

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

Monday, April 25, 1977

Senate called to Order by the President.
Prayer by the Honorable Philip C. Jackson of Harrison.

Mr. JACKSON: Direct us, O Lord, in all our doings. Grant that we may diligently seek, ardently desire, prudently examine, truly know, and perfectly accomplish those things which are pleasing unto Thee. Amen.

Reading of the Journal of yesterday.

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

Bill, An Act to Lower the Retail Price of Alcoholic Beverages Throughout the State to Equal the Price at Kittery. (S. P. 466) (L. D. 1638)

In the Senate April 20, 1977 the Minority Ought to Pass in New Draft Report, Read and Accepted, and the Bill Passed to be Engrossed. Comes from the House, the Majority Ought Not to Pass Report, Read and Accepted, in non-concurrence.

On Motion of Mr. Speers of Kennebec, Tabled until Thursday next, Pending consideration.

Non-concurrent Matter

Bill, An Act to Improve the Marketability of Real Estate. (H. P. 1415) (L. D. 1627)

In the House April 14, 1977 referred to the Committee on Business Legislation.

In the Senate April 20, 1977 referred to the Committee on Judiciary, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Speers of Kennebec, Tabled until Thursday next, Pending consideration.

Joint Resolution

A Joint Resolution in Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Clarence K. Keegan, Sr. of Presque Isle, a greatly admired and respected educator, (H. P. 1455)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Communications

Department of State

April 22, 1977

Honorable May M. Ross
Secretary of the Senate
State House

Augusta, Maine 04333

Dear Mrs. Ross:

As part of this office's continuing efforts to ensure availability of information filed under the Lobbyist Disclosure Act (3 MRSA c. 15), I herewith submit the list of lobbyists and employers of lobbyists who registered during the month of March. This list is the second supplement to the list submitted with my communication of February 8, 1977.

Respectfully,

Markham L. Gartley
Secretary of State

Which was Read and with accompanying Papers, Ordered Placed on file.

House of Representatives

April 22, 1977

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

Augusta, Maine

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements (H. P. 577) (L. D. 701)

Mr. JOYCE of Portland
Mr. BURNS of Anson
Mr. MOODY of Richmond

Respectfully,

Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Mr. HEWES of Cumberland presented, Bill, An Act to Clarify the Establishment of the Funding Level for Education. (S. P. 471)

(Approved by the Majority of the Legislative Council pursuant to Joint Rule 25).

Which was referred to the Committee on Education 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 Establish a Business Privilege Tax in Maine. (Emergency) (H. P. 1061) (L. D. 1327)

Bill, An Act to Remove Interscholastic Athletic Activities from the Operating Expenditures of the Education Budget. (Emergency) (H. P. 969) (L. D. 1166)

Change of Reference

The Committee on Performance Audit on, Bill, An Act to Require an Annual Adjustment in the Standards of Need for Families receiving Aid to Dependent Children. (H. P. 1124) (L. D. 1342)

Reported that the same be referred to the Committee on Human Resources.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Human Resources.

The Committee on Performance Audit on, Bill, An Act Concerning Reimbursement to Municipalities for Certain Public Assistance Provided to Aid to Dependent Children Applicants. (H. P. 1178) (L. D. 1406)

Reported that the same be referred to the Committee on Human Resources.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Human Resources.

Which Reports were Read and Accepted, in concurrence, and the Bills referred to the Committee on Human Resources in concurrence.

Leave to Withdraw

The Committee on Education on, Bill, An Act to Clarify Transportation Reimbursement to Local School Systems. (Emergency) (H. P. 809) (L. D. 984)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, An Act Relating to the Use of Governmental Records by the Attorney General. (H. P. 986) (L. D. 1197)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax. (H. P. 304) (L. D. 359)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, An Act to Discourage Land Speculation by Imposition of a Tax on Gains from the Sale of Land. (H. P. 729) (L. D. 942)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Reports Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Taxation on, Bill, An Act Concerning an Exemption from the Real Estate Transfer Tax. (H. P. 390) (L. D. 479)

Reported that the same Ought to Pass.

Comes from the House, the Bill Recommitted to the Committee on Taxation.

Which Report was read.

On Motion of Mr. Conley of Cumberland, Recommitted to the Committee on Taxation, in concurrence.

The Committee on Transportation on, Bill, An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses for Nonpayment of State Taxes. (H. P. 399) (L. D. 519)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Local and County Government on,

Bill, An Act to Increase Certain Fees of Registers of Deeds. (Emergency) (H. P. 591) (L. D. 718)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-181).

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

The Committee on Local and County Government on,

Bill, An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings. (H. P. 646) (L. D. 790)

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

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

The Committee on Local and County Government on,

Bill, An Act to Require a Mandatory Transition Period for Certain County Officials. (H. P. 644) (L. D. 788)

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

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

The Committee on Local and County Government on,

RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year. (Emergency) (H. P. 643) (L. D. 787)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-175).

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

The Committee on Transportation on,

Bill, An Act to Establish Registration for Government Vehicles. (H. P. 465) (L. D. 570)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-177).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

The Committee on Transportation on, Bill, An Act Concerning Board of Directors of Transit Districts. (H. P. 556) (L. D. 673)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-178).

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

The Committee on Transportation on, Bill, An Act Amending the Law Relating to Load Binding. (H. P. 846) (L. D. 1037)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-179).

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

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

The Committee on Marine Resources on, Bill, An Act Requiring the Marking and Removal of Ice Fishing Shacks on Frozen Tidal Waters. (H. P. 525) (L. D. 643)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-160).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-191), Thereto.

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

The Committee on Transportation on, Bill, An Act to Permit Vehicular Traffic to Turn Right at a Red Light. (H. P. 43) (L. D. 60)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-152).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "B" (H-156) Thereto.

Which report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read.

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

Mr. CONLEY: Mr. President, I move that House Amendment "B" be indefinitely postponed.

The PRESIDENT: Is this the pleasure of the Senate? It is a vote.

Committee Amendment "A" adopted, in non-concurrence and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Local and County Government on,

An Act Repealing the Lucerne-in-Maine Village Corporation. (H. P. 128) (L. D. 161)

Reported that the same Ought to pass in New Draft under same title. (H. P. 1445) (L. D. 1669)

Comes 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 to Authorize a School Nursing/Health Consultant in the Department of Educational and Cultural Services. (H. P. 868) (L. D. 1061)

Reported that the same Ought to Pass.

Signed:

Senators:

USHER of Cumberland

Representatives:

BAGLEY of Winthrop

BIRT of E. Millinocket

BEAULIEU of Portland

CONNOLLY of Portland

WYMAN of Pittsfield

LEWIS of Auburn

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

Signed:

Senators:

KATZ of Kennebec

PIERCE of Kennebec

Representatives:

LYNCH of Livermore Falls

PLOURDE of Fort Kent

FENLASON of Danforth

MITCHELL of Vassalboro

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

Which Reports were read.

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

Mr. KATZ: Mr. President, The Senate will notice that I signed out the Minority Ought Not to Pass Report. In all humility, I have to confess that I was not at the public hearing, and now prudence has made me change my mind, and I move acceptance of the Majority Ought to Pass Report.

Majority Ought to Pass Report was read and accepted in concurrence, and the Bill Read Once. The Bill Tomorrow Assigned for Second Reading.

Senate

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:

RESOLVE, to Establish an Experimental Coho Salmon Program. (S. P. 279) (L. D. 892)

Change of Reference

Mr. COLLINS for the Committee on Judiciary on,

Bill, An Act Relating to the Compensation for District Attorneys. (S. P. 361) (L. D. 1223)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted and the Bill, Referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

Leave to Withdraw

Mr. McNALLY for the Committee on Labor on,

Bill, An Act Relating to Employment of Minors. (S. P. 335) (L. D. 1120)

Reported that the same be granted Leave to Withdraw.

Mr. O'LEARY for the Committee on Local and County Government on,

Bill, An Act to Establish the Right of Municipalities to Raise More as Well as Less Money in the Town Warrants. (S. P. 313) (L. D. 1033)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. CURTIS for the Committee on Judiciary on,

RESOLVE, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine. (S. P. 370) (L. D. 1220)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. COLLINS for the Committee on Judiciary on,

RESOLVE, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, State of Massachusetts, by his Legal Representatives, to bring Civil Action Against the State of Maine. (S. P. 359) (L. D. 1214)

Reported that the same Ought to Pass, As Amended by Committee Amendment "A" (S-86).

Which Report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds. (H. P. 423) (L. D. 528)

Bill, An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years. (H. P. 531) (L. D. 647)

Bill, An Act to Continue Providing Aid to Certain Charitable Institutions. (Emergency) (H. P. 546) (L. D. 663)

Bill, An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District. (Emergency) (H. P. 1333) (L. D. 1503)

Bill, An Act to Clarify the Criminal Trespass Law. (H. P. 1438) (L. D. 1639)

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

Bill, An Act Establishing an Experimental Open Season on Moose. (H. P. 1298) (L. D. 1495)

Which was read a Second Time.

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

Mr. O'LEARY: Mr. President, I offer Senate Amendment "C" (S-88) and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "C" to L. D. 1495, and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" (S-88) read and adopted.

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

Mr. TROTZKY: Mr. President, I move that L. D. 1495, "An Act Establishing an Experimental Open Season on Moose" be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that L. D. 1495 be indefinitely postponed.

Mr. TROTZKY: Mr. President, I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate, I attended the moose hearing, and sat through the hearing on both Bills entirely, and heard the proponents speak, the game biologists, and also the opponents.

The Maine moose herd in 1932 was approximately 800 moose, and in 1977 it has increased to somewhere between 10 and 20,000, but no game biologist can give you an exact figure on it, and so I will just take a figure between that, 15,000 plus or minus. These moose herds presently occupy 10 million acres, and 10 million acres of land, if you divide, say, by

20,000 moose, you come out with 500 moose per acre.

Now many people are saying that the moose herd is too thick today and needs cropping; therefore, the herd should be managed. There is no report that I heard at that hearing of any moose starving in the State of Maine, and it appears that we are one of the few states that have a large and healthy herd.

The average growth of the herd is approximately, if you go from 1932's population to 1977's, is approximately 400 animals per year.

There is poaching going on all over the State. In fact, I was up in the Upper Kennebec this week-end, and two days before a moose was shot near Bingham, and it was just left on the road to rot, because the poacher obviously was afraid of going back and picking up the moose. There is poaching going on throughout the State.

Instead of writing laws to shoot the Maine moose, which is a tremendous tourist attraction and value to the State of Maine, we should be writing laws to protect them from poachers. They are an especially docile and majestic animal.

A legal hunting season also will not protect the moose from poaching. It is still going to go on.

Another point brought out at the hearing is that a calf moose spends two years with the mother, which means that the hunter is not going to discriminate. He is going to go out and shoot the first moose that he sees.

Again I say that hunting with rifles is not necessarily going to cull out any diseased moose. There are moose that have a meningeal disease which they carry, and carry to the deer also, but it is not going to cull out diseased animals. In other words, the hunter is going to shoot the first moose that he sees.

If the Fish and Game Department needs funds, which I believe is probably the reason for this Bill, I suggest that there be a tax on camping gear and equipment.

One of the few opponents stated as he addressed a stacked Fish and Wildlife Committee, which basically I felt was already committed to the moose Bill, he stated the Maine Senate will save the Maine moose to be enjoyed by all of the people of the State of Maine. I hope this Senate will not let him down, and many other people throughout the State.

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

Mr. CONLEY: Mr. President and Members of the Senate, I first wish to commend the good Senator from Penobscot, Senator Trotzky, for the action he has taken relative to this particular measure.

I believe that the Bill before us is really a radical proposal. Not only does it destroy the protection which has been granted to moose since 1935, but it permits the killing of female moose for the first time since 1889.

New Brunswick statistics show that almost every other moose hunter will get his moose. I believe that this great, majestic animal should be protected.

One of the first acts of the Maine Legislature when it convened for the first time in 1820 in my very notable City of Portland, after Maine had just been granted statehood, was to adopt a State seal.

In its resolve to that effect, the Legislature described the moose upon the seal as a symbol of "men whose spirit of independence shall be as untamed as this emblem, and whose liberty shall be unrestricted as the range of the moose deer."

We have granted protection to our national emblem, because of the scarcity of the bald eagle, and because of the independence which it symbolizes.

The moose is only slightly less scarce, and almost equally independent. And I would ask

you, is Maine going to start killing its own symbol?

I hope the Motion of the Good Senator from Penobscot, Senator Trotzky, will prevail.

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

Mr. KATZ: Mr. President, I am confused. I have to admit that this moose talk is a little out of my principal responsibility.

When the Senator from Penobscot, Senator Trotzky, said that we have an average of 500 moose per acre, my building lot is a half an acre, which would indicate that on the average I should have 250 moose.

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

Mr. HICHENS: Mr. President and Members of the Senate, I rise to support the Motion to indefinitely postpone L. D. 1495, representing many constituents in District 1 who have asked me to oppose any moose hunting season in the State of Maine.

I have had distributed an Article published in the Portsmouth Herald, which covers southern York County, and I would share with you this morning portions of that Article which expresses my arguments against acceptance of this Bill.

I quote: "The Game Management people in the State of Maine claim there are about 26,000 moose residing in the State. About a year ago these same people released the information that there were 16,000, more or less, in the State. Someone had better go over their figures again, because a one-year jump of 10,000 in the moose population is hardly believable. All the less believable because if there are indeed that many moose in Maine, and we asked this same question last year when we heard that there were 16,000, what is keeping some of them from crossing over into New Hampshire. Our herd has stayed just about the same in the last ten years." . . . "Talking to hunters, guides and woodsmen with years of experience, we find they feel a figure of 10 to 12,000 would be high, but more to being exact for a moose population in Maine."

"Now the question is for the Maine Senate and House to decide if they should give Maine resident hunters a chance to nibble away on that population and cut it down a bit. If so, will they know when to stop? Alaska did not. Once the door is open, it will be difficult to even partially close it. Human nature being what it is, once a privilege has been granted, taking it away would be most difficult. And illegal taking of moose will be much more difficult to control."

I will refer you, Members of the Senate, to the 1976 Fall Edition of Maine Fish and Wildlife, the publication of the Maine Department of Inland Fisheries and Wildlife, Page S-6, where a graph chart shows an increase in the moose population of 4,500 in 1966, with slightly less than 10,000 in 1975. This graph includes data compiled by the Wildlife Management Units 1 and 2, approximately the northern one-third of the State that practically all Maine moose inhabit. Either the biologists who claim that we now have 26,000 moose in Maine is wrong, or the people who compiled these figures I have just read are wrong. They both cannot be right.

Relating back to the Article in the newspaper, I quote: "As stated many times before, moose are worth their weight in gold as tourist attractions to the State of Maine. Out of state people spend thousands of dollars each year to go to Maine just to see them. Fishermen do not talk about the trout they catch Down East; when they get back home it is the moose they saw that they talk about. The same with hunters. Many of them carry cameras to take pictures of the moose so they can show others who do not believe their tall tales. If Maine feels their moose are getting to be a nuisance, there probably are a lot of states which would

welcome a herd of these tourist attractions. We, for one, would rather see them than to kill them off via a lottery. Furthermore, shooting a moose is about as sporting as killing a cow — the friendly, dumb beast will just stand there and look at you. With nothing to fear from man for so long, they are literally as tame as cattle."

A couple of days ago a reference was made to Teddy Roosevelt's judgment on a certain issue. I would remind you today that Teddy Roosevelt, a hunter of some renown, had a few words to say about moose in his book, "The Wilderness Hunter", published in 1900. He states "that moose, when undisturbed, pass the day much as cattle do, alternately meeting and feeding for two or three hours at a time. He stated that the moose has wonderfully keen nose and ears, but its eyesight is not remarkable and that when come across by accident, they frequently showed 'a certain clumsy slowness of apprehension which amounted to downright stupidity'. He further stated that 'hunting moose on snow may be and very often is mere butchery. It is by far the most destructive kind of hunting and carried on at a season when bulls are hornless and the cows are heavy with calf, and it is rightly and properly forbidden wherever there are good game laws'."

With these facts in mind, I urge you to vote against passage of any hunting season on moose, limited or otherwise.

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

Mr. TROTZKY: Mr. President, I apologize to the Senate. I forgot to put moose in the denominator in my calculation, so it came out to 500 acres per moose.

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

Mr. PRAY: Mr. President, and Members of the Senate, I would just like to correct a few statements that have been made, and clarify some of the perhaps misunderstanding of one of our wild animals in the State. It is definitely classified as a wild animal, and particularly during the time of the season it is not the tame animal which a lot of people believe that it is.

This talking about the number of moose that will be killed in reference to — I am going to compare it with New Brunswick which has a season and has had one since 1960. Basically, on an average, only 42 percent of a success ratio has been enjoyed by the individuals who hunt moose in that area, so the fact of saying that we are going to slaughter 600 moose, that 100 percent of the people are going to go out and get them, definitely is not true.

Last year the Members of the 107th Legislature, or two years ago when we had this same issue, I passed out a several page report, which clarified one reason why game biologists said the moose population was increasing, — one being the fact that the more The Department did census work on it, the more they learned about the moose and their census became more accurate, thus the more accurate the census, the larger the population.

As a matter of fact, the 103rd Legislature mandated the census taking of the moose. I would like to point out that Maine, if it establishes a moose season this year, would not be the only state that has one. Minnesota, Utah, Idaho, Wyoming and Montana, along with our neighbors to the north, New Brunswick and Nova Scotia, have a moose season. Those areas, New Brunswick, which I mentioned to you a few minutes ago, since 1969 has had a permit for 2,000; in 1972 they went to 2,500; prior to that they had 1,000 from 1962 on. Those places have had an increase in population also, and at the hearing the Commissioner of their Fish and Game Department testified in favor of this Bill, said that they have seen an increase in population, a strengthening of the herd due to the fact basically that those that are weeded are the

weak and the sick and that it leaves for a superior specie of the moose that survive to breed and they will breed a healthier herd.

The Maine population is supposedly increasing at around 14 percent by all estimates. The season at its full harvest would take far less than that. We would still have an increase of roughly somewhere around 8 percent of the moose herd.

I would point out that this Bill only does call for a one-year season, and would require that after that season that we would come back before the Legislature and that the Department would have more information on biological data as to whether or not the State could support another season. So we are not asking for a continuous all-out, what some people term as a slaughter of the moose, and as a matter of fact if anybody would like to think that a moose is that easy to get, I invite them to come up to my place and I will charge them approximately, the regular fee, and I will take them out and show them how easy or how hard it is to find a moose, particularly in the Fall of the year.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would only take exception to one statement made by the good Senator from Penobscot, Senator Pray, and that is when he refers to the Moose as a wild animal. The strange thing that the moose that I have seen in my day, particularly down around my area, you could almost go up and feed them. I am sure that many a hunter would not encourage you to do so, but at least that is the appearance one would give you.

This Senate this year is absent by one of its very famous former members, Senator Frank Whitehouse Anderson, who through the years has been very successful in bringing about the demise of this particular Bill, and it is unfortunate that he is not here this year, because I think he always made a great deal of common sense in debating this particular issue.

But I would just ask each and every one of you if you feel that moose hunting is an appropriate term. I believe that shooting moose or the killing of moose provides as much sportsmanship as a firing squad. I honestly cannot understand how anyone could consider allowing this great domestic animal, and it is domesticated because of the fact that we have left them alone for so long a period of time, now to pass legislation that would turn this around.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I would just like to touch briefly on two points that have been raised during the previous comments. The first comment is the tameness of the moose. Now I do not know very much about moose, having spent most of my life up in the wilds of Aroostook County, and not having spent too much time in moose metropolises such as Portland or Elliot or Bangor. I've seen a few moose in my time, and I would defy anybody in this Senate or anybody in the other Branch of this Legislature to spend some time in Aroostook County and then be able to compare the great untamed, and that is a quote from the Senator from Cumberland, Senator Conley, earlier remarks, the great untamed moose. I would defy you to be able to compare them to cows.

Now a cow is a domesticated animal and I think that in most pastures I can walk up to a cow and pet it or whatever, but I would defy anybody to come to Aroostook County, spend some time chasing moose through potato fields, where they do a great deal of damage, and get close enough to pet one. In fact you are very, very fortunate if you can get close enough to take a picture of one.

The second point and it disturbs me a little bit

to hear talk about the great seal of Maine and how we will be desecrating the great Seal of Maine if we decide to have a limited one-year experimental season on moose. As I stand here and look at the great Seal of Maine and I see the pine tree. Well, using the same logic I think perhaps we could close down Great Northern and the rest of the paper companies in the State. And I also see what appears to be the ocean, and I would hope that we could also stop fishing and stop pollution of our ocean, and stop boating, if we intend to use this kind of logic. I hope that if you do honestly feel that you do not want to have a limited open season on moose that you can find better reasons to do it than the fact that the moose is in repose on the great seal of the State of Maine. Thank you.

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

Mr. COLLINS: Mr. President, about six years ago I was in the other Body, and I voted at that time against a moose Bill. Today I shall vote for a moose Bill. I think the reason is that they have proliferated, at least in northern Maine, to a great extent.

I think that the Bill before us is a carefully structured, experimental Bill that we ought to try. As a matter of fact, I have seen more moose since 1971 in Aroostook County than in all the years prior to that time. In fact, we are considering in Caribou renaming our city to Moosetown instead of Caribou.

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

Mr. CONLEY: Mr. President, I request when the vote is taken, it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? 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 issue, 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 LD 1495 and all its accompanying papers be indefinitely postponed. If you are in favor or indefinite postponement, you will vote yes; if you are opposed, you will vote no.

The Secretary will call the roll.

YEA — Chapman, Conley, Curtis, Danton, Greeley, Hichens, Huber, Katz, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, Trotzky, Wyman.

NAY — Carpenter, Collins, D.; Collins S.; Farley, Jackson, Levine, Martin, O'Leary, Pray, Redmond, Snowe, Speers, Usher.

ABSENT — Cummings, Hewes, Pierce.

16 Senators having voted in the affirmative an 13 Senators in the negative, with 3 Senators being absent, the motion to indefinitely postpone does prevail.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action whereby this Bill is indefinitely postponed. I hope the Senate votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby it indefinitely postponed this Bill.

A vivavoce vote being had, the Motion to Reconsider does not prevail.

Sent down for concurrence.

House - As Amended

Bill, "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes." (H. P. 221) (L. D. 285)

Bill, "An Act Changing the Name of Webster Water District to Sabattus Water District and

Providing Compensation for the Trustees." (H. P. 883) (L. D. 1054)

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

Senate - As Amended

Bill, "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors." (S. P. 249) (L. D. 758)

Which was 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 to Define "North American Indians Residing in Maine" for Purposes of the North American Indian Scholarships. (H. P. 324) (L. D. 415)

An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses. (H. P. 262) (L. D. 330)

An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection. (H. P. 238) (L. D. 301)

An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals. (H. P. 424) (L. D. 529)

An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is Suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities. (H. P. 260) (L. D. 328)

Which were Passed To Be Enacted and having been signed by the President, were by the Secretary presented to the Governor for is approval.

Orders of The Day

The President laid before the Senate:

Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

Tabled — April 20, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

On Motion of Mr. Katz of Kennebec, retabled for one legislative day.

The President laid before the Senate:

Bill, "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety." (H. P. 204) (L. D. 264)

Tabled — April 21, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

On Motion of Mr. Speers of Kennebec, retabled for one legislative day.

The President laid before the Senate:

Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements." (H. P. 230) (L. D. 293)

Tabled — April 22, 1977 by Senator McNally of Hancock

Pending — Consideration

On Motion of Mr. Minkowsky of Androscoggin, the Senate voted to adhere.

(See action later today.)

The President laid before the Senate:

House Reports — from the Committee on Judiciary — Bill, "An Act Concerning the Crime of Prostitution." (H. P. 629) (L. D. 770) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — April 22, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Collins of Knox to accept Minority Report.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I wish to call the Senate's attention to this particular Bill. It is my understanding under the present Criminal Code that females participating in prostitution are brought in and a fine is levied against them. The Bill before you this morning, it is my understanding, brings equal protection under the law for male offenders. It seems to me that if we are going to have equal protection under the law, then I think it is an excellent vehicle and that the Bill should be accepted and should receive final passage.

I know that in my community there is a great deal of activity which has come about in the past couple of years for this profession, which as they say is as old as time. And I note that quite frequently when we pick up our Evening Express, we find listed several young ladies who have been removed from the active scene, brought into the Court or at least given a summons, brought down and they have paid their fine. But the male who is equally as much an offender of the law as the charming young lady is let off scot-free.

So, again, I would hope that the Senate this morning, and I take particular note the Senate is made up by a vast majority of the opposite sex, that the law now deals with, but I hope that the fairness of the Senate would be to accept the Minority Ought to Pass Report and to vote against the pending motion.

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

Mr. MANGAN: Mr. President, I realize that I am probably taking a very unpopular position here, especially where it comes to the equal right provisions of society: This Bill initially was drafted and came out of the City of Portland, primarily because the Police officers in the City of Portland apparently have a difficult time of controlling their ladies of the night. It has always been my impression that this is the oldest profession that has ever been a profession. They were doing these items back in the days of Egypt and the Pharaohs.

Now apparently there are not enough laws on the books for the Portland Police Department. They will catch their prostitutes whenever they have enough time to do so and then will bring them into the Court and the girls will pay their fine, which becomes part of the fees being charged — just something they pass on to their consumers. And now what they really want to do is they want to go after the individuals who are being served, rather than the prostitutes themselves. Now it strikes me that there are plenty of laws on the books for the people who are being served. Things like fornication, things like adultery if they are married, or any number of things of this type. But they would rather just go after, not only the prostitute herself, but also of the individual being served. It is my impression that there are enough laws on the books that we really do not clutter the books at this point: It is my impression that the Portland Police are not doing a good enough job as far as prostitution is concerned. It is my impression that there are some greater crimes against society that they could spend some time on except for just trying to run some prostitutes out of Congress Square.

And the other side that bothers me on this tremendously is the fact that most of the people who would be caught in this type of thing, and I realize that this is very chauvinistic, are generally people from out of town in for a night. I can picture a situation where the great lodge of the Greater Lion meets in Portland for a convention and a poor Minister or banker or lawyer or what-have-you gets crooked to the gills, walks downtown, some girl approaches him, he really does not know what he is saying, but the next thing he knows he is in the calaboose

because he is being charged with prostitution. And I just do not think this is really going to stop the degree of prostitution in the City of Portland. The entire Bill bothers me and this is one of the reasons I voted the Minority Ought Not to Pass and I would move that that Report be accepted.

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

Mr. COLLINS: Mr. President, the voting on this Bill is not going to make a great difference, I think, in our treatment of this particular problem. But I would like to give the Senate just a little bit of history on it.

The crime, as it is now established in our Criminal Code, is the giving of a favor for money or pecuniary benefits. Two years ago we did away with certain activity in private between consenting adults as crime. We no longer have consenting adult private activity as a crime. The Commission that presented the Criminal Code recommended doing away with prostitution as a crime completely. The Committee did not entirely agree with that, there was a divided opinion, but the majority decided that prostitution could still be a crime and then the question was, should both parties be equally guilty or not.

It was pointed out at the time that the language of the proposed revision did not distinguish between sexes. The onus of the crime is the receiving of the pecuniary benefit. If a male prostitutes himself and receives a pecuniary benefit, he can be punished just as well as the female. So when it comes to the Fourteenth Amendment and sex discrimination, I say to you that there is not any sex discrimination on the books. There may be more money paid to females than to males, I grant you, particularly in the City of Portland, but that is not the gist of the crime.

Now part of the sentencing structure that goes with this crime is directly related to the pecuniary benefits, because part of the sentencing provision is that the fine would be double the amount of the fee charged by the offender. Now if the male, if it is a male, is involved in this process and receives no pecuniary benefits, and you apply that part of the fine, how much would the fine be? There is one danger in the language of this provision. I have no quarrel at all with the principles of the good Senator from Cumberland, Senator Conley, when he attempts to equate the sexes. I say it is not necessary to change the law to have that equality of sexes. I say it is already there, but I point out the language of this particular Amendment and it says that "if the person engages in sexual activity and receives or gives a pecuniary benefit, then there is guilt." Well, someone said to me, suppose that one member — and it might be either male or female — says if you go to bed with me tonight, I will marry you tomorrow; Now is the one who is promised marriage being offered a pecuniary benefit? Well I put that to a young man recently married, he said, certainly not. Internal Revenue laws definitely discriminate against married people and make it a negative pecuniary benefit. I pointed out to him that President Carter is in the process of changing that provision so that in future people who are married will have at least an equality with single people.

So that if we write the law this way today, we may have one result, and if President Carter is successful in changing the Internal Revenue laws, we may have another result a little later on. I think it gets just a little bit too difficult to work with, these terms pecuniary benefit as applied to this part of the law.

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

Mr. CONLEY: Mr. President and Members of the Senate, both of the previous speakers have in their arguments used the City of

Portland for their example. I can only suggest that the profession of prostitution goes on everywhere. The fact is that my community does happen to be a very active community, particularly with its revitalization downtown, its new civic center and all the things that we are bringing into town. I might say I have not seen any moose down there lately.

But let us not kid anyone. It takes two to tango, and I think that the male is just as much of an offender as the pimp and the girl who is providing the service. Excuse me, girls, for that expression. But I think it is only fair, only right. The guy wants to come into town and he leaves the bride home with the twelve kids and he wants to take advantage of the services that are being offered — readily offered. You talk about premeditation, it does not take a couple of belts of Old Crow to get the guy stirred up: All he has to do is walk down the street and see the girl there, and before you know it he is marching off to some hotel room with her. He knows what he is doing, and as long as he knows what he is doing, then he ought to suffer the consequences just as much as the young lady.

So once again I would urge the Senate to vote to reject the Motion on the floor of the Senate. When the vote is taken, Mr. President, to prove that there are no male chauvinists here, I request it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate, some time ago I heard a story which I was waiting for the opportunity to share with other members of the Senate. I feel that this Bill provides me the opportunity to share that story.

It is told that an old farmer from the western part of Maine in the middle of the week happened to see one of his neighbors coming down the street all dressed up, with his Bible under his hand, and as he approached him, he says, "Adam, where be ye going?" And he said, "Well, I am headed down for the bus station. I am going to take a bus and take myself up into Boston." And he said, "What be ye headed for Boston for?" He said, "Well, ever since I was a young feller I have been hearing about these houses of ill repute. I have been saving my money so that I might go up there and find out what they are all about. I am going up there and spend a couple of nights and have myself a good time, I hope." He said, "Yup, but why are you carrying your Bible with you?" He said, "Well, if I stay long enough, I may go to Church on Sunday morning."

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.

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

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A yes vote will be in favor of accepting the Ought Not to Pass Report; A no vote will be opposed.

The Secretary may call the roll.

YEA — Chapman, Collins, D.; Collins, S.; Curtis, Farley, Huber, Jackson, Katz, Lovell, Mangan, Martin, Morrell, O'Leary, Pray, Trotzky, Wyman.

NAY — Carpenter, Conley, Danton, Greeley, Hichens, Levine, McNally, Merrill, Minkowsky, Redmond, Snowe, Speers, Usher.

ABSENT — Cummings, Hewes, Pierce.
16 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent, the Motion to accept the Ought Not to Pass Report does prevail.

Sent down for concurrence.

Reconsidered Matter

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

Mr. MINKOWSKY: Mr. President, regarding LD 293, where the Senate adhered, I now move the Senate reconsider its action and I hope everybody votes against me.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate reconsider its action whereby it voted to adhere in regards to LD 293.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I ask this item be tabled pending the Motion to reconsider for one legislative day, please.

The PRESIDENT: The Senator from York, Senator Farley, now moves this Bill be tabled.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: 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 this motion for one legislative day, pending the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action, please rise in their places to be counted. A Yes vote will be in favor of tabling for one legislative day.

Will all Senators opposed to the tabling of the motion, please rise in their places to be counted.

8 Senators having voted in the affirmative and 20 in the negative, the Motion to table does not prevail.

The pending Motion is the Motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby it voted to adhere.

A viva voce vote being had, the Motion to Reconsider does not prevail.

On Motion of Mr. Huber of Cumberland, Adjourned to 10:00 tomorrow morning.