator Trotzky, when this Bill first came out of committee, as to the little housekeeping Bill, and as to exactly what it did and what this Amendment now does. It is a very small Amendment, and I think it deserves our full consideration, and I would just remind the Senator from Somerset of what I advised him earlier.

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

Mr. TROTZKY: Mr. President, and Members of the Senate, I would like to ask a question through the Chair of the Senator from Penobscot, Senator Pray. If the small towns in his area do not want sanitary landfill, how do they intend to run their dumps.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to respond by putting a question to the Senator from Penobscot, Senator Trotzky, where in this Amendment does it out-law landfill.

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 Senate Amendment "C" be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of the indefinite postponement of Senate Amendment "C", please rise in their place to be counted.

Will all those Senators opposed to the indefinite postponement of Senate Amendment "C", please rise in their places to be counted.

14 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to indefinitely postpone does prevail.

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

Mr. MORRELL: Mr. President, is there a Motion before the Senate.

The PRESIDENT: The Chair would answer in the affirmative. There is a Motion before the Senate. The Senator from Penobscot, Senator Trotzky, still has his Motion pending to indefinitely postpone this Bill and all its accompanying papers.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I urge my colleagues to support the Motion.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion

to indefinitely postpone this Bill and all its accompanying papers, please rise in their places to be counted.

Will all those Senators opposing the Motion to indefinitely postpone this Bill and all its accompanying papers, please rise in their places to be counted.

20 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to indefinitely postpone does prevail.

Sent down for concurrence.

The President laid before the Senate:

Senate Reports — from the Committee on State Government — Bill, "An Act to Place the Office of Energy Resources in the State Planning Office." (S. P. 314) (L. D. 1034) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 12, 1977 by Senator Collins of Aroostook

Pending — Motion of the Same Senator to Accept Majority Report

Majority Ought Not to Pass Report Accepted.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools." (H. P. 1025) (L. D. 1273)

Tabled — May 12, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Katz of Kennebec,

Retabled for Two Legislative Days.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following additional papers from the House:

House Paper

RESOLUTION, Proposing an Amendment to the Constitution Providing that all State Revenues, with the Exception of those now Designated to the Highway Fund, with the Exception that the Legislature may Provide Dedication of Revenues to the Department of Inland Fisheries and Wildlife, with the Exception of Provisions Attached to Federal Funds, and with the Exception of Private Gifts be Credited to and Appropriated from the General Fund. (H. P. 1557) (L. D. 1777)

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

On Motion of Mr. Speers of Kennebec, Tabled until Tuesday Next, Pending Reference to Committee.

Communication

Office of the Governor

April 29, 1977

Honorable Joseph Sewall

President of the Senate

and

Honorable John Martin

Speaker of the House

Dear Joe and John:

This is to formally notify you that Thomas G. Leahy, Esq. of Porter's Landing, Freeport was nominated to serve on the Maine Guarantee Authority today.

In accordance with M.R.S.A., Title 10, Section 751 as amended, this nomination is subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature.

Your assistance in this area is appreciated.

Very truly yours,

Signed:

JAMES B. LONGLEY

Governor

(S. P. 499)

Which was Read.

Referred to Committee on State Government.

Sent down forthwith for concurrence.

Senator Greeley of Waldo was granted unanimous consent to address the Senate on the record.

Mr. GREELEY: Mr. President and Members of the Senate: Two years ago I mentioned to this Senate that on an occasion like this on my birthday, I said it was one of the best days of my life. So two years later, today, I guess I will repeat that statement. It is another one of those best days of my life.

I want to thank all of those people that have congratulated me, and given me encouragement to live until I am 100 years old, and then I can brag that I have lived in parts of three centuries.

I also want to thank the staff for what they have done to help me out on my birthday, and I have a friend in the Portland area who was a member of the other Branch 30 years ago, and we have been friends ever since, so I had a cake sent up from the Portland area, and I would like to invite all of you people who are within hearing distance to come in and have a piece of my cake and some coffee.

Reconsidered Matter

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

Mr. MORRELL: Mr. President, relative to Bill "An Act Relating to Solid Waste Disposal" (S. P. 248) (L. D. 756), having voted on the prevailing side, I now ask the Senate to reconsider its action and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves the Senate reconsider its action whereby it indefinitely postponed L.D. 756.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President, I know the Members of the Senate wish to join me in wishing the good Senator from Waldo, Senator Greeley, a very happy Birthday, as the honors were paid to him earlier in this afternoon's session.

I noted that he spoke of having a very wide constituency of friends throughout the State, and particularly in the Portland area. I would just like him to know that I myself have picked up a constituency throughout the State in the past few weeks, primarily dealing with the sacred, majestic animal that has been under debated here for the last three months, commonly known as the moose.

Most recently I received a communication from some friends of mine, or a friend of mine that I just recently picked up from Aroostook County, and I thought it was entertaining enough that perhaps it might provide a laugh to this Senate today, and I thought that perhaps I would read it to you, and it says that:

An old farmer over in W. Chapman swears this will work. The Third Crop potatoes, sugar beets, & cats. He is starting a cat ranch with 20,000 cats. The cats skins will sell for \$.80 each. 10 men can skin 600 cats a day. He figures on a weekly net profit of over \$1000.00. Now what shall he feed the cats? He will start a rat ranch next door with 15,000 rats. The rats will multiply four times as fast as the cats this will allow 3 rats per cat per day. Now what shall he feed the rats? He will feed the rats the cats carcasses after they have been skinned. Now get this! He feeds the rats to the cats — the cats to the rats & gets the cats skins for nothing.

Senator Huber from Cumberland was granted unanimous consent to address the Senate on the record.

Mr. HUBER: Mr. President, I would like to

pose a question through the Chair to the Senator from Cumberland, if he cares to answer it. I would like to ask the good Senator whether he said cats or Katz.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to May 16, 1977 at 11:00 in the forenoon.