

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 9, 1969

Senate called to order by the President.

Prayer by The Rev. Shane D. Estes of Winthrop.

Reading of the Journal of yesterday.

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

Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 1) (L. D. 15)

In the House April 1, 1969, Failed of Final Passage.

In the Senate April 2, 1969, Finally Passed.

Comes from the House, Ordered Placed on File.

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and Request a Committee of Conference.

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

April 8, 1969

Hon. Jerrold B. Speers
Secretary of the Senate
104th Legislature

Sir:

The House today voted to adhere to its former action on Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives (H. P. 356) (L. D. 464) on which the House indefinitely postponed the Resolve, and the Senate had passed it to be engrossed in non-concurrence.

Respectfully,
S/BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

April 8, 1969

Hon. Jerrold B. Speers
Secretary of the Senate
104th Legislature

Sir:

The House today voted to Insist and join with a Committee of Conference and the Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects" (H. P. 497) (L. D. 651)

Messrs. MacPHAIL of Owls Head
LEWIN of Augusta
RICHARDSON

of Stonington

Respectfully,

S/BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
House**

Leave to Withdraw

The Committee on Education on Bill, "An Act Relating to Location of Office of Chancellor of the University of Maine." (H. P. 320) (L. D. 407)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act to Amend the Charter of the North Yarmouth Mutual Fire Insurance Company." (H. P. 405) (L. D. 516)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Contents of Part 2 of the State Budget Document." (H. P. 422) (L. D. 546)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act to Postpone Final Action of School Appropriations in Administrative Units." (Emergency) (H. P. 511) (L. D. 682)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on Bill, "An Act Relating to Highway Advertising Control." (H. P. 597) (L. D. 778)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act Relating to Use

of Property Abutting Throughways in Certain Cities." (H. P. 606) (L. D. 787)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Relating to Allocation of Bank Stock Tax." (H. P. 679) (L. D. 878)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act Relating to Water-skiing on Certain Lakes." (H. P. 940) (L. D. 1201)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Providing Increased Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools." (H. P. 983) (L. D. 1267)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Repealing the Law Coordinating Public Higher Education in Maine." (H. P. 1023) (L. D. 1332)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Claims on Resolve, to Reimburse Norman Ouellette of Canaan for Well Damage from Highway Maintenance. (H. P. 163) (L. D. 202)

Reported that the same Ought Not to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands." (H. P. 367) (L. D. 477)

Reported that the same Ought Not to Pass.

The Committee on Claims on Resolve, to Reimburse Henry H. Martin, Sr., of Benton, for Service-incurred Disability While Employed by State Highway Department. (H. P. 407) (L. D. 518)

Reported that the same Ought Not to Pass.

The Committee on Legal Affairs on Bill, "An Act Creating the Cushing Island Village Corporation." (H. P. 573) (L. D. 760)

Reported that the same Ought Not to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Reporting of Motor Vehicle Accidents." (H. P. 608) (L. D. 789)

Reported that the same Ought Not to Pass.

The Committee on Claims on Resolve, to Reimburse the Towns of Thomaston and Warren for Fire and Municipal Protection Services for the State. (H. P. 718) (L. D. 936)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Resolve, Authorizing Maurice and Elizabeth M. Woodside to Bring Civil Action Against State of Maine (H. P. 387) (L. D. 497)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Expansion of a Building for Maine Employment Security Commission." (H. P. 504) (L. D. 675)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Operate the Board of Pesticides Control." (H. P. 676) (L. D. 875)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Age of Girls Committed to Stevens School." (H. P. 936) (L. D. 1197)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Area of and Borrowing Power of the Corinna Water District." (Emergency) (H. P. 942) (L. D. 1203)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolve Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills and Resolve Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Labor on Bill, "An Act Establishing an Occupational Safety Rules and Regulations Board." (H. P. 338) (L. D. 447)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-151).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Health and Institutional Services on Bill, "An Act Relating to Incurrigibles at Juvenile Training Center." (H. P. 409) (L. D. 520)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1104) (L. D. 1422)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "B" (H-158).

Which report was Read.

On motion by Mr. Stuart of Cumberland, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Senate Ought Not to Pass

Mr. Tanous for the Committee on Legal Affairs on Bill, "An Act Setting Off Part of Standish to Raymond, Cumberland County." (S. P. 172) (L. D. 575)

Reported that the same Ought Not to Pass.

Which report was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you had been at the Legal Affairs hearing regarding L. D. 575 and two other similar bills which we heard this year, I think you would have been impressed by the proponents of this proposed legislation.

Most of the proponents are people that come from out of state to Maine and have residences here, people who love our State, like the area and like this as a vacationland, and they have a real problem. It wasn't in the best interests of the communities involved to report this out of committee Ought to Pass, and it wasn't for the best interests of the State, but I can assure you that these people that appeared here as sponsors and as proponents for this legislation really have a sincere complaint. We do neglect these people; there is no question about it. They pay enormous taxes in the State of Maine as non-residents and receive nothing in return except the privilege of breathing our air.

I mention this because it is a problem that exists, and this is not the way to solve this problem. We should definitely consider their needs and the fact that they do come to our State to enjoy our clean air and the wonderful abundance that we have here. As legislators, I think in future legislation we should consider the out-of-staters a little more than we have in the past. With this in mind, I move that we accept the Ought Not to Pass Committee Report. Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the

Senate: I would like to express my concern too. This was a difficult bill, I know, for Legal Affairs because there wasn't any right or wrong answer. But here is a case of an out-of-state developer who goes in and seeks to develop an island in the middle of one of our lakes. It is a very high priced development. The price of the land by Maine standards is really tremendous. But I am not sure that Maine has enough safeguards to protect us against improprieties in developments.

Now, I am not sure, when this island gets completely developed, whether or not the individual septic tanks and sewerage disposal of the individual camp owners can be supported by the island. If it can't be, it will mean the creation of a municipal or town disposal unit at a very, very substantial cost.

I have a feeling in the local area, in Kennebec County, that there are developers who come in and create developments that actually are building in problems that probably are not going to be easily solved ten, fifteen or twenty years from now. I suggest to the Committee on Legal Affairs that if they do have any time they might look into the question of whether or not there is adequate protection for future development.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I arise to thank and concur with the Senator from Penobscot and the Senator from Kennebec and wish to thank them for their remarks. We do have a serious problem in Maine, a problem in developing our vacation spots, our rural shore-front properties.

It was pointed out at the Legal Affairs hearing that the only people who frequently visit this type of community are the tax assessors and all too frequently these towns are virtually disowning these areas. They merely tax them and they tax them heavy and they tax them hard. They provide no services whatsoever and, in this particular case here we have a large island in the middle of Sebago Lake, the lake that provides the water supply

for the City of Portland and the surrounding area, and this island of at least a thousand acres is virtually orphaned and the communities there receive no benefits. They do not receive the inspecting services, the zoning, the planning, that should go into such a development, and I appreciate very much the Senators and the Legal Affairs Committee calling this to our attention. I think it is something that we should watch very carefully. I thank you.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

The motion prevailed.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 62 (L. D. 185))

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-70).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Filing of Payroll Reports Under Employment Security Law." (S. P. 226) (L. D. 666)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
PEABODY of Aroostook

Representatives:

HUBER of Rockland
DURGIN of Raymond
HASKELL of Houlton
GOOD of Westfield
BEDARD of Saco
CASEY of Baileyville

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

Signed:
Senator:

BELIVEAU of Oxford
Representative:

McTEAGUE of Brunswick
Which reports were Read.

Mr. Tanous of Penobscot moved
Acceptance of the Majority Ought
Not to Pass Report of the Com-
mittee.

On request by Mr. Beliveau of
Oxford a division was had.

Eighteen Senators having voted
in the Affirmative and Nine
Senators having voted in the Nega-
tive, the motion prevailed, and the
Majority Ought Not to Pass Report
was Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Resi-
dence of Write - in Candidates on
Ballots." (H. P. 889) (L. D. 1148)

Which was Read a Second Time
and Passed to be Engrossed in con-
currence.

House - As Amended

Bill, "An Act Relating to Trailers
Being Securely Fastened." (H. P.
51) (L. D. 52)

Which was Read a Second Time.

Thereupon, on motion by Mr.
Barnes of Aroostook, the Senate
voted to reconsider its previous
action whereby Committee Amend-
ment "B" was adopted.

The same Senator then presented
Senate Amendment "A" to Com-
mittee Amendment "B" and moved
its adoption.

Senate Amendment "A", Filing
No. S-71, to Committee Amendment
"B" was Read and Adopted.
Committee Amendment "B", as
Amended by Senate Amendment
"A" thereto was Adopted and the
Bill, as Amended, Passed to be
Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Turn
Signals." (H. P. 1059) (L. D. 1390)

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

Senate

Bill, "An Act Repealing Supreme
Judicial Court Messenger in Cum-
berland County." (Emergency)
(S. P. 286) (L. D. 932)

Bill, "An Act Relating to Annual
Meeting of Farmington Village
Corporation." (S. P. 339) (L. D.
1137)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Creating the Uni-
form Anatomical Gift Act." (S. P.
349) (L. D. 1215)

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

Sent down for concurrence.

Enactors

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

An Act to Correct Errors and
Inconsistencies in the Maine Insur-
ance Code. (H. P. 1071) (L. D.
1252)

An Act Providing for Transporta-
tion of Passengers in Units of
Trucking Equipment on a Test
Basis. (H. P. 1087) (L. D. 1341)

An Act Relating to Prohibiting
Furnishing Liquor to Certain Per-
sons. (S. P. 211) (L. D. 620)

(On motion by Mr. Berry of
Cumberland, tabled and tomorrow
assigned, pending Enactment.)

An Act Relating to School Lunch
Programs. (S. P. 236) (L. D. 709)

An Act Relating to Timely Mail-
ing of Tax Reports and Returns.
(S. P. 282) (L. D. 915)

An Act Relating to Hunting Mink
in Cumberland, Lincoln and
Sagadahoc Counties. (S. P. 421) (L.
D. 1416)

An Act relating to Night
Hunting for Migratory Game Birds.
(H. P. 191) (L. D. 231)

An Act Relating to Certain
Disqualifications Under the Em-
ployment Security Law. (H. P.
565) (L. D. 746)

An Act Relating to Fees for
Transcripts of Evidence Furnished
by Official Court Reporters. (H.
P. 603) (L. D. 784)

(On motion by Mr. Sewall of
Penobscot, placed on the Special
Appropriations Table.)

An Act Relating to the Effective Date for Game Laws. (H. P. 632) (L. D. 820)

An Act Relating to Hunting Licenses. (H. P. 688) (L. D. 888)

An Act Relating to Secondary School Tuition. (H. P. 720) (L. D. 938)

An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 724) (L. D. 942)

An Act Providing for Complimentary Fishing Licenses for Blind Persons. (H. P. 765) (L. D. 985)

An Act Relating to Rehabilitative Programs in State Penal and Correctional Institutions. (H. P. 818) (L. D. 1057)

An Act to Provide Social Security Rights to Firemen. (H. P. 880) (L. D. 1123)

An Act to Eliminate the Length of Trout in Brooks and Streams. (H. P. 891) (L. D. 1150)

An Act Relating to Support of Children by Parent Who Does Not Have Custody. (H. P. 933) (L. D. 1194)

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

Resolve, to Reimburse Robert Sweet of Lincoln Center for Well Damage Resulting from Use of Salt on Route 2. (H. P. 87) (L. D. 96)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Resolve, in favor of Louis L. Doyle of Pownal for Automobile Damage Sustained Through Wrongful Act of State Ward. (H. P. 212) (L. D. 262)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Emergency

An Act to Incorporate the Town of Bowdoin School District. (H. P. 888) (L. D. 1147)

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

Emergency

An Act Relating to Conferring Degrees by Eleemosynary, Inc. (H. P. 924) (L. D. 1185)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Relating to Fishing in Robbins Pond, Aroostook County. (H. P. 767) (L. D. 987)

This being an emergency measure and having received the affirmative vote of 30 members of the Senate, 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 the first tabled and specially assigned matter:

RESOLVE, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer. (H. P. 14) (L. D. 14)

Tabled — April 1, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Stuart of Cumberland to Reconsider Final Passage.

Mr. Hoffses of Knox moved the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that we reconsider our action whereby we passed this resolve to be enacted?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Very briefly, last week, I believe, we passed this resolve with very little or no debate, as I recall.

This bill, I understand, received a majority Ought to Pass Report from the Committee on State Government after a rather enlightening hearing. Of course, we are familiar with the action in the other body, and I think that the members of the Senate should be

aware of the results of our Committee hearing.

At the hearing we were fortunate in having the presence of two former State Treasurers who, of course, appeared in opposition to the bill. Very briefly, the argument in support of abolishing the office of State Treasurer is that it no longer serves a useful purpose. The duties and responsibilities of this office could easily be delegated to other departments, such as Accounts and Control and Finance and Administration. The duties and responsibilities of the State Treasurer are, at best, very, very limited and very slight. In effect, the State Treasurer signs our checks and does nothing more. He is further responsible for signing State bonds and so forth.

Several members of the Committee asked these former Treasurers as to exactly what did they do, and what is it that they do that cannot be assumed by other State departments, and the reply was "Well, we sign the State checks and we sign the State bonds." Further explanation was not forthcoming.

We are all concerned with governmental reform. The citizens of the State of Maine are generally concerned. This is an area where we can enact progressive legislation. We can abolish an office that is very archaic and serves no useful purpose. The responsibilities of this office can be assumed by other State departments. We have a Treasurer and a Deputy Treasurer - and this is not intended to malign our present Treasurer or former Treasurers - and I think that this can best be exemplified by the testimony of the two former State Treasurers. If you had been present at the Committee hearing and listened to their testimony, and to observe how they were groping for reasons why the position should be retained, it was practically embarrassing to watch them perform. They couldn't tell us, other than the fact that the Treasurer executes our paychecks and bonds and other limited administrative duties, as to why this office should be retained.

It was suggested that if we permit the responsibilities of this

office to be assumed by Accounts and Control and the Department of Finance and Administration that it would be centralizing too much authority in one department. This, in my opinion, is a very fallacious argument and is unfounded. So, I urge the members of the Senate to oppose the pending motion to reconsider our action. We voted on this last week, it was finally passed, and I hope that we can relegate the office of State Treasurer to the annals of history where it certainly belongs.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: If the good Senator from Oxford, Senator Beliveau, really wants to curtail positions and save in State Government, there are several positions that come to my attention that have been created not too long ago. For instance, we created a Deputy Finance Administration Officer for \$17,500. Now, I am sure maybe he could take this work over because now he is part of the Indian Commissioner's office. We have a quasi - Indian Commissioner for \$12,000, and we are paying another man from the Department of Administration and Finance \$17,500 to watch him.

Again, we had a very satisfactory Purchasing Department, but in order to make a job and create another position, while our Purchasing Agent is getting \$14,378, we have created another position and we have taken our present Purchasing Agent, who has held the job for a long time, and we have made him an assistant and we created a job for another man to be above him for \$17,500.

Now, we have a former State Auditor, and he has found a niche in the Liquor Department at \$11,830. We also have a former member of the other body, and he has found a job over in the Inland Fish and Game Department for \$9,880. So, I would suggest, if the good Senator really wants to curtail on State Government, that he introduce some kind of a measure to eliminate some of these positions, the most of which are

superfluous, and also which, with the exception of one, are paying considerably more than the State Treasurer's job pays. I hope the Senate will vote to reconsider this action.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: If I understand the good Senator from Washington County, I assume that he would support an amendment to this bill which, in effect, would repeal the positions that he has suggested here. But that isn't the question. I think that if those positions are superfluous that he suggests, then legislation should be introduced to abolish them. I am not quarreling with that, but this is an area upon which we are focusing now and it is a decision we have to make today. Now, if we are confronted with legislation which would abolish the offices that he has mentioned I think that I would support it, I would sympathize with him. But, again, we are confronted with a position, and it is interesting to note that there were no arguments presented here today in support of retaining the office, and that is the issue before us. Why should this office be retained? There is no convincing or any reasonable argument that has been presented to this body today to support the proposition that it should be retained. Again I urge you people to oppose the pending motion.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that the Senate reconsider its action whereby Resolve, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer, was finally passed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: As many as are in favor of the motion to reconsider the action whereby this resolve was finally passed will rise

and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I now move that this L.D. with all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that House Paper 14, Legislative Document 14, be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I would ask for a roll call on this motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has requested a roll call. In order for the Chair to order a roll call, under the Constitution it requires the affirmative vote of at least one - fifth of the members present and voting. As many as are in favor of a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, is further debate in order on this?

The PRESIDENT: Yes.

Mr. BELIVEAU: I think we are entitled to know the basis for the motion to indefinitely postpone this bill. As I say, it has proceeded through the other House and passed by a substantial margin. We considered it last week and it was passed to be enacted. Finally, someone has become enlightened and realized that this is a bad bill. But, again, why is it a bad bill? Will someone from the other party — if they are opposed to governmental reform, I would like to know why they are opposed. Why

are they opposed to the passage of this bill? We are entitled to know. I think that the method that we have used to kill this, of course, it is something we resort to every day, but I think in this instance we are all entitled to a little additional debate.

I would strongly urge some member, some person here, who is supporting the motion to indefinitely postpone, to tell me why they are supporting it.

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

Mr. KATZ of Kennebec: Mr. President and Gentlemen: The word "governmental reform" is a very interesting one. It is used when you are in favor of it, and it is opposed when you are against it.

Here I honestly believed that the abolishment of the office of Treasurer was a governmental reform and it was a step in the right direction, and I have had my mind changed, and I have had my mind changed very sincerely. The basis of my changing my mind - and I am speaking as an individual Senator from Kennebec County - the basis for my changing my mind is my conviction that were this job to be abolished that it would spring up under another job title within the Department of Finance and Administration, and my deep conviction, which is proven by performance over these past months, that it would no longer be an \$11,000 job, but closer to \$15,000 or \$17,000. I believe this, and this is why I am voting against this constitutional amendment.

The PRESIDENT: Is the Senate ready for the question? The Chair will state the question again. The question before the Senate is the motion of the Senator from Washington, Senator Wyman, that House Paper 14, Legislative Document 14, Resolve, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer, be indefinitely postponed. A roll call has been requested.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Bernard, Beliveau, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed, and Violette.

ABSENT: Senator Boisvert.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the motion prevailed and the Resolve was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Election of Clerks of the Judicial Court." (S. P. 254) (L. D. 791) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 2, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

Mr. Mills of Franklin moved acceptance of the Majority Ought Not to Pass Report.

Thereupon, on motion by Mr. Wyman of Washington, retabled and specially assigned for Wednesday, April 16, 1969, pending the motion by Mr. Mills of Franklin to accept the Majority Ought Not to Pass Report of the Committee.

The President laid before the Senate the third tabled and specially assigned matter:

JOINT ORDER — Relative to University of Maine at Portland to Study Preservation of Building. (S. P. 423)

Tabled — April 2, 1969 by Senator Hoffses of Knox.

Pending — Passage.

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

Mr. KELLAM of Cumberland: Mr. President, I would move the pending question, and since the members of the body may have forgotten, since this has laid on the table for over a week, this is an order to permit a check into the barn structure on the campus of the University of Maine in Portland to ascertain whether there is some architectural value to it and at least arrive at some sort of opinion and take a last look at the building before it may be torn down.

I have discussed the matter with a member of the University Trustees, Dr. Fink, and in fact Dr. McNeil, prior to this time, and I have ascertained no objection to looking at the barn by this group. I have talked to the preservation people in Portland, an outfit called Landmarks, Inc., which says there is some worth to the building if it could be put to some good use and done with some economy.

This order has nothing to do with spending money. It merely would be a matter of providing some standing to the Senators so they could check into any possible availability of federal funds or local subscription to possibly move the barn, and I believe it is with the approval of the Trustees of the University. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: On two separate occasions I have spoken to the Chancellor, and I am reassured that the Chancellor is making a personal review of the whole question, so the whole thing has been reopened. It is the impression of the University that renovation will cost in the vicinity of \$200,000. Of course, if this is true, it is going to be awfully hard for us to justify the spending of the State's money, but for the purposes of making this legislative review I have no objection to this order.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage and be sent down for concurrence?

Thereupon, the Order received Passage.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act to Grant Certain Changes in the Government of the Town of Sanford." (H. P. 194) (L. D. 248)

Tabled — April 2, 1969 by Senator Tanous of Penobscot.

Pending — Motion by Senator Letourneau of York to Indefinitely Postpone Committee Amendment "A" Filing H-64.

Thereupon, the motion prevailed, and Committee Amendment "A" was Indefinitely Postponed.

Mr. Letourneau of York then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-51, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Creating a Second Assistant County Attorney for the County of York." (H. P. 302) (L. D. 378)

Tabled — April 3, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Logan of York, Recommended to the Committee on Towns and Counties in concurrence.

The President laid before the Senate the sixth tabled and specially assigned matter:

HOUSE REPORT — from the Committee on State Government on Bill, "An Act to Permit a Teacher to be a Selectman or City Council Member." (H. P. 124) (L. D. 140) Ought to Pass in New Draft with New Title, Bill, "An Act Regarding the Membership of School Committee and Board of School Directors." (H. P. 1088) (L. D. 1342)

Tabled — April 3, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It is my understanding that the companion bill will be coming out of Education pertaining to this particular matter, so I would respectfully hope that someone might retable this bill for further consideration.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Thereupon, on motion by Mr. Mills of Franklin, retabled and specially assigned for Tuesday, April 22, 1969, pending Acceptance of the Committee Report.

The President laid before the Senate the seventh tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Tax on Pari-mutuel Pools on Harness and Running Horse Racing." (H. P. 417) (L. D. 528) Report "A", Ought to Pass in New Draft under same Title (H. P. 1086) (L. D. 1331), Report "B", Ought Not to Pass.

Tabled — April 3, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

On motion by Mr. Barnes of Aroostook, retabled and tomorrow assigned, pending Acceptance of Either Report.

The President laid before the Senate the eighth tabled and specially assigned matter:

Bill, "An Act Reclassifying Waters of the St. John River Basin." (H. P. 1096) (L. D. 1414)

Tabled — April 4, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BARNES of Aroostook: Mr. President, I move that both these bills, L. D. 632, the original, and the new draft, L. D. 1414, and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that House Paper 1096, Legislative Document 1414, Bill, "An Act Reclassifying Waters of the St. John River Basin," be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This particular L. D. brings back some memories of my maiden speech which I made in this august body on March 5, 1965, at which time there was a great deal of pressure brought to bear for the lowering of the classification of the famous or infamous Prestile Stream. I would like to read to you from the Legislative Record my remarks which I made in this body relative to this matter pending before us at that time.

"Mr. President, ladies and gentlemen of the Senate: I concur heartily with my good colleague, Senator Maxwell, and also my colleague, Senator Moore, in the statements which they have made. I am going to say that I am inclined to vote in favor of this bill in the interest of the economic expansion of this State of Maine, which I am sure we are all aware is necessary.

"I concur that a time limitation should be placed on the downgrading of this stream. I am going to accept his Excellency, the Governor" - and I might add it was John Reed - "and this concern" - meaning the Vahlsing Company - "which is endeavoring to build this sugar refining plant at their face value. I certainly hope that neither of them will let us down."

Now, gentlemen of this Senate, it is quite impossible for ex-Governor Reed to have too much to do with the reclassification at this time of this stream. But the other party, whom I accepted at face value, is still very much on hand and is very much involved in this particular matter. I have been advised that if the sugar beet refinery were to clear up their pollution of this stream that the stream would still have a classification below that which it is supposed to have, namely: Class

"C". However, if we do not start to clean up our rivers and our streams, and do it now, we are going to be beyond the point of no return.

I have been advised that they are making every effort that they can. I would suggest that those people in authority, namely: our Air and Water Environmental Improvement Commission, press this company and all of the others who are polluting this body of water to make every effort, and as rapidly as possible, to clear up this stream.

I learned just in the paper the other day by the people in Canada, where this stream flows across the international boundary, that they are threatening another incident, as happened last July, of damming up this stream. If they attempt to do this again it could very well create another incident similar to the one last year, and it could possibly involve an international incident.

I have been advised that it is impossible to raise the classification of this stream to the point that this bill specifies. Very well, perhaps it is, but I am concerned about our fish and our wild life. I witnessed the pollution of the Medomak River last year when I, by actual count, counted fifty-five dead eels under the Winslows Mills Bridge. And you might be interested to know that an eel is a tough creature to kill. There were literally thousands of fingerling alewives that had died. Other species were also lying there dead. Now, I have been advised through the news media and other ways that this Prestile Stream is literally horrible and it is impossible for marine life to live in it. I certainly hope that the interested people in the State of Maine will do everything possible to help to upgrade this stream and to upgrade all of the streams in the State of Maine. Thank you.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I hesitate to arise to

debate this issue because I know it is highly controversial, and I know there is a great deal of feeling on both sides in regard to it, but I think that this issue should be put in its proper perspective at this time and with your permission, Mr. President and Members of the Senate, I would like to make a few comments.

Admittedly, we do have a very serious pollution problem in the Prestile Stream. In fact, it is disgraceful and deplorable. That I will admit. I want to further add that I am for clean water, for clean air, and I am for pollution abatement. I am a conservationist, I love to fish and I love to hunt. I have personally observed dead trout in this stream. I have experienced the odors, the smells and the stench that has emanated from this stream, and I have heard people say that the muskrats are leaving the stream and heading for the woods. This may be true and it may not. My sympathy is certainly with the people that live along the confines of the Prestile Stream.

I want to say that I admire the gentleman from the other branch who introduced this bill. I think he shows a great deal of courage and intestinal fortitude in introducing this bill, and I am sure that he is sincere and dedicated in his efforts. My sympathy is with all those people that live along that stream because I know what they are experiencing.

I want to make it very clear that I do not approve of the attitude that has been taken by one Mr. Vahlsing. It has been said that he is arbitrary, that he is arrogant, that he has no intentions to comply, that he is uncooperative. These things may all be true, but I am not pleading the case for Mr. Vahlsing; I am pleading the case for the industrial complex we have here and for the industry in Aroostook County.

As the good Senator from Knox states, I submit to you again this situation was all created back in the 102nd in 1965. Our then Governor spoke for it and approved the downgrading of the classification

from a "B" to a "D". The Honorable Junior Senator, United States Senator Muskie, was in favor of it, encouraged it, and helped make federal funds available to finance this industrial complex to the tune which is now approximately \$46,000,000.

I submit to you that this bill is not a practical solution. Legislation was passed in the last session which provided for the reclassification or upgrading the classification of all streams in the State of Maine to Class "C", with a deadline of 1976 to comply. And I say that if we select or pick out this one single stream or this one area, or this one industrial complex, we are showing discrimination. To me, this is not the American way to do things. This is not the democratic way to do things. Although I do not approve of the attitude and the ways that our Mr. Vahlsing has operated, I do believe in democracy and I believe in fair play. To single out one stream in one section of the State, in one area, is in my estimation discriminatory. Two wrongs are not going to make a right.

If somebody would propose legislation which would speed up and accelerate the abatement of this pollution and set a deadline earlier than 1976, I would be all for it. Thank you very much.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I want to say that I concur in the remarks made by my friend from Aroostook, Senator Barnes. I think it is with some reluctance that I speak on this bill, reluctance because I must disagree with three of my colleagues in the Senate with whom I have the highest regard and respect, and also I suppose that any time that you would get up in our Legislature and speak against a bill which is directed toward upgrading the classification of one of our streams that this may not necessarily be the most popular thing to do.

But I think that Senator Barnes has placed his finger on actually the central issue with regard to

this legislation and this is why I concur in his motion that the bill ought to be indefinitely postponed. We do know, I am sure, all of us know through the press or from personal observation the situation regarding that stream, but I would like to pose a question at this time, and ask what will the reclassification from the present "C" classification or "D" classification do to alleviate the condition that is now present there? There is no doubt in my mind that if this stream did reach a classification of "C" that all of the problems that are now caused or are existing along this stream would be solved, because it would render this stream then to a position which would not be present at this time. I submit to you that a "B" classification for this stream at this time is impractical, and I don't think that it is good legislation.

While I do not like to take direct issue with my fellow Senators who are on this committee and who recommended the passage of this legislation, I would just like to comment that I know one of them comes from Cumberland County, and I have read a lot too about the Presumpscot River in that part of the State. In fact, I have traveled along it in various areas and I have smelled it, and it is my understanding that the contents or the basic reason for this is from one of our major industries in Maine. Now, are we going to have legislation that is going to upgrade the classification of the Presumpscot River to "B" in this session of the Legislature? We probably won't, and I don't think it is practical. I could make a similar remark in regards to the Penobscot River in Penobscot County, another heavily polluted major river, and say are we going to upgrade that from the parts which are Class "D" and the parts which are Class "C" to "B"? Here again, I don't think it would be a practical solution to the problem of upgrading the quality of our waters. I could also say that Sagadahoc County is the area where we have the Kennebec River and the Androscoggin River joining together and flowing into the ocean. Here again we have

two major rivers of Maine heavily polluted, and are we going to upgrade those to "B" now? I submit to you that this is not a practical way of approaching the problems which we have with regard to the pollution of our waters.

I personally have always supported, and I will continue to support practical solutions to the upgrading of our waters. I love to fish perhaps more than most of the members do here, and I recognize and value the importance of our clean waters, but I submit to you that if this Legislature, when a problem arises, if we are going to use the means of legislation to target in on a particular industry of our State, a particular area, then I don't think it is wise. I submit to you that this is not fair legislation. I wholeheartedly concur with the remarks made by Senator Hoffses in his statement that we ought to use the laws that we now have on our books, the avenues which we now have available to us, which are ample, to allow the State of Maine to proceed; that if there are nuisances which are not in the best interests, which are in violation of our laws, then certainly I would support the strength of the State in seeing that such conditions are abated. And we have laws on the books now, and we have the properly constituted officials to see that they are obeyed under our court system.

Furthermore, I would also submit that we ought to make every practical effort to see that this stream does arrive at a "B" classification at the earliest possible date, and that this would undoubtedly solve the problems that are now created and which we hear so much about. When we have reached that point, then I think we could look further and see what could be done to further upgrade it, perhaps to a "B" classification. But I submit to you that this legislation is not practical, I think it is unfair and, coming from Aroostook, where we have to rely so heavily on this type of industry for the sustenance of our people - we have people from my town that travel forty miles, women who travel forty miles one way and back every day, on night shifts and on

day shifts, to obtain employment to support their families, and we also have our farmers who are in dire straights and in dire necessity of securing another cash crop in order to keep things going. So I think, in putting these things in balance, I sincerely feel that this legislation ought not to pass.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think that perhaps this is just a forensic exercise because action has been taken in another body which was decisive and decided apparently, so we can discuss the matter, but apparently Mr. Vahlsing and his friends in other places have already sealed the fate of this measure. That is what I read in the newspapers.

There is one thing that I think the gentlemen from Aroostook, or some of them, perhaps could enlighten us on, and that is the international aspects of this. Downstate we read in the papers that the Canadians were building dams, trying to keep the filth out of Canada that we were dumping over there in Canada by means of the Prestile Stream. Now, the Presumpscot, the Kennebec, and the Saco don't have any international boundaries, but the Prestile Stream apparently does. I think it is something more than just a trivial thing if our neighbors to the east in New Brunswick are so offended that they at least make gestures toward stopping the water from the State of Maine coming in and infringing on their territories.

I am certainly going to vote with the good Senator, Senator Hoffses, on this matter, and I am mindful of the fact that my predecessor in this seat several years ago was one of a very few when he stood out against his party, and he stood out against his United States Senator in voting for clean water, and I was very proud of him at the time he did it, and it isn't much of an effort on my part to join in that position today, and I certainly will. But I think they ought to tell us up there in Aroostook what do the Canadians think

about this? Is this carrying out the good neighbor policy to keep this dirty water pumping over there? We are not doing it with the Penobscot, the Aroostook, the Presumpscot, the Kennebec and the rest, but up there with the Prestile you are creating an international problem, it seems to me. Couldn't we have some explanation of that? Are the Canadians satisfied with letting us go along and continue doing it?

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I really don't know whether or not I can satisfactorily answer that question. I think it is unfortunate that this stream does flow into Canada and that it creates problems for them. I really don't know what answer there is except to do what we can, as I have mentioned, to see that we move in an orderly manner to comply with the present classification and, hopefully, this would solve the problem. I think it is unfortunate.

I would like to say, however, that I did read the release put out by - I don't know if it is Kanes - the gentleman from New Brunswick, Centerville - with regards to what they might do if this legislation does not pass. I respectfully submit that whatever we do here, whether we upgrade this from a "C" to a "B", or whether we do not do so, it is not going to have any substantial effect on what their condition in Canada and in New Brunswick is going to be. The problem has been with these obnoxious odors coming from this river, and I submit that if this stream did arrive at a "C" classification that this would solve the problem.

I think also those people have as much to do at home with regard to cleaning up their own waters as what we do in Maine here. I would submit that they have done far less to clean up their own waters than what we in Maine have done. Now, there is a lot of talk of conditions and obnoxious smells in various areas of the St. John River, which borders my com-

munity and runs the entire length of Aroostook. I think it is generally known that the Canadians contribute far more to the pollution of that major stream than the Americans do. Even on that particular Prestile Stream itself, the Canadians have done nothing at all themselves to do any pollution abatement work on that stream. So I think that calling the kettle black is really no solution.

I am sure that is not a satisfactory answer to you, Senator Mills, but that is as much as I think I can say at this time.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am sure that I can't answer the question of the good Senator from Franklin, Senator Mills, either to his satisfaction. I only want to add this: that I think the good Senator from Aroostook, Senator Violette, my colleague, and myself have both stated that we are absolutely and positively in favor of clean water. We are not against clean water. We are not against pollution abatement. All we are saying is that in this particular case here this is not the practical solution and that this is a discriminatory piece of legislation. We should find other means to try to solve it.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As you have noticed, I have attempted to rise several times this morning but, due to my being a freshman Senator, I suppose that etiquette was followed and the senior Senators were given the privilege to speak.

I arise this morning to speak on this matter, not with reluctance, but perhaps with some confusion, because this issue is confusing. We have attempted to reduce the issue to industry or abatement of pollution. Is it anti-pollution versus industry, or is it industry versus anti-pollution? I think that all of us are anti-pollutionists, and yet we are faced with a grave

issue, and our decision probably will affect many, many future decisions in this area.

We talk, we discuss and we preach anti - pollution, and yet we turn around and vote for it. We have outlawed the use of DDT, yet we permit our air to be contaminated.

Mr. President and Members of the Senate: we in the State of Maine have a heritage, and a heritage which I am sure that we all dearly love. We have a heritage of swift-moving waters, a heritage of clean rivers, a heritage of deep blue lakes, a heritage of wild forests, rock - bound coasts, of clean air and warm - hearted people. This is our heritage in the State of Maine. Perhaps this is why many of us reside here within these boundaries.

I have traveled this great country of ours, as many of you have. I have witnessed the murky, polluted waters, and when I look at them I say to myself "Give me Maine." I have visited the industrial centers of our country, and I have seen the smoke streaking up the sky in inky cloaks, and I looked at it and I said to myself "Give me Maine."

As I have mentioned, we have a choice to make. Our choice should not be prejudiced by one individual who has industry in our State, which is sorely needed. I think that our choice should be basically are we going to take a stand on pollution, or are we going to open up the doors and permit industry to come within the State and operate here, as has been mentioned, with the freedom that they need to provide the income that is necessary for our State?

If this is not a confusing issue, then I ask you what is. This is where we stand, this is the choice we must make, and I say whatever choice this body makes this morning, let us stand ready and firm to carry it to the end. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and gentlemen: I guess once every session a man is entitled to vote from a feeling of

emotion, and this is the time for me. In all the bills I have voted on in the sessions I have been in the Legislature, there is no bill on which I have a more uneasy feeling of having voted wrong than on this bill in the 102nd Legislature.

I want to recreate for those of you who weren't here a little of the background of just what this was like. As I recall it, this was at a special session. It was an emergency because we had a federal deadline to meet, and we were told that if we were to create this industry we would have to move immediately, without deliberations and basically without facts. The night before the final vote Augusta was filled with people who carried briefcases and perhaps some personal desires of their own. There were more federal men in this community than I have ever seen before, federal men from all of the different communities that were involved with the Agriculture Department and the potential financing of this bill. There were people from the industries, and the pressures were very, very great. The pressures were very great, but the answers were very few. And the next day, based upon the representations from industry, the representations from the Federal Government, the recommendation of Governor Reed and the recommendation of Senator Muskie, the Legislature voted this downgrading of the Prestile Stream.

But one thing hasn't come up here today that I want to make very clear. It was not a permanent downgrading of the Prestile Stream at all. It was a temporary downgrading of the stream to permit the industry to get started and to permit the federal financing that was essential for the development, a temporary downgrading of the Prestile Stream. Of course, we were told, this couldn't be written into the bill because if it were written into the bill as a temporary downgrading this would make it impossible to get the financing necessary. But it was understood very clearly that this was temporary.

Mr. President, I have a feeling that I agree with Senator Violette

that this bill isn't going to do anything one way or another, but at least it gives me a personal chance to express a feeling of outrage, of outrage of being misled, of outrage of dealing with people who have not acted in good faith.

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

Mr. Barnes of Aroostook: Mr. President, when the vote is taken I would request a division.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would request a roll call.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I hesitate to rise and join in this forensic exercise, as it is so aptly called by the good Senator from Franklin, but some of the statements and questions that have been asked have been answered, and some haven't been answered. Senator Katz put his finger quite properly directly on the nub of the problem. And that is that this is putting the classification back where it was, and back where we in the 102nd were told it would go as soon as possible.

Parenthetically, may I tell the Senate that at the hearing that was held on this bill this year Mr. Vahlsing indicated that it was not going to go back to a higher classification. The nub of the problem, and why this is so important, is that if this classification does not go back where it was industry will have been betrayed by the legislature. I think this is too high a price to pay.

Senator Violette has pointed to one of the eyesores of this State, the Presumpscot River. The difference between the Presumpscot River and the Prestile Stream is that this Presumpscot River was never downgraded. I am not familiar with any downgrading in this State done under the circumstances and with the understanding that was done on the Prestile Stream. This is why this matter is so im-

portant, as it was very aptly put by the good Senator from Penobscot. Senator Tanous.

As you know, on this river is a potato processing plant. This potato processing plant was in existence and polluting the Prestile Stream prior to the downgrading of the Prestile Stream. Now, if we were to believe some of the things we are told, since the downgrading of the Prestile Stream, and because of the measures that have been taken by the beet plant, there has been no pollution of the Prestile Stream by the beet plant. So really what we are talking about is the pollution of the Prestile Stream prior to the downgrading of that stream by the 102nd Legislature. Did the 102nd Legislature, by downgrading the Prestile Stream, get that potato processing plant off the hook, so to speak?

Now, there is a certain significance in our action here today, in view of the court case now pending. Our judges are human, and this police action which is being brought merely on the nuisance aspect of it, being heard before a judge, and this Legislature is tantamount to saying we don't care about the Prestile Stream; the extraneous factors are too important and we are going to make an exception in this case—I think we are jeopardizing the prosecution of this case, and a great deal hinges upon it.

Are we playing fair with our other big industries that pollute in this State? Are we playing fair with the great paper companies that are spending millions of dollars in some of our communities? Now not one single job is going to be lost this morning, members of this Senate, by your vote against this motion. This plant, along with every other plant, as it has been said, has until 1976 to do the job. So what is frustrating and what is dangerous at this point is that here is an industry that says that we are not going to clean up.

At stake in the 102nd was a paltry four million dollars or so. You have heard some figures today as to what is at stake. What is going to continue to happen? It is going to grow and grow, and finally we are going to have so

much here, backed with State credit, State money, that in sheer self-existence we wouldn't be able to downgrade the stream, or we wouldn't be able to upgrade the stream to where it was.

I would hope that, with the certainty that you are not going to take a job away from anybody, you are not going to close this plant, that you would lend your muscle behind the great principle involved here to defeat the motion and pass the bill.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I started out here to not say anything, and then I started making so many notes that is so confusing that probably that I would be better off not to say anything, and also thinking there is very little left to say. I think that the Senator from Cumberland, Senator Berry, has made some very valid points. One is that this reclassification will not really become effective until 1976. I would also like to say, again primarily for the record, that I have nothing against Mr. Vahlsing. I feel personally that this is a poor place to make a stand as far as pollution is concerned. We are talking about a very small stream. It is true that I live on the banks of the Kennebec which both the Andrescoggin and Kennebec flow by. I wish personally that I was here debating this same particular issue as far as industry on either one of these rivers. And I would like to think, regardless of what my constituency or anyone else wanted, that I would be taking the same position that I am now.

To me, this merely goes beyond debating classification. To me, this is a moral issue, an issue of right or wrong. We wonder why people riot in the streets, so on and so forth, and I think this is a glaring example. I don't think that the will of the people is being carried out as far as pollution abatement is concerned. It was just recently in National Geographic Magazine, I guess maybe a year ago, I was going to save it but I didn't, that

they had an article on the Ruhr River and the Ruhr Valley, and I can remember one of the captions under the picture said that this was the most highly industrialized river in the world, and yet that water was being used to drink. Then you stop and think of who took and printed or who made the paper for that magazine to be printed on, and, of course, it is the Oxford Paper Company. I think that maybe there is a little irony here.

I do not agree with the basic philosophy or idea that clean water means no industry. I just cannot buy that. I think that the two are compatible. And I maintain that if Maine is to grow industrially that probably one of our greatest natural assets is clean water and plenty of it. I don't pretend to be a fisherman or anything else. It seems to me that it just boils down to good common sense.

The Senator from Knox, Senator Hoffses, said he made his maiden speech in regard to this stream, and I must confess that I also made mine back in 1959 when at that time we were debating whether or not we should classify this stream "C" or "B". At that time the decision was made, and thanks to the efforts in this body, because the Senate went along with the classification, the stream was classified "B".

I also note that it was in another Legislature in which we lowered the classification for a mining company to come in here to Maine. At that time we took the classification off altogether. In the meantime that mining company shut down, the classification was again raised, and I was approached the other day with the fact that this mining company was interested in coming back to Maine, and what about the classification of these particular streams and ponds? I think that these are the issues that we are going to have to continually face as far as this Senate is concerned.

I would just mention one other point, and that is we have on the Appropriations Table a bill in regards to the payment of the out-

standing interest, or whatever, the current interest on bonds for the Mars Hill sewage treatment plant. I am probably alone in this thinking but, as far as I am concerned, I will not vote for it when it comes off that table if enactment is the question. I cannot see the object, I cannot go along with this type of thinking. I just as soon take this money, I just as soon double it or triple it, and somehow give it to Vahlsing's Company to see if he can solve the problem, or the State itself to see if it can solve the problem. I am as interested in this as anyone else. But I do feel as if paying this type of money out, I call it guilt money, blood money, whatever you want to call it, is going about pollution abatement just backwards. I think that these are the things we have to face in this Legislature and certainly as long as there are Legislatures here in session.

I would only say that there is no new argument that has been presented here, I can't think of one. I can think of back in the 30's when it was the woolen mills. You couldn't do anything on the rivers because the woolen mills would be out of business. They went out of business anyway, most of them, and there was some other industry to take their place and they did a little better.

It is just a question of taking a position and holding to it, and my position is that the waters of this State are public waters. They belong to anyone, and anyone can use them so long as they return that water in the same condition they got it in.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: For the benefit of the good Senator from Kennebec, our fearless leader, I would point out that this particular action was taken in a regular session of the 102nd Legislature, but it was hastily pushed through, and I would like, with your permission, to read further my remarks on that particular day.

"I would further say that any other legislation which is jammed through this session I shall object very strenuously to. I think that we have the time, the people of this State have the confidence to use our good judgment, but our good judgment must be cultivated by ample time and consideration of all of the aspects of all of these measures."

Now, it has been said that this is a small stream. Granted, it is, but the issue is a large one. I will not belabor this matter any more. I believe that it is an issue on which we have all got to be governed by our own individual consciences, but what did trouble me mostly is the fact that at that time one Mr. Vahlsing and his Excellency, Governor Reed, assured me and assured the other members of this Legislature that this downgrading would be only temporary, and we learn now that the sugar beet company is determined to make it permanent.

The PRESIDENT: Is the Senate ready for the question? The Senator from Franklin, Senator Mills, has requested a roll call. In order for the Chair to order a roll call it requires the affirmative vote of one-fifth of those Senators present and voting. As many as are in favor of a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more. The question is on the motion of the Senator from Aroostook, Senator Barnes, that House Paper 1096, Legislative Document 1414, Bill, "An Act Reclassifying Waters of the St. John River Basin," and all its accompanying papers be indefinitely postponed. A vote "Yes" will be in favor of the motion for indefinite postponement; a "No" vote will be against.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Beliveau, Cianchette, Duquette, Greeley, Letourneau, Levine, Martin, Minkowsky, Peabody, and Violette.

NAYS: Senators Bernard, Berry, Conley, Dunn, Gordon, Hanson, Hoffses, Katz, Kellam, Logan,

Mills, Moore, Quinn, Reed, Sewall, Stuart, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Boisvert.

A roll call was had. Twelve Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the ninth tabled and specially assigned matter:

Bill, "An Act Relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 947) (L. D. 1125)

Tabled—April 8, 1969 by Senator Reed of Sagadahoc.

Pending—Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the tenth tabled and specially assigned matter:

Bill, "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax." (H. P. 182) (L. D. 221)

Tabled—April 8, 1969 by Senator Hanson of Kennebec.

Pending—Motion by Senator Martin of Piscataquis to Indefinitely Postpone Bill.

On motion by Mr. Wyman of Washington, retabled and specially assigned for Friday, April 11, 1969, pending the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Bill.

The President laid before the Senate the eleventh tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Towns and Counties on Bill, "An Act Creating County

Commissioner Districts." (S. P. 60) (L. D. 168) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—April 8, 1969 by Senator Beliveau of Oxford.

Pending—Motion by Senator Dunn of Oxford to accept the Minority Ought to Pass Report.

On motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending the motion by Mr. Dunn of Oxford to Accept the Minority Ought to Pass Report.

The President laid before the Senate the twelfth tabled and specially assigned matter:

Bill, "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees." (H. P. 774) (L. D. 1007)

Tabled—April 8, 1969 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

Mr. Katz of Kennebec moved Indefinite Postponement of the Bill.

Thereupon, on motion by Mr. Conley of Cumberland, retabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec to Indefinitely Postpone the Bill.

On motion by Mr. Bernard of Androscoggin the Senate voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act Relating to Safety Devices for Railroad Utilities." (H. P. 440) (L. D. 564)

Tabled—February 27, 1969 by Senator Bernard of Androscoggin.

Pending—Passage to be Engrossed.

Thereupon, on motion by Mr. Katz of Kennebec, retabled and specially assigned for Wednesday, April 16, 1969, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 9 o'clock tomorrow morning.