

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

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

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

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

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

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

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

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

The Chair recognizes the Senator from Aroostook, Senator Martin.

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

The PRESIDENT: A Division has been requested.

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

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

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

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

The PRESIDENT: The Chair will order a Second Division.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I request a Roll Call.

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

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

The Chair recognizes the Senator from Aroostook, Senator Martin.

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

It will be interesting to discover what we do today.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A Roll Call has been ordered. A ye a vote will be in favor of indefinite postponement. A no vote will be opposed to indefinite postponement.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — Cummings, Danton, Hewes, Lovell.

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

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

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

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

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

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

Emergency

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

This being an emergency measure and having received the affirmative vote of 22 Members of the Senate, with 2 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator voting in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate: House Reports — from the Committee on Judiciary — Bill, "An Act to Repeal the Marijuana Decriminalization Statute." (H. P. 1272) (L. D. 1500) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 12, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

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

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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

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

The President laid before the Senate: House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Prenatal Scientific Determination of Sex." (H. P. 1075) (L. D. 1297) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 12, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

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

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

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

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

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

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

Mr. HICHENS: Mr. President, I would ask for a Roll Call.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

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

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

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

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

The PRESIDENT: A Roll Call has been ordered.

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

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

The Secretary will call the Roll.

ROLL CALL

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

NAY — Conley, Hichens, Mangan, O'Leary.
ABSENT — Cummings, Danton, Hewes, Lovell.

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

The President laid before the Senate:

Bill, "An Act Concerning the Small Claims Laws." (S. P. 301) (L. D. 927)

Tabled — May 12, 1977 by Senator Merrill of Cumberland

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

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

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

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

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

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

The Chair will order a Division.

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

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

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

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Relating to Solid Waste Disposal." (Emergency) (S. P. 248) (L. D. 756)

Tabled — May 12, 1977 by Senator Pray of Penobscot

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

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

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes that Senator.

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

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

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

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

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

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

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

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

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

The Chair will order a Division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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