

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

Tuesday, April 26, 1977

Senate called to order by the President.
Prayer by Father Armand Neault, Pastor of St. Andrews Church in Augusta.

Father NEAULT: Our Heavenly Father, we elevate our minds and hearts to You, to praise, glorify and thank You for all your benefits. We recognize You as the great lawmaker of the universe and we acknowledge our dependence upon You for guidance. In Your mercy and Love for Your people, grant us understanding of our fellowmen. Give us always, we pray, the light of wisdom and a portion of Your higher knowledge that we may be able to discriminate between that which is evil and that which is good. Give us the courage, the strength to do that which is right, and to champion that right, and to fight always against wrong, even if our stand meets with ridicule and contempt. Make us true champions of truth and justice that the world may be brought closer to Your truth and to Your peace. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Repeal the Habitual Offender Law." (H. P. 325) (L. D. 416)

In the House April 21, 1977, the Majority Report Read and Accepted, and the Bill, Passed to be Engrossed.

In the Senate April 22, the Minority Ought Not to Pass Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion by Mr. Conley of Cumberland, the Senate voted to adhere.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Lon F. Povich of Bath is Valedictorian of Morse High School Class of 1977 and winner of a United States Senate Youth Program Scholarship. (H. P. 1459)

Constance Webster, who has long served the Legislature efficiently and cheerfully, retired on April 21, 1977. (H. P. 1460)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Jerome Bolduc, (H. P. 1461)

Whereas, the Legislature has learned with deep regret of the death of Ronald Paul Bolduc of Augusta, a well-beloved state public servant, (H. P. 1462)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

House Papers

Bill and Resolves received from the House and requiring reference to Committee were acted upon in concurrence.

Office of the Governor

April 22, 1977

To: The Honorable Members of the House of Representatives and Senate of the 108th Maine Legislature

I intend to allow H. P. 506, L. D. 625, An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law, to become law without my signature.

Because the nature of the changes and the impact and implications of the bill are not totally clear to me, I do not feel that I can sign this legislation. On the basis of the information that I have, I cannot with certainty state the effect

the proposed changes will actually have and what the cost/benefit will be to the industry and the public.

However, the Legislature has held hearings on this measure and has unanimously supported this bill as being a beneficial and positive redistribution of revenues. For these reasons, I will defer to the Legislature in this instance and will not prevent this act from becoming law.

Very truly yours,

James B. Longley
Governor

Which was Read and Ordered Placed on File.

Office of the Governor

April 25, 1977

To: Members of the House of Representatives and Senate of the 108th Legislature

I am allowing L. D. 215, An Act to Remove Limitations on the Amount of Group Life Insurance Which May Be Issued, to become law without my signature.

I am somewhat uncomfortable that this bill could be interpreted as an endorsement of a given form of insurance. There are instances where group insurance is attractive; yet there are also instances where group insurance is the least advisable and may be the most costly to the buyer. Consequently, I am not in a position to judge this bill as either good legislation or bad legislation. Each decision as to the best form of insurance for an individual depends on the buyer and his own particular situation and needs. To the extent that this bill might serve as an incentive for one form of insurance over another, I do not feel that I can support that possibility in light of the above concern.

However, because of my respect for the sponsor of this bill and the Legislature, I am prepared to allow this to become law without my signature.

Very truly yours,

James B. Longley
Governor

Which was Read and Ordered Placed on File.

Orders

On Motion by Mr. MERRILL of Cumberland:

ORDERED, the House concurring that there be established, during each regular and special session of the 108th Legislature, both in the Office of the Secretary of the Senate and in the Office of the Clerk of the House, a toll-free telephone line by which Maine citizens may contact their Senator or Representative; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House shall cause the telephone numbers of these toll-free telephone lines to be advertised throughout the State for a period of one month; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House shall furnish all necessary manpower to ensure that these telephone lines are answered during normal working hours; and be it further

ORDERED, that all expenses for these toll-free telephone lines shall be paid out of the Legislative Account.

Which was read.

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

Mr. MERRILL: Mr. President and Members of the Senate, I expect, as is the practice, that this Order will be placed on the table for a period of time, but before that happens, I would like to explain its purpose.

I think that it is fairly clear from the wording of the order that the purpose is to explain an 800 number similar to the one that we can utilize that would be available for the use of the public; and the cost of making this 800 line available while we are in Session would be taken from the Legislative account.

As you know, it is somewhat of a financial burden for people who live in the far reaches of

the State to reach us here in Augusta, and with the Sessions becoming longer and the days that we are down here becoming — coming down here for five days a week now, I think that it is hard for some people to get hold of us without making an expenditure, particularly people who live at the extremes of the State. This would simply be, I think, a statement on the part of the Legislature that we want to keep our lines of communication with our constituents open even while we are here during the week.

On Motion by Mr. Huber of Cumberland, tabled for two Legislative days.

Pending — Passage.

An Expression of Legislative Sentiment recognizing that:

Paul Harvey, Jr., a junior at Colby College, has been named a first team All-American in Division III basketball by the National Association of Basketball Coaches, (S. P. 473)

is presented by Senator PIERCE of Kennebec (Cosponsors: Representatives:

BOUDREAU of Waterville

CAREY of Waterville

Which was Read and Passed.

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 Require the Public Utilities Commission to Conduct a Study of Telephone Rate Structures." (H. P. 882) (L. D. 1082)

Bill, "An Act to Prohibit Prison Furloughs for Persons Convicted of Certain Serious Crimes." (H. P. 872) (L. D. 1085)

RESOLVE, "Authorizing Arthur G. Powers to Sue the State of Maine." (H. P. 578) (L. D. 702)

Bill, "An Act to Require Completion of a Hunter Safety Course as a Condition of Obtaining a Hunting License." (H. P. 484) (L. D. 604)

Bill, "An Act Concerning Special Agent Commissions for Inland Fisheries and Wildlife Licenses." (H. P. 409) (L. D. 503)

Bill, "An Act to Provide for Nonresident Taxpayer Fishing Licenses." (H. P. 410) (L. D. 504)

Bill, "An Act Concerning the Operation of Unregistered Snowmobiles on the Property of the Snowmobile's Owner." (H. P. 586) (L. D. 713)

Bill, "An Act to Provide a Special Hunting License Fee for Non-Residents who Pay Property Taxes within the State." (H. P. 695) (L. D. 877)

Bill, "An Act to Allow an Employer to Deduct From Wages of His Employees any Merchandise Unaccounted for." (H. P. 711) (L. D. 889)

Bill, "An Act Relating to Unfair Labor Agreements." (H. P. 637) (L. D. 818)

Bill, "An Act to Further Amend the 1975 Dental Health Act." (H. P. 588) (L. D. 715)

Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act Appropriating Funds for Mosquito Control in York County." (Emergency) (H. P. 916) (L. D. 1112)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code." (H. P. 989) (L. D. 1200)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for Reduced Fishing

License Fees for Nonresidents paying more than \$150 in Property Taxes to a Municipality." (H. P. 622) (L. D. 763)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Smelt Fishing Seasons and Possession Limits." (H. P. 191) (L. D. 253)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for Special Hunting and Fishing License Categories for Nonresidents who Pay \$100 or More in Real Property Taxes in Maine." (H. P. 752) (L. D. 974)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to Defining the Term 'Camp Counselor' Under the Minimum Wage Law." (H. P. 1040) (L. D. 1281)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Strengthen the State Unemployment Compensation Trust Fund." (H. P. 823) (L. D. 996)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Improve the Seasonality Provision of the Employment Security Law." (H. P. 873) (L. D. 1066)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Define Certain Industries as Seasonal Under the Provisions of the Employment Security Law." (H. P. 825) (L. D. 998)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to Defining the Term 'Camp Counselor' under the Minimum Wage Law." (H. P. 636) (L. D. 817)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Prohibit the State Lottery Commission from Controlling the Game of Beano." (H. P. 437) (L. D. 544)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act to Establish Arbor Week." (H. P. 766) (L. D. 959)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Provide Interest on Judgments in Civil Actions." (H. P. 575) (L. D. 699)

Reported that the same Ought to Pass: as amended by Committee Amendment "A" (H-168).

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. (H-189)

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" as amended by House Amendment "A" thereto was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Dissolve the Lincoln Sanitary District." (H. P. 947) (L. D. 1142)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Authorize the Transfer of All Assets and Liabilities Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District." (H. P. 1450) (L. D. 1679)

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.

(Off Record Remarks)

Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that each Senate District shall be Composed of Three Contiguous House Districts. (H. P. 839) (L. D. 1026)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MARTIN of Aroostook

Representatives:

DIAMOND of Windham

LOCKE of Sebec

CHURCHILL of Orland

VALENTINE of York

SILSBY of Ellsworth

CURRAN of South Portland

BACHRACH of Brunswick

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

Signed:

Senators:

COLLINS of Aroostook

SNOWE of Androscoggin

Representatives:

MASTERTON of Cape Elizabeth

KANY of Waterville

STUBBS of Hallowell

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

Which reports were read.

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

Mr. COLLINS: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate, I note that today is the 50th

Legislative Day. We are halfway through, hopefully, our Session. This Bill provides for a Constitutional Amendment and was soundly defeated in the other Body. While I personally feel that it has some merit, in the interest of saving time, I hope you will support the Ought Not to Pass Report.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I rise to support, however reluctantly, the pending Motion. For somewhat the same reasons, I would like to point out that there are two Bills on Page 6 of our Calendar today that deal with the same topic, two Resolves regarding changing the Constitution, particularly in support of lowering the size of the House of Representatives.

Earlier this Session there was a Leave to Withdraw Report on a Bill that I had sponsored to do somewhat the same thing. I would like to point out that at some point the Maine Legislature and people of the State ought to take a hard look at their Constitution to at least establish the size of the Senate and the size of the House in some direct proportion so that a certain number of House Districts could be combined to make the Senate Districts and thereby provide some logic.

But under the circumstances of the situation, it seems to me the best thing to do with the Resolves today is to follow the leadership of the Chairman of the State Government Committee.

Majority Ought Not to Pass.

Report of the Committee accepted.

Divided Report

The Majority of the Committee on Public Utilities on,

RESOLVE, Appropriating Funds for Repair of the Dam at the Outlet of Stetson Pond. (H. P. 1094) (L. D. 1318)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook

CARPENTER of Aroostook

Representatives:

TARR of Bridgton

BERRY of Buxton

SMITH of Mars Hill

McHENRY of Madawaska

WOOD of Sanford

PEARSON of Old Town

NADEAU of Sanford

CUNNINGHAM of New Gloucester

KELLEHER of Bangor

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

Signed:

Senator:

CUMMINGS of Penobscot

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 State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 132 Members and Establishing the Size of the Senate at 33 Members. (H. P. 85) (L. D. 105)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MARTIN of Aroostook

Representatives:

LOCKE of Sebec
 MASTERTON of Cape Elizabeth
 DIAMOND of Windham
 VALENTINE of York
 SILSBY of Ellsworth
 CURRAN of South Portland
 BACHRACH of Brunswick

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-180).

Signed:

Senators:

COLLINS of Aroostook
 SNOWE of Androscoggin

Representatives:

KANY of Waterville
 STUBBS of Hallowell
 CHURCHILL of Orland

Comes from the House, the RESOLUTION, Indefinitely Postponed.

Which reports were read.

On Motion of Mr. Collins of Aroostook, the Senate voted to indefinitely postpone the Resolution and all its accompanying papers, in concurrence.

Senate

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

Bill, "An Act to Increase Reimbursement for Legislative Expenses." (S. P. 234) (L. D. 736)

Leave to Withdraw

Mr. TROTZKY for the Committee on Natural Resources on,

Bill, "An Act to Appropriate Funds to Enable the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt." (S. P. 348) (L. D. 1176)

Reported that the same be granted Leave to Withdraw.

Mr. TROTZKY for the Committee on Natural Resources on,

Bill, "An Act Concerning Standing before the Board of Environmental Protection." (S. P. 220) (L. D. 684)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Taxation on,

Bill, "An Act Exempting New Machinery and Equipment used in the Hatching of Poultry from the Sales and Use Tax Law." (S. P. 290) (L. D. 916)

Reported that the same Ought not to Pass.

Signed;

Senator:

MARTIN of Aroostook

Representatives:

IMMONEN of West Paris
 CAREY of Waterville
 COX of Brewer
 MACKEL of Wells
 TWITCHELL of Norway
 CARTER of Bangor
 CHONKO of Topsham
 POST of Owl's Head

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

Signed:

Senators:

WYMAN of Washington
 JACKSON of Cumberland

Representative:

MAXWELL of Jay

Which reports were read.

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

Mr. MARTIN: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, noting the absence of the sponsor, my seatmate, the Senator from Kennebec, Senator Pierce, I would request that somebody consider tabling this for two legislative days.

On Motion by Mr. Jackson of Cumberland, tabled for two legislative days.

Pending — The Motion by Mr. Martin of Aroostook that the Senate accept the Majority Ought Not to Pass Report of the Committee.

Reconsidered Matter

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

Mr. FARLEY: Mr. President, is the Senate in possession of the L. D. 770, H. P. 629 Bill, "An Act concerning the Crime of Prostitution?"

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill having been held at his request.

Mr. FARLEY: Mr. President, having voted on the prevailing side, I now move reconsideration whereby we accepted the Minority Ought Not to Pass Report.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I request a Division on this Motion. The Senate will recall that this was briefly debated yesterday. It concerns an Amendment, the definition of the crime of prostitution.

The only reason that I heard for changing the definition was that the man should be equally guilty with the woman. I pointed out to the Senate that the language of the Statute already says that the one who receives the pecuniary benefit is the culprit. I would ask those who are in opposition to my position, if they are saying that there is no such thing as a male prostitute? Because if that is what they are saying, it seems to me that they are ignoring the facts of life and that it is they who are exhibiting the chauvinism, male chauvinism. So I would ask the Senate to vote against the pending Motion.

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

Mr. CONLEY: Mr. President and Members of the Senate, I do not want to prolong the debate on this very insignificant little Bill here, but I again would just like to reiterate what was stated yesterday in the debate, and it is that I believe we should have equal protection under the law. That if we are going to remove the so-called ladies of the evening from the street and bring them down and let them pay a fine, then I think their compadres who they are entertaining should be just as guilty and should pay exactly the same fine; in fact, perhaps they should pay a little more.

I hope the Senate will vote to reconsider and I think, again to re-emphasize that equal protection under the law should be given to both male and females. I think that is the only fair thing to do.

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

Mr. MERRILL: Mr. President and Members of the Senate, obviously what we read is correct. There are males who make their living as prostitutes, but I think in the overwhelming number of cases it is probably true that

prostitutes primarily are women, or more accurately, young girls.

I think there is a more important equal protection argument here maybe than the one that pertains to sex. For if we consider the act of offering sexual services for a fee to be something that should be prohibited by the criminal law, then we ought to consider really who is the exploiter and who is the exploited.

One thing that the Criminal Code did, which I applaud, is that it made it a greater crime for the people who made their livings directly exploiting the profits of prostitutes, either by making housing available to them and knowing the purpose for which that housing was used, or being pimps. We made that a greater crime than prostitution itself.

I submit to the Senate that the person who takes advantage of young girls, in most cases 14 and 15 years old, to satisfy their own carnal needs, are the exploiters. And if there is in fact a crime here, their crime is far greater. Just as I have always felt that the people who receive stolen goods who often are respected members of the community, are in a sense committing a greater crime than the poor stumblebums who do the breaking and entering and spend most of their life in jail, because they, too, are the exploiters, and they are exploiting the unfortunate situation that people find themselves in so that they can satisfy their needs, their physical needs at less price than those who are more likely to obey the law.

So if we are going to make it a crime to offer these services for pay, I suggest we ask ourselves, who are the great exploiters in the situation? Who are the people who are doing the more reprehensible act? Who are the people who have the greatest control over their situation? Indeed, who are the people who are going to be most deterred by a criminal penalty? And I think the answer to every one of those questions is the person, oftentimes very respectable as pointed out by the anecdote told by Senator Hichens the other day, very respectable members of the community who will be deterred by criminal penalty, and who are knowingly or unknowingly exploiting some of the weakest and most troubled and saddest and sorriest individuals in our midst.

So I think that this is an important Bill. As long as it is crime for a person to engage in prostitution, I think that it is important that we put the onus on the exploiters as well as the exploited.

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 the Senate reconsider its action whereby the Senate accepted the Minority Ought Not to Pass Report. A Division has been requested.

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.

16 Senators having voted in the affirmative and 14 in the negative, the Motion to reconsider does prevail.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I now move we accept the Majority Ought to Pass Report.

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

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, a parliamentary question: Would the Motion to accept the Ought Not to Pass Report still be on the floor and have to be voted upon before we discuss any other motions? Now we voted to reconsider the

Ought Not to Pass Report, might we not have to vote on the Ought Not to Pass Report?

The PRESIDENT: The Chair advises the Senator that both reports are before the Senate and the Senator from York, Senator Farley's Motion would take precedence.

Is it the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair will order a division.

Will all those Senators in favor of the Motion of the Senator from York, Senator Farley, to accept the Majority Ought to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed to the Motion please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves a roll call, be taken. In order for the Chair to order a roll call, it must have 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 risen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I do not know of anybody in this Senate who looks upon this legislation as a personal threat, but I do think very seriously that the good Senator, my colleague from Portland, Senator Merrill, has made a very fine point.

As I stated yesterday, the profession of prostitution is probably one of the oldest professions in time. We have so many young, wayward girls today who are leaving home, finding themselves on street corners, not only in Portland. It is my understanding the cities of Lewiston, Waterville, Bangor have the same problem. If we are trying to correct what most of us look upon as a very bad situation at the worst, then I think that this Bill should be passed and signed into law.

If we are going to try to curtail some of these so-called extra-curricular activities in the evenings, then I think in all fairness, one has to support this legislation and I hope that those who have been sort of fooling around will give some deeper thought to it when the roll is called, and they will accept the Majority Ought to Pass Report.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen, this is an unusual situation; not only is it very rare that I stand and support my colleague, the Senator from Cumberland, Senator Merrill, being a self-avowed chauvinist, I find myself actively working for passage of this piece of legislation. I do not consider myself an expert in this area as I was yesterday in the Moose Bill.

But I would just like to pose a rhetorical question as the Senator from Androscoggin, Senator Mangan, is absent from the Chamber this morning, but he mentioned do we want to punish the poor old member of the Loyal Order of Bull Moose who stumbles through the city of Portland and may be a banker or lawyer, or whatever, and not knowing what he is going to be doing, gets involved in this type of situation with a prostitute. And I would submit to you that in the three years that I have been in the Maine Legislature, we have had Bills regarding this crime, and we still do consider it to be an offense against society, and we make all these attempts to stop it, to deter it and thus far, from talking to people who come from areas where this is a flourishing business. I find that we have

done very little. We have changed prostitution: We have made it more tougher. We have made it more lenient: The crime itself, we have done very little.

I would support the comments of the good Senator from Portland, Senator Merrill, in that perhaps another tack to take, another way to go with this would be to try to dry it up at a different source. And perhaps the source might be the exploiter, and I would submit to you that if you are going to put financial penalties on this offense against society, that perhaps the way to go about it is to attack the partner who would have the most to lose in the situation. I would submit to you this would be the person who is paying for the service, not necessarily the person who is giving it.

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

Mr. KATZ: Mr. President, I must express my admiration for the temerity of those who support this legislation. I suspect that back in Biblical times the leaders of the society were dealing with the same question, and bumbling along the way on how to control prostitution. That has been true in every society down through civilization.

It is not a question of whether we support prostitution or oppose prostitution, but I will raise a rhetorical question to the Legislature today: Do you really, really think — do you really think that a societal problem that is so long rooted is going to be materially affected by any way that you vote on a single piece of legislation. And if you have the confidence that you can make a contribution to society and make a difference by your vote here in the Legislature today, I suspect you must vote for this legislation.

I am not so sanguine and will vote against it, and just say as in the case with liquor, that there is probably very little we are going to accomplish by a vote here today.

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

Mr. CURTIS: Mr. President, I would like to speak on a position I have taken as a result of the public hearing which was held on this piece of legislation before the Judiciary Committee.

During that hearing it was not at all clear to me that there was a sufficient problem in the State of Maine, not being cared for under the present Criminal Code provisions, so that any additional legislation was necessary. Title 17 A of the Criminal Code, Section 853, provides that a person is guilty of promotion of a prostitution if he knowingly promotes prostitution. And that is a Class D crime. Section 853 A provides that a person is guilty of engaging in prostitution if he engages in prostitution as defined in Section 851, and that engaging in is a Class E crime.

Section 851 provides a definition that I think is helpful in discussing this piece of legislation. Prostitution means engaging in, according to Section 851, or agreeing to engage in, or offering to engage in sexual intercourse or a sexual act as defined in Chapter 11, Section 251, in return for a pecuniary benefit to be received by the person engaging in prostitution for a third person. And the definition continues to define rather carefully what promoting prostitution means.

Mr. President, I would like to respond to the rhetorical question that was posed by the Senator from Aroostook, Senator Carpenter, who asked who has the most to lose in the situation. And I would suggest that we also consider two other factors: one is the prospect of blackmail, the danger of the threat of arrest as used against the, I believe John was the term that Senator Mangan from Androscoggin used the other day when we were debating this, and the problems that that might occur, might bring to a person who was innocently accused of being the John, being the man involved in the usual

prostitution situation, if he indeed he might just have been passing along the street of Orono or Portland or any other community in our State.

Finally, I would answer the question as to who has the most to lose. If we are constantly adding new crimes to our Criminal Code that supposedly are to be enforced, when the existing crimes, which I would suggest many are much more serious, are not able to be properly enforced given the present resources available.

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

Mr. MERRILL: Mr. President and Members of the Senate, many of the arguments that have been presented against this Bill should be presented against having prostitution be a crime. I can understand this. I know that I have seen studies that show when the City of New York cracked down on the people who used the services offered by prostitutes, it did in fact have an effect. Now I do not know if that is long-lasting or not, but I think common sense tells us that if there is any place that you can use the criminal law to slow down traffic in prostitution, it is against the people who have the most to fear from the criminal law, people who are "respectable members of society."

So if Senator Katz is concerned about having any effect on this, then I suggest that if any place is going to have any effect, this is it. If he is convinced that no place is, then probably we should have a Bill before us to remove prostitution as a crime.

And I might say there will be a great irony to me if this legislation fails to be enacted. The irony is this, the irony is this Legislature has fallen all over itself to demonstrate to the people of Maine that it is concerned about the welfare of the 16 and 17 year olds getting liquor, so concerned about it that it has taken rights away from the people who are a little bit older, and so concerned about it that it is in the process of passing legislation to make it a greater crime to people who sell this liquor to these people. Yet when we confront the reality, and it has not been argued here and I do not think it can honestly be argued here, that a great many of these people that are being exploited as prostitutes are 14 years old; 15 years old, 16 and 17 year olds, and we have a bill to at least make it a crime to engage in this sort of exploitation, the Legislature is going to shy away from that. Now what does that say if we try to measure in any consistent way the opinion of this Legislature about our concern with our young people and them falling into a vice?

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 the Senate accept the Majority Ought to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought to Pass Report; A Nay vote will be opposed.

The Secretary will call the roll.

YEA — Carpenter, Conley, Cummings, Danton, Farley, Greeley, Hewes, Hichens, Levine, Merrill, Minkowsky, Snowe, Speers, Usher, Wyman, Sewall.

NAY — Chapman, Collins, D.; Collins, S.; Curtis, Huber, Jackson, Katz, Lovell, Martin, McNally, Morrell, O'Leary, Pray, Redmond, Trotzky.

ABSENT — Mangan, Pierce.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought to Pass Report does prevail.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

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)

Bill, "An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services." (H. P. 868) (L. D. 1061)

Bill, "An Act Repealing the Lucerne-in-Maine Village Corporation." (H. P. 1445) (L. D. 1669)

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

House — As Amended

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

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

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

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

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

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)

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

Bill, "An Act Concerning Board of Directors of Transit Districts." (H. P. 556) (L. D. 673)

Which was read a second time.

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

Mr. HEWES: Mr. President and Ladies and Gentlemen of the Senate, I move the indefinite postponement of L. D. 673 and would speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Hewes now moves L. D. 673 be indefinitely postponed. The Senator has the floor.

Mr. HEWES: This is a Bill that relates to Boards of Directors of Transit Districts, and basically I believe it is geared toward the Portland Transit District.

The make-up of the Portland Transit District is that there are a number of members, depending upon the populations; Westbrook, Portland, South Portland, and Cape Elizabeth now have representatives on the Transit District. And I believe it is 8 of the 13 members are from Portland and Westbrook, South Portland and Cape Elizabeth have the remaining 5. In other words, a majority or more than half come from the City of Portland. Presently to have a quorum, you must have two-thirds membership. And, of course the City of Portland cannot alone control the Transit Authority or Transit District at the present time because there is more than a third from the surrounding communities.

But the people in South Portland and Cape Elizabeth, and I assume from the City of Westbrook, too are opposed to letting Portland, which has more than a majority of the members, control completely the District. Really why is it a need for these members from South Portland, Westbrook and Cape Elizabeth if Portland can control it.

Therefore, we would prefer, we in South Portland and Cape Elizabeth would prefer that the law remain as it is requiring a two-thirds vote rather than a simple majority.

Therefore, I move the indefinite postponement of this Bill and I hope that you will vote with me.

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

Mr. MERRILL: Mr. President, I would like to inquire through the Chair to the Senator from Cumberland, Senator Hewes, if there is any

evidence that the Directors from the City of Portland have better attendance records than the others? I would like to know both in reference to this Bill and if that were the case, it might be the first time that members of my City showed such exemplary attendance.

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

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President I do not know about that part of it, but I do know that there is a question of assessing the various communities, and whether it is assessed on the amount of mileage in the community or the population, and this is a very important piece of legislation to us in greater Portland. I hope you will vote to indefinitely postpone.

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

Mr. MINKOWSKY: Mr. President, when this Bill came before the Transportation Committee, it was based upon the fact that the elected officials in the various municipalities representing the Transit District were not able to attend the scheduled meetings. The attendance was so low and so bad at the time that the Transit Director from Portland, and I forgot the gentleman's name, indicated this would be the only salvation and they could conduct the meetings in an orderly fashion. It had no bearing upon the contribution that each one of the communities had based in contributing to the Transit Authority.

The question also was brought out during the public hearing: Was there any possibility of changing it around to allow people other than elected officials on the various boards in the various communities represented to serve on the Transit Authority, at which point the manager of the Portland Transit District said he thought basically it would be a good idea, and these people have more time than elected officials representing these communities. The Committee felt in its wisdom that since the attendance was so bad, the only way that this particular Transit Authority could function would be to change the status as requested in this particular Bill by Mr. Jensen.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Cumberland, Senator Hewes, that LD 673 and all its accompanying papers be indefinitely postponed.

Will all those Senators in favor of indefinite postponement, please say yes; those opposed will say No.

A viva voce vote being had.

The Chair being in doubt, will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I fear every time a Bill comes into the Legislature that someone gets to mention the name Portland. To reiterate the questions or the statement made by the Chief Executive most recently was that Portland is a great city but he is not so sure that Maine can any longer afford Portland.

Could I ask through the Chair, Mr. President, as to what the signatures were on the Bill as it was reported out of Committee?

The PRESIDENT: The Secretary will read the Committee Report.

SECRETARY: The Committee on Transportation to which was referred the Bill, "An Act Concerning Board of Directors of Transit Districts, HP 556, LD 673, Reports Ought to Pass, as amended by Committee Amendment "A". Signed Representative Emile Jacques for the Committee.

Mr. CONLEY: Mr. President, it is not that I take every Unanimous Report from the Committees for granted, but I think in this par-

ticular case I would agree with the Committee. It would seem to me if Portland was trying to take advantage of the system, that there would have been some Divided Reports on that Bill.

I would hope the Senate would vote against the Motion to indefinitely postpone.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion of the Senator from Cumberland, Senator Hewes, that this Bill be indefinitely postponed, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 22 in the negative, the motion to indefinitely postpone does not prevail.

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

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

Which was read a second time.

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

Mr. JACKSON: Mr. President, under suspension of the rules, I move we reconsider the adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Jackson moves the Senate reconsider the adoption of Committee Amendment "A" under suspension of the rules. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: I present Senate Amendment "A" to Committee Amendment "A" to H. P. 646, L. D. 790 and move its passage.

Mr. President and Members of the Senate, this Amendment changes some of the language in the Committee Amendment. In the Committee Amendment, if you will read it, (H-173), the Amendment said that County Commissioners must notify the Town Clerks ten days in advance on the hearing of the County estimates; and the Municipal Clerks shall notify the town officials.

It has been brought to my attention and during the hearing I had a question on this. Now there are many small communities which have part-time clerks, and many of these communities might not be notified. So, what I did with the Amendment was provided that the County Commissioners shall provide to the municipal offices a copy of the estimate and shall notify them of the hearing.

Senate Amendment "A" (S-97) read and adopted. Committee Amendment "A" as amended by Senate Amendment "A" thereto adopted in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Which was Read a Second Time.

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

Mr. HEWES: Mr. President, I move the indefinite postponement of this Bill and would speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that LD 60 be indefinitely postponed.

The Senator has the floor.

Mr. HEWES: Mr. President and Members of the Senate, I am convinced that this Bill will probably become law, but I do not think it should, and I have circulated something pointing out the law relating to traffic controls at the present time. I am more for freedom and do not particularly like the idea of somebody or an object telling me to stop and not move until

the light changes or they tell you you can move, but we do have in the present law just one such situation. That is, a steady red light. And when that turns to green or blinking color, a blinking light, then you may proceed, unless it is upon the signal of a police officer.

At the present time we have several ways of being able to proceed through an intersection after stopping and then going on your own. One, of course, is the uncontrolled intersection when the car coming from the right has the right of way, and the one on the left is supposed to yield to the one coming from the right. And then you have the yield sign when one is supposed to yield and not go until it is safe to go. And there is the stop sign. You remain stopped until it is safe to go forward, and then you go. You have the green arrow, and you can turn right or left or whatever direction the green arrow indicates, and you must stop, of course, if there is something in the right of way ahead of you. And you have the blinking red light and the blinking yellow light. But the only one that requires you to stop completely is the red light.

Now I think what has happened, there have been too many red lights put up in the State. For example, going from our home, a distance of five miles, to my office, there are four separate sets of traffic lights, probably cost \$4 to \$5,000.00 to install; I have the impression going along Congress Street, we were discussing Portland a minute ago, you go from Monument Square to Longfellow Square, and there are red lights every block and I think they are unnecessary, myself. But be that as it may, we have too many red lights, but I think that the way to correct the situation is to eliminate the red lights and use the blinking red light, blinking yellow lights, the green arrow, the yield sign and the stop sign in controlled intersection, which we can do at the present time.

I submit that after this becomes a law, and I suspect it will, in a few years somebody is going to have the bright idea and come up with the double red light or fuscina light or something that is different, so that we have to stop and not be able to proceed. This Bill, which will permit a person to proceed on a red light, after stopping, I think is not the best interest of highway safety. I fear that they are going to go passing through red lights without stopping after this law becomes effective. Therefore, I hope you will vote for indefinite postponement.

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

Mr. GREELEY: Mr. President and Members of the Senate, I think I would have to oppose the Motion of the Senator from Cumberland, Senator Hewes, on indefinite postponement.

This came out of Committee unanimous Ought to Pass, and there are 43 states, I think in the United States that have this law, the way I understand it. I have never had too much experience turning right on a red light, but I have had some in Augusta and I think, as far as I am concerned, it is working to perfection.

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

Mr. DANTON: Mr. President and Members of the Senate, this turning right on red is nothing new. It has been going on for years throughout the country. In my community, the City of Saco, we have had a Traffic Flow Committee that has been working on ways to get the traffic moving for the last two years. I just got a letter from that Committee and a member of that Committee is the Captain of the Police Force, and he has indicated to me that this is perhaps the best proposal that has come down the pike to help our traffic situation in the City of Saco.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, Senator Hewes from

Cumberland said that this was really not in the best interest of highway safety. I would like to point out to the Members of the Senate that the Maine Highway Safety Committee and the American Automobile Association and several dealerships in the State of Maine were proponents of this particular piece of legislation. I believe there was only one lady who was an opponent.

Another factor that promoted this particular legislation was the fact that it could be construed as an energy conservation measure. But all the facts and statistics that were presented to the Transportation Committee proved to the Committee beyond a shadow of a doubt that this was a very logical, very feasible, very practical move.

I certainly would hope that the Senate would vote against the indefinite postponement of this particular measure.

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

Mr. HEWES: Mr. President and Members of the Senate, just in rebuttal, on energy saving, I think if they put up less red lights, using up the power to operate the lights, I think that they would save more energy, and if they would put up less red lights as a whole, they could use yield signs or stop signs or a green arrow or blinking red or yellow light.

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

Mr. CONLEY: With some hesitancy, Mr. President and Members of the Senate, I would say we put the red light district to sleep a few minutes ago. I think it a good time if we try to move this Bill on, too.

I appreciate the fact that my good friend and colleague, the Senator from Cape Elizabeth, Senator Hewes, spends 90 percent of his time in Portland. It is because of his driving around the streets of Portland that I have a lot of problems navigating my car, because he has been stopping all the time.

But I agree with, again, the Committee — it seems as though I am putting all my faith in Committees today, but I think it makes good common sense to be able to come to a red light and come to a complete stop and then approach, with no traffic either pedestrian or motor vehicle. It seems to me that we spend a great deal of time, particularly when it comes to 2:00 in the morning or 11:00 o'clock at night, or whatever time it is, waiting for some senseless light to run our lives, in a sense, as to how long we are going to waste our time sitting there.

I think if you read the Bill, it makes very good sense and I would hope that the Senate would move to engross the Bill.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Hewes, that this Bill L. D. 60, be indefinitely postponed. The Chair will order a Division.

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

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

4 Senators having voted in the affirmative and 26 in the negative, the Motion to indefinitely postpone does not prevail.

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

Sent down for concurrence.

Senate

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)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

Senate - As Amended

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)

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:

Bill, "An Act Relating to Responsibility of Parents to Provide Medical Coverage for Minor Children." (H. P. 1257) (L. D. 1414)

An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities. (S. P. 242) (L. D. 776)

An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham. (S. P. 297) (L. D. 923)

An Act Amending the Great Ponds Alteration Statute. (H. P. 1334) (L. D. 1504)

An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License. (H. P. 461) (L. D. 566)

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 Relating to Mother's Day and Father's Day. (S. P. 202) (L. D. 600)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill, with reference to LD 600.

Mr. MERRILL: Mr. President and Members of the Senate, this obviously is not momentous, but as I understand the history of this Bill, it was offered by the Senator from Kennebec, Senator Pierce, and in its original form created a Children's Day as well as the Mother's and Father's Day. That has been taken out by the Committee, as I understand it.

The only effect that this Bill has now, I believe, is to take these two days that are not legal holidays and put them into the Statute books. Presently that is not the case, as I understand it.

If this Bill does more than that, I wish somebody would point out what it does do, for I do not see any overwhelming need to have days that are not legal holidays described in the Statute books.

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

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, on the basis of that answer, and with fear of going against both fatherhood and motherhood, while being both an active proponent and activist in at least one of those areas, I move the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that this Bill be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mr. SNOWE: Mr. President, Since the sponsor of this Bill is not here, I would wish somebody would table this for two legislative days.

On Motion of Mr. Speers of Kennebec, tabled for two legislative days.

Pending — the motion of Senator from Cumberland, Senator Merrill that this Bill be indefinitely postponed.

Orders of The Day

The President laid before the Senate:

Senate Reports — from the Committee on

Legal Affairs — Bill, "An Act to Require Sub-committees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to hold open meetings. (S. P. 157) (L. D. 397) Majority Report — Ought to Pass in New Draft under New Title, "An Act to Require Committees and Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings. (S. P. 469) (L. D. 1681); Minority Report — Ought Not to Pass

Tabled — April 22, 1977 by Senator Hewes of Cumberland

Pending — Motion of Senator Carpenter of Aroostook to accept Majority Report

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

Mr. HEWES: Mr. President, and Members of the Senate, I apologize for being on my feet so much today, and again perhaps I am on the wrong side of this Bill as well.

The present law requires that Board of Trustees meetings at the University of Maine and the Maine Maritime Academy be open to the public. This Bill would enlarge that so that all sub-committee meetings of the Board of Trustees of the University of Maine and the Maine Maritime Academy, including meetings of the Chancellor of the University of Maine and the Presidents of the various campuses would also be open to the public.

This was pushed primarily by the group that has to negotiate with the Trustees of the University of Maine, by the newspapers and by the students.

I personally feel that others schools, Colby, Bowdoin or Bates, private schools who do not have to have all of their sub-committee meetings open to the public, perhaps will get ideas presented at the sub-committee meetings that will be beneficial to their respective colleges. I think that you inhibit discussion when the meetings are at every stage of discussion open to the public.

Now we in the Legislature perhaps have thicker skins than some of the Trustees. I know a gentleman that has given a great deal of money for a new hockey rink at Orono at the University of Maine. Men like that perhaps would be on the Trustees, and yet would not like to have everything that they say be open to the public, to second guessing or to something that you can take out of context.

I think you inhibit the University of Maine if you allow the passage of this Bill. If a Committee wants to have an open hearing, they may. You know, the University of Maine is for the students. It is to teach the students so that they will be better prepared to face life later on. I do not think that this Bill which requires sub-committees to be open to the public is going to assist to make the University a better place to teach the students.

I, therefore, ask for a Division on this Motion.

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

Mr. CURTIS: Mr. President, I sponsored this piece of legislation, because there has been a difference of opinion as to whether or not the meetings of sub-committees of the University of Maine Board of Trustees are now governed by the provisions of Maine's Freedom of Access Law, Title I, Section 401, or whether they are not governed.

Now the two positions are, one, taken by the Board of Trustees of the University of Maine, through its actions in excluding press and public from some sub-committee meetings, and is a position which is supported by the legal opinion of its counsel, Mr. Barnett I. Shur.

The second position is an opinion of the office of the Maine Attorney General, signed by Deputy Attorney General Donald Alexander, which states that the Right to Know Law applies to the sub-committees of the University of Maine Board of Trustees. That opinion was

written at my request, when last September I asked for an opinion, because of the actions of the Board of Trustees sub-committee.

Now Deputy Attorney General Alexander suggests that the Legislature might review its position and clarify the question. I think it would be helpful right now if we all reviewed exactly what the present law is regarding the Freedom of Access provision of the Maine Statutes as they apply to the University of Maine. Under the definition is the following description: "Public proceedings, the term public proceedings as used in this sub-chapter shall mean the transactions of any functions affecting any or all citizens of the State by any of the following: (1) the Legislature of Maine and its committees and sub-committees, (2) any Board or Commission of any state agency or authority, the Board of Trustees of the University of Maine, and the Board of Trustees of the Maine Maritime Academy, and (3) any Board, Commission, Agency or Authority of any County, Municipality, School District or any other political or administrative subdistrict."

The piece of legislation which I proposed and which has been approved by the Majority Report from the Legal Affairs Committee would clarify exactly what the status is of the sub-committees of the Board of Trustees of the University. Subcommittees are committees which operate for the Board, which include members of the Board of Trustees, and which also include students and faculty members, or people who are involved with the University. I know of no student or faculty members on the full Board of Trustees, but they do serve on the very important sub-committees of the Board, such as the Finance Committee.

Now I think that it is important that the University of Maine, which is a State University, and is financed in large part by public tax dollars, should have meetings as much as possible of its committees of the Board and of its sub-committees of the Board, open to the public. Important decisions are being made by the Trustees, decision which involve the expenditure of millions of dollars of State appropriations, and which will affect the future of generations of students and citizens who turn to the University for education and leadership. Now the basic decisions are frequently made in sub-committees of the Board.

It seems to me that the more attention that is paid to the problems of the University, the better it would be for the University, its students, faculty and other employees, as well as to the people of the State, who turn to our State University for many types of assistance.

I would like to clarify one thing. The gentleman who was referred to, I believe, as being a great benefactor of the University, and that is true, because he provided many of the dollars that were essential to the construction of the arena now named after him, the Alford Arena at the University of Maine in Orono, is not a Trustee of the University of Maine.

I have discussed this Bill and its concept with Members of the Board of Trustees, although not all of them, and I have found them, those that I have discussed it with, to be in agreement with the general concept, especially when I assured them that although the terms of the Freedom of Access Law would apply under this Bill clearly to the sub-committees of the Board of Trustees, so would the exceptions which are provided. Those same exceptions are the ones that are frequently used in particular by municipalities, and other groups, and those are exceptions which permit executive sessions of any committee for certain purposes, and those purposes you may recall from the Statutes include such things as discussion of collective bargaining. They include such things as consultation with the attorney for the organization, discussion of legal matters. They include such things as discussion of personalities and the question of hiring and firing

of people who work for the organization. So those same protections would be immediately available.

Again the reason that I brought the Bill before the Maine Legislature was because it is not now clear whether or not the Law presently applies to sub-committees of the Board of Trustees. If we leave this unclear situation in existence, what may very well happen is that there will be a Court case, and I would suggest that would be an unnecessary result, because all we have to do is take action one way or the other, and I would suggest openness is the more appropriate direction to go in order to clarify the situation.

I would like to bring the Senate's attention to a couple of presentations which have been made in the newspapers in this State, because I think they help us to understand the importance of a liberal interpretation of the Right to Know Law.

The first one is an editorial from the Bangor Daily News of March 25th of this year, and it is entitled "Those Committees". The Right to Know Law is itself an imperfect document, but the 108th Legislature will have an opportunity to shore up one of its more glaring weaknesses. L. D. 397, which is the Bill before us now, would open the activities of the Committees and sub-committees of the University of Maine and Maine Maritime Academy Board of Trustees to the press and to public scrutiny. Currently the bulk of the nuts and bolts discussions and basic policy decisions are made in the committees of these two Boards. The Committee discusses an issue, reaches accord and a course of action, and then reports its recommendations to the full Board. The Board then votes, with a minimum of discussion. The upshot of this type of operation is the true debates and issues are never publicly heard, and the public thus has no understanding of the thinking that moulded the decisions. It is time that the committees were opened up to the public, and their discussions exposed to public scrutiny. The public has a right to know, not only the policies of these institutions, but how the policies were arrived at."

The second editorial was one from the Portland Press Herald, and I will not read it all, but excerpts, in which the editor writes: "The belief that meetings of sub-committees of the Trustees of the University of Maine and the Maine Maritime Academy ought to be open to public seems reasonable. At the moment the State's Right to Know Law applies to the Board of Trustees, but not to any of their operating sub-committees". And the editor concludes, "Indeed, the Right to Know Law currently applies to committees of the Maine Legislature. That being the case, there is no reason why it should not apply to other public institutions as well."

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

Mr. CAREPENTER: Mr. President and Ladies and Gentlemen of the Senate, I will be brief.

As the lone signer of the Majority Ought to Pass Report from this Body, I would just like to give you my reasons why. I would point out, to begin with, that the meetings of many of the committees and sub-committees of the University of Maine Board of Trustees are presently open to the public, but this is University policy and they can close them at any time.

I would call your attention to L. D. 1681 and the words "administrative council". Now many of you may not know what the administrative council is, and I did not until it was brought out at the committee hearing. The administrative council is the organization that cuts the pie, if you will. It is a council made up of the Presidents of the various campuses of the University of Maine, as well as the Chancellor, and they hold private sessions to decide what percentage of the total University budget goes to which campus.

Now we have heard a great deal of discussion. I have heard from students in the back of the chamber in this Body about why is the Portland-Gorham's percentage down this year, and some other campuses up, and we do not know why.

All we can do is speculate. And this is something personally that I would like to be able to go and sit and hear the reasoning why the University of Maine at Presque Isle's budget or percentage was cut back, why Portland-Gorham's was cut back, and why Orono's was raised, or vice versa.

I would point out to you that this would open that up to public scrutiny, and the second point that I would like to bring out is the argument was put before the committee that, you know, these sub-committees really do not have any power. They make a recommendation to the full board. I would ask you to just go back to the Senate Calendar this morning of Committee Reports, and how often are the Committee Reports accepted under the hammer in this Chamber, with very little discussion. We put a great deal of faith in the people that we put on these committees, the Senator from Knox, Senator Collins, and the Judiciary Committee. We put a great deal of trust and faith and power into these committees, so that when they report a Bill out, quite often we will accept the argument that they put forth. I submit to you the same holds true for the sub-committees of the University of Maine.

I would also like to bring to your attention, what about a negative vote. If the sub-committee of the University votes not to do something, then that issue never does come before the full Board. The argument being that if a member disagrees or person disagrees with the decision of the sub-committee, they still have the recourse to go to the full Board, but if the sub-committee votes to kill that particular project or not to do something, that particular issue does not come before the full Board of Trustees.

As the Senator points out, I think this is key-essential, the Senator from Penobscot, Senator Curtis, points out. The sub-committees, committees and the executive council of the University of Maine would still have the provision to hold executive session. This would take care of problems in labor negotiations, in personality discussions. These provisions are built into the present law, and they would also apply to the University of Maine at its committees and sub-committees.

The other point I would like to bring out, and the last point, I would like to rebut my seat-mate, the Senator from Cumberland, Senator Hewes, I do not feel that public discussion inhibits discussion. I feel that when we close something up, and we allow the press in particular to speculate what is going on behind those closed doors, I feel that we get ourselves into more uncomfortable situations than when we go public with it.

Now we have all been to committee hearings, we have all been in this Chamber, and in my case the other Chamber, and seen things written about what transpired in that Body that did not coincide with our interpretation of what had transpired in that Body. But I think there is less of danger when the proceeding is public.

I would point out to you, going back to the administrative council, where the percentage of a dollar is decided. We start out in the whole process downstairs in 228, the Appropriations Committee, the public hearing, and it goes all the way down through, so that each campus gets their full public hearing, or the University Board of Trustees has a full public hearing on where the dollars are going, except for this one broken link in the chain, where the decision, I submit to you, is really made, in the administrative council. I think very little public discussion can take place after this.

I do not feel that because the press is in the back of the room this morning, that my ability to speak in this Chamber or ability to bring up any point, controversial point, touchy points, I would submit to you I do not think that is inhibited in the least. I would just refer you back to a couple of minutes ago to when we were discussing a very delicate issue in many of our lives, many of our constituencies, and the issue of prostitution. I did not see that the public discussion of that very sensitive subject inhibited the discussion, although the people from the press were in the back of the room taking copious notes.

I would hope that you do follow the lead of the good Senator from Penobscot, Senator Curtis, the sponsor of this Bill, and go along with my Motion to Accept the Majority Ought to Pass Report.

Thank you.

(Off record remarks.)

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

Mr. MINKOWSKY: Mr. President, I concur wholeheartedly with the remarks made by Senator Carpenter and Senator Curtis in reference to this L. D., and, of course, I get a little more clarification on this insofar as the administrative council is concerned. Since in a municipality we are compelled to have open sessions, and to discuss everything except personnel or legal matters, and since this was brought out by Senator Carpenter, they have a policy decision at the present time which allows this to materialize, my question to anybody on the Committee or to the sponsor of the Bill, are they aware at the present time that the policy decisions of the sub-committee of the administrative council posts a date and time of their sub-committee hearings, are they posting it in advance presently?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to respond to the question regarding the sub-committees of the Board of Trustees of the University. Those meetings are notified to the members of the committees and other people interested in advance. Regarding the meetings of the administrative council, I understand those are not generally notified and public information made known about them.

I think it might be helpful, because the administrative council is something of a new concept for those of us who have not followed the Legislation which created the University too closely, if I read one paragraph from the present Private and Special Law which was enacted in 1967, actually enacted in the Special Session in 1968, and revised by Chapter 238 of the Laws of 1970. The administrative council is described. "The administrative council shall decide the following responsibilities. To make to the Board of Trustees, through the Chancellor, recommendations which require Board action or pertain to policy development; to serve as a clearing house for matters referred to it by appropriate officers of individual institutions; act on matters referred to the Council by the Chancellor for the Board of Trustees." That is the paragraph which describes the duties of the administrative council, and I think it is that situation which has developed in the reference of some matters to the administrative council for their final decision.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

A Division has been requested.

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.

26 Senators having voted in the affirmative, and 2 Senators in the negative, the Motion to Accept the Majority Ought to Pass Report does prevail.

The Bill, in new draft, Read Once and Tomorrow Assigned for Second reading.

The President laid before the Senate: Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 187) (L. D. 249)

Tabled — April 22, 1977 by Senator Speers of Kennebec

Pending — Enactment

On Motion of Mr. Katz of Kennebec, retabled for two legislative days.

The President laid before the Senate: Bill, "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot. (H. P. 479) (L. D. 594)

Tabled — April 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, in order to clarify the stand of the Senate on this legislation, I move indefinite postponement.

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

Mr. MERRILL: Mr. President and Members of the Senate, the description of his actions by the Senator from Kennebec, Senator Katz, is as accurate as the title he often puts on his Bills. I think it does a little bit more than clarify the position of the Senate. We debated this so many times, so I guess the greatest way to kill a relatively minor Bill is to debate it enough so everybody gets the feeling they do not want to talk about it any more.

I would ask for a Division on this issue and I would hope that we do not clarify our position by changing it.

The PRESIDENT: A Division has been requested. Is the Senate ready for the question? The Pending Motion before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that L. D. 594 and all its accompanying papers be indefinitely postponed.

Will all those Senators in favor of indefinite postponement, please rise in their places to be counted?

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move for reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 594.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, in watching the recent vote, I am reminded of one of my colleagues who has a name that is low in the alphabet. He told me earlier on that voting for this was one act of statesmanship in the whole Session. I noticed he just voted against it.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate

reconsider its action whereby it indefinitely postponed L. D. 594.

A viva voce vote being had,
The Motion to reconsider does not prevail.

The President laid before the Senate:

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

Tabled — April 25, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed.

On Motion of Mr. Speers of Kennebec, retabled for two legislative days.

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 25, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. COLLINS: Mr. President, Under Filing S-96 I present Senate Amendment "A" to Committee Amendment "A" to L. D. 264, and I would speak to my motion.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended and that the Senate reconsider its action whereby it adopted Committee Amendment "A". It is a vote.

The Senator from Aroostook, Senator Collins, now offers Senate Amendment "A" to Committee Amendment "A" (S-96) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-96) read.

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

Mr. COLLINS: Mr. President and Members of the Senate, the Bill with the Amendments would transfer certain security people within BPI to the Department of Public Safety. The Amendment which I offer today accommodates the two departments involved in spelling out the language necessary to accomplishing the transfer.

The first part amends the Committee Amendment by changing the words 'the use, occupancy and security of all' to 'the security regarding use and occupancy of all.' The rest of the Amendment basically re-enacts Sections 1771 through 1775 and substitutes the words 'Commissioner of Public Safety.'

Senate Amendment "A" to Committee Amendment "A" adopted. Committee Amendment "A", as amended, adopted.

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

Sent down for concurrence.

(Off Record Remarks)

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