

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Fourth  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 9, 1969 to June 17, 1969**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Monday, June 16, 1969

Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

The PRESIDENT: The Senate will notice that there is a call for a joint convention on the Senate Calendar at this time, however, since Friday when the Speaker and I decided it might be appropriate to hold a joint convention, we talked later and decided that, in view of the last wishes of former Governor Baxter, who wanted no ceremony and no particular services to mark his passing, we would cancel this joint convention out of deference to his expressed wishes.

There is no need to eulogize or to memorialize this fine statesman and fine Maine citizen because he has a living memorial that will be there for all time, that wonderful gift of Mount Katahdin to the people of this State. The joint convention will not be held.

### Papers from the House Non-concurrent Matter

Bill, "An Act Creating the Department of Natural Resources." (S. P. 386) (L. D. 1381)

In the Senate June 11, 1969, the Minority Ought to Pass as Amended Report Read and Accepted and the Bill on June 12, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-251).

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

### Non-concurrent Matter

Bill, "An Act Relating to Civil Service Commission in City of Auburn." (H. P. 1248) (L. D. 1583)

In the Senate June 11, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Bernard of Androscoggin, the Senate voted to Insist.

### Joint Order

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study procedures of credit bureaus and agencies of this State in regard to consumer credit rating, reporting and charges connected therewith, including but not limited to the release or dissemination of such information and the methods employed in collecting or repossessing money or personal property; and be it further

ORDERED, that the Division of Personal and Consumer Finance of the Department of Banks and Banking is requested to provide the Committee with such technical advice, information and assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations with any necessary legislation at the next regular session of the Legislature. (H. P. 1273)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

### Communications

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

June 13, 1969

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

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Resolve relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868) (L. D. 1110)

Messrs. BRAGDON of Perham  
CUSHING of Bucksport  
KEYTE of Dexter

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

June 13, 1969

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

Sir:

The House today voted to Adhere to its action whereby it Indefinitely Postponed Bill "An Act Relating to Welfare Assistance" (H. P. 687) (L. D. 918).

It also voted to Adhere to its action whereby Joint Order (S. P. 495) failed of passage.

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It would appear that L. D. 918 is very dead this morning. L. D. 918, the Social Welfare Bill represented months of work by many people throughout the State who were sincere in their desire to change some of our archaic laws pertaining to social welfare and to broaden the coverage for some of our citizens.

Before we lay it to rest, I would like to express a sense of regret, that even a mild statement of policy was not acceptable in the other branch, but on the bright side I would like to tell the Senate this morning some of the things that this Legislature is attempting to do in the field of social welfare.

In child welfare services, an increase in board and care payments for our young state wards amounts to something over \$700,000. The Senate will remember the long debate we had over the Bath Home and the need for taking care of

our young people who are state wards. In eye care and special services we have upgraded our standards. In the work incentive program, which ties in with a program for employment services for welfare recipients as required by the federal government, there is also a figure of \$700,000. To provide for increased case load in the aid to dependent children program about one million dollars. For an increase in boarding home and nursing home payments and aid to the aged, blind or disabled, a figure of \$600,000.

I am sure that the Senate realizes that we propose to take over from the towns and cities the necessity for paying eighteen per cent of the cost of ADC. One program that I think is particularly significant is the opportunity to get into drug and dental programs for the purchase of prescription drugs and dental care for welfare recipients, which also is a rather sizeable figure. So, here again I think that we are making a compromise between what the State basically needs, as pointed out by a group of devoted citizens, and what the Legislature feels very, very properly that we can afford at this time.

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication was Placed on File.

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**Committee Reports  
House  
Ought Not to Pass  
Covered by Other Legislation**

The Committee on Natural Resources on Bill, "An Act to Control and Protect Maine's Natural Resources from Strip Mining." (H. P. 345) (L. D. 452)

Reported that the same Ought Not to Pass, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report Was Read and Accepted in concurrence.

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**Ought to Pass  
- As Amended**

The Committee on State Government on Bill, "An Act Increasing Salaries of County Attorneys and

Assistant County Attorneys." (H. P. 1049) (L. D. 1377)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-527).

Comes from the House, Recommended to the Committee on State Government.

Which report was Read.

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

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Joint Order relative to University of Maine at Portland - Study re Preservation of Building. (S. P. 423) ask leave to report: that the House recede and concur with the Senate.

On the Part of the Senate:

KELLAM of Cumberland  
CONLEY of Cumberland  
BERRY of Cumberland

On the Part of the House:

WAXMAN of Portland  
RICHARDSON

of Stonington

PORTER of Lincoln

Which report was Read and Accepted.

Sent down for concurrence.

#### Final Report

The Committee on Legal Affairs submitted its Final Report.

Which was Read and Accepted.

Sent down for concurrence.

#### Second Readers

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

##### House

Bill, "An Act Creating Civil Liability to the State for Pollution of Waters." (H. P. 1255) (L. D. 1587)

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

#### House - As Amended

Bill, "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Building;

the Repair and Improvement of Certain State-owned Buildings; and provide for other essential Improvements to Facilities for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$11,140,000." (H. P. 307) (L. D. 394)

Which was Read a Second Time.

Mr. Peabody of Aroostook moved that under suspension of the rules the Senate reconsider its action whereby it Adopted Committee Amendment "A".

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

Mr. KATZ of Kennebec: Mr. President, before we suspend the rules, I would like to inquire as to the purposes of suspending the rules and the nature of the amendment that is being proposed.

The PRESIDENT: The Senator from Aroostook, Senator Peabody, is offering Senate Amendment "A" to Committee Amendment "A". It may not be offered unless the rules are suspended to reconsider whereby the Senate adopted Committee Amendment "A".

The Chair recognizes the same Senator.

Mr. KATZ: I was asking through the Chair, Mr. President, that perhaps the Senator from Aroostook might explain the nature of the amendment which he proposes.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: This is in regard to a tourist information center which I feel should be located at Interstate 95 between the Canadian and the United States Border.

The PRESIDENT: Is it the pleasure of the Senate to reconsider its action of Friday, without suspending the rules, whereby it adopted Committee Amendment "A"?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, very reluctantly I oppose the motion to suspend the rules.

The PRESIDENT: The Chair would inform the Senator that the Chair was in error; that Committee Amendment "A" was adopted in the Senate on Friday, so suspension of the rules will not be necessary. Reconsideration only requires a majority vote when only one day has elapsed. The Senator certainly may oppose the motion to reconsider.

Mr. SEWALL: Mr. President, basically I would like to oppose the building of a tourist information center at Houlton and I don't know quite where to do it.

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

Thereupon, on motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending the motion by Mr. Peabody of Aroostook to Reconsider.

Bill, "An Act Establishing the Municipal Public Employees Labor Relations Law." (H. P. 636) (L. D. 824)

Which was Read a Second Time.

Mr. Tanous of Penobscot presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-272, was Read and Adopted.

Mr. Conley of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendmend "A", Filing No. S-241, was Read.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The purpose of this amendment is to take care of existing contracts between governing our local bodies, such as before us down in the City of Portland where our school board has just signed a working contract with the school teachers which would last beyond 1971, therefore, it was necessary to have this amendment put on for existing contracts only.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and tomorrow assigned, pending Passage to be Engrossed.

#### Senate

Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 503) (L. D. 1599)

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

Sent down for concurrence.

Bill, "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution." (S. P. 502) (L. D. 1597)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Passage to be Engrossed.

#### Senate - As Amended

Bill, "An Act Relating to Poor Debtors." (S. P. 333) (L. D. 1152)

Bill, "An Act Relating to Truth In Advertising." (S. P. 329) (L. D. 1128)

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

Sent down for concurrence.

Bill, "An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to An Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund." (S. P. 383) (L. D. 1356)

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

The same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-274, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A," as Amended by Senate Amendment "A" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

### Enactors

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

An Act Providing for Implied Consent Law for Operators of Motor Vehicles. (H. P. 1030) (L. D. 1339)

(On motion by Mr. Beliveau of Oxford, tabled until later in today's session, pending Enactment.)

An Act Relating to Payments to the Law Libraries in the Several Counties of the State. (S. P. 486) (L. D. 1570)

An Act to Clarify the State Museum Law. (H. P. 296) (L. D. 372)

An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41, 54 and 72. (H. P. 513) (L. D. 684)

An Act to Reconstitute School Administrative Districts Numbers 60, 65, 66, 67, 68, 69, 70, 71, 72 and 75. (H. P. 514) (L. D. 685)

An Act Relating to Credit Card Crimes. (H. P. 563) (L. D. 744)

An Act Relating to Lease of School Facilities by School Administrative Units. (H. P. 1109) (L. D. 1430)

An Act to Create a State Housing Authority. (S. P. 488) (L. D. 1572)

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

An Act Regulating Snowmobiles. (S. P. 455) (L. D. 1501)

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.

### Orders of the Day

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

Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

Tabled — June 12, 1969 by Senator Tanous of Penobscot.

Pending — Enactment.

Mr. Tanous of Penobscot then moved the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Establishing a Full-time Administrative Hearing Commissioner." (H. P. 1010) (L. D. 1312)

Tabled — June 13, 1969 by Senator Wyman of Washington.

Pending — Assignment for 2nd Reading.

On motion by Mr. Wyman of Washington, the Senate voted to Reconsider its action whereby the Bill was Substituted for the Ought to Pass in New Draft Report of the Committee.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A", Filing No. H-493, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810)

Tabled — June 13, 1969, by Senator Levine of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act Revising the Water and Air Environmental Improvement Laws." (H. P. 905) (L. D. 1166)

Tabled — June 13, 1969 by Senator Reed of Sagadahoc.

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

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

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or more Employees." (H. P. 1235) (L. D. 1567)

Tabled — June 13, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President, I have an amendment which is being prepared for this and I would appreciate it if somebody would table it for tomorrow.

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

Thereupon, on motion by Mr. Bernard of Androscoggin, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Rename and Reorganize the Department of Economic Development." (S. P. 363) (L. D. 1245)

Tabled — June 13, 1969 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

House Report—Ought Not to Pass from the Committee on State Government on Bill, "An Act Establishing a State-Municipal Government Revenue Sharing Program." (H. P. 1174) (L. D. 1498)

Tabled—June 13, 1969 by Senator Duquette of York.

Pending—Acceptance of Report.

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

Mr. DUQUETTE of York: Mr. President and Members of the Senate: I move that the Senate substitute the bill for the report.

L. D. 1498, before us this morning, is the bloc grant program about which we have heard so much in the past two months. This

new concept in revenue sharing originated for one basic reason the inequities and unfair distribution of state revenue under the school subsidy formula. Such inequities were pin-pointed by the fact that certain municipalities were receiving as little as ten dollars per capita in school aid, and one as high as \$1500 per capita. Furthermore, many of the communities receiving the high per capita amounts have the lowest effective tax rates.

Without engaging in lengthy debate, I would like to give the Senate a list of facts with respect to the bloc grant proposal and the compromise which was suggested in the other body.

First, the bloc grant formula has three factors: population, valuation, and the amount of property taxes raised; population being the principal factor in the formula.

Two, all monies distributed under the bloc grant could be used by the municipalities for only one purpose: to reduce the amount of money to be assessed on property.

The formula would use the most recent census data of the Federal Government or the Department of Health and Welfare in Maine. It is my understanding that the Department of Health and Welfare has population estimates for as late as 1967.

Fourth, the compromise bloc grant, which is contained in House Amendment "A", would continue the existing school subsidy formula as found in Part I of the Budget. In addition, it would distribute \$4.9 million in the first year of the biennium under the bloc grant formula, and \$6.4 million in the second year of the biennium.

L. D. 1498, the bloc grant proposal, is an alternative to L. D. 1379 and L.D. 1586, the other school subsidy bills currently pending before this legislature.

I know that the opposition to my motion today will argue that the bloc grant concept is new and should be studied more. My only counter-argument is that L. D. 1585, the new proposal to the Education Committee, is also as new and has had perhaps as little study. The fundamental question is whether or not the legislature is going to establish a fair formula for distributing revenues to



communities. I feel strongly that the bloc grant proposal approaches that goal better than any other proposal before us. Therefore, Mr. President, I urge the Senate to pass L. D. 1498 and the bloc grant compromise, and when the vote is taken I request a roll call.

The PRESIDENT: The Senator from York, Senator Duquette, moves that the Senate substitute the Bill for the Ought Not to Pass Report on Bill, "An Act Establishing a State - Municipal Government Revenue Sharing Program".

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise in support of the position that is taken by my good friend from York, Senator Duquette. I believe in the concept of this bloc grant program. I think it is the most fair and equitable type of a program or formula in distributing state money to the municipalities and I would hope that members of this Senate support the position of my good friend, Senator Duquette.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: One of the features that I liked best about this bloc grant proposal was the fact that the grant must be used for reducing the property taxes assessed against the property by the municipality. They cannot be used for any particular municipal service such as education. I have a real suspicion that, if this legislature appropriates an additional \$13,000,000 in school subsidies for the next biennium, that we will contribute substantially to the further and unprecedented expansion of teachers salaries. I am hearing that the Maine Teacher Association is already planning to seek a \$7,000 base salary for teachers in 1970. If we pour an additional \$13,000,000 directly into these educational coffers, I would predict that more than a healthy and normal growth in education expenditures at the local level would occur.

I support the bloc grant as a fair method of revenue sharing,

and as a method which will give the citizens of the municipalities more control over their local expenditures. I would support Senator Duquette.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would be remiss if I did not stand in support of the motion made by the good Senator from York, Senator Duquette, in reference to the bloc grant proposal.

I have been informed by the city administrators of Portland that in the new school subsidy proposal for Portland the City I represent once again received far from its fair share of the total appropriation for school subsidies. In fact, Portland, with seven per cent of the State population, will receive only 3.3 per cent of the total proposed subsidy appropriation. A relative percentage of the school subsidy appropriation received in 1968 and 1970 is very slight. Portland received only 2.7 per cent of the total appropriation in 1968, and will receive 3.3 per cent under the Education Committee proposal for 1969.

Members of the Senate, I support the bloc grant compromise because I feel this formula is fair and will, in long-range terms, provide a more equitable method of revenue sharing. Portland will receive very little more money under the compromise bloc grant proposal than under the Education Committee proposal: \$1.6 million under the bloc grant, as compared to \$1.5 million under the Education Committee proposal. For this legislature to act responsibly towards providing more equitable treatment for our municipalities and citizens, I support the motion of the good Senator from York, Senator Duquette.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It sounds all so wonderful that here is an opportunity for us to pass legislation which will reduce all inequities all over the State of Maine and give us for the first time a method of fairly distributing state funds to the

towns and cities. It just isn't so, it just isn't so at all.

The first thing that this would do would be to completely repudiate the \$4.9 million first year school subsidy that I have a feeling that we have made a pledge to the towns and cities we are going to enact. All over the State of Maine, if you read my mail, there are many, many school people who feel this is indeed a commitment, not only school people, but municipal officers.

This will completely undermine at this time the whole concept of consolidation of the small communities into school administrative districts. And unpopular though this may be, it is a fact that since the passage of the Sinclair Law we have updated the quality of education in the State of Maine for our children. In the process we have miffed some local sensibilities, we have caused some dislocations as schools combined as to who gets custody of the trophy cases in the individual schools, but insofar as the youngsters, and presumably that is our prime responsibility, we have definitely increased the quality of education.

Let us see exactly where the money comes from to improve the lots of the cities and towns. The first thing it does it takes the town of Acton, which under present law in 1969 would get \$12,000, and reduces it to just over \$1,000. Alexander would go from over \$12,000 to less than \$1,000. Alna would go from over \$6,000 to under \$1,000. Alton would go from over \$24,000 to just over \$1,000. Amherst would go from over \$10,000 to about \$500. Anson would go from \$173,000 to \$13,000. I think that you start to get the drift as to where the money is going to come from to cure all the inequities that are in the school subsidies program. It is going to come from the blood and sweat of the small, poor towns who are struggling today. I call this a non - solution to a problem. I think it is just plain and simply robbing the small towns for the benefits of the big cities.

Now, the second year school subsidy that is before you at the present time, without any question, improves the lot of the cities very

substantially, but it does it in a responsible manner. It doesn't kill the small towns. It doesn't tell the taxpayers in the small towns all over the state to go fly a kite because we are going to grab almost all the money for the cities. The school subsidy bill in the second year increases the flow of cash to the cities, but it doesn't do it at the expense of trying to kill the small towns.

On the basis that this kills off the \$4.9 million first year school subsidy, on the basis that it doesn't really solve inequities, but it just creates a different kind of inequity, on the basis that you are asking the small towns all over the State to pick up all of the chips and funnel all the money from this legislative session into the big cities, on the basis that it dedicates the use on either the 1960 census, which is nine years old or estimates more recent from Health and Welfare, I oppose this motion. I think it is a tantalizing idea. I think it is an exciting concept, but I think it is just as premature as any bill to come before this session from the viewpoint of seriously considering enactment at this time.

I would welcome a roll call, and I would urge each of you who represent not only cities but also towns to evaluate just the tremendous mischievous damage that you will do if you enact this bill in its present form.

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

Mr. DUQUETTE of York: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Katz, has quoted some figures. Perhaps you have received this latest print out by the Maine Municipal Association, and Acton, which is receiving \$12,300 now, would receive \$1,100 in addition to that. It will not be reduced to \$1,000. Alexander would receive an increase of \$850 over the present subsidy. Bangor, for instance, which receives \$842,000 now, would receive \$238,000 in addition, and in the second year \$311,000. Brewer, for instance, which receives now a little over \$220,000, would receive in addition \$49,900, and \$65,000 the second year, just to quote a few figures.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I didn't anticipate saying anything about this particular bill, but since the Senator from Kennebec has made some statements as to figures I would say that I am quite sure that the statements of the Senator from York, Senator Duquette, are absolutely right. I don't have my print out here but, as I understand this particular bill, it is going to apply only to the increased amounts to be distributed, and not to the amounts to be distributed under the present law. If I am in error in that regard then, of course, I appreciate knowing it.

I believe the original bill, of course, was written for the entire subsidy amounts, but if, in fact, the bill is to be amended to cover only the increases, it would seem to me that it certainly does not lie quite so badly as was stated by the Senator from Kennebec.

I would like to say that, insofar as I am concerned, when we debated the first year subsidy some months ago I didn't feel that it was a justified or responsible type of bill. Of course, there is nothing that has happened to change my feelings in that regard. So while the Senator from Kennebec may have pledged himself to this particular bill, he hasn't pledged me to it, and I don't think he has pledged a great many other people in this body.

I would like to say that the difficulty I find with the bloc grant proposal is that it is not designed to serve any social purpose, but merely to distribute funds. I feel that this is a very serious error and one that would have to be corrected. But, insofar as apportioning some of the money that is to be distributed under a formula, such as the bloc grant proposal espouses, I would find no difficulty. As you may be aware, the formula method which is used is quite similar to some of the formula proposals which I have put forth throughout this session as the reasonable and equitable basis for distributing school subsidies. So, of

course, I am in a position now where I could not say that it is the correct items or formula make-up to use for distributing school subsidy, and then when it is presented to me as a method of distributing some, I believe it is nine or ten million dollars out of a total package of something near fifty million, I can't at that time say it is not a fair formula.

Consequently, I would like to say that I would see nothing wrong with passing this bill now and possibly changing it somewhat. But I do take issue with the Senator from Kennebec as to the merit to the first year subsidy money because I feel that they are founded on a fraudulent base, using false figures to apportion the first year, and I have said this a number of times over the last four or five months. So, anything that effects that particular distribution of funds or the period of distribution could hardly be anything but an improvement.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to apologize to the Senate for my misinterpretation of the figures before me; I may have lost a point but I have proved another: that I am not unfamiliar with the distribution of money to the towns and cities of the State. If on June 16 I get handed a so-called compromise, the figures of which I am completely unfamiliar with, I presume the Senate is completely unfamiliar with, a radical departure from anything the State has ever done before, I think that I have proved at least a point that, although we have an exciting concept here, that it would not be responsible for us to grab it and run with it at this stage of the session.

I would reject the use of "fraudulent" by the Senator from Cumberland, Senator Kellam, pertaining to any school subsidy bill before this session of the legislature. I think it is an inappropriate word. I think that all of us who have been involved in this have found that it is just not easy to make a distribution of millions of

dollars to the satisfaction of everybody in this chamber.

I think that this is a marvelous program to be considered at some length but I would urge the members, unless they feel they have absolutely clear and complete comprehension of the implications of legislation that would overturn the careful and thoughtful progress that we have made since the beginning of the Sinclair Bill ten years ago. I would urge you to vote against it at this time and reflect a little more leisurely through the legislative research study of the bill.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I will make just one comment on the use of the word "fraudulent." Fraudulent, to me, means doing something which is inaccurate or false, and along that line I would use it in that sense in the use of the 1966 evaluation figures in determining the current subsidy law that is on the table as 1379. In that sense it is absolutely fraudulent. The Senator from Kennebec knows the only difference between his position and mine, at least in regard to the first year's subsidy as it evolved, was the use of current figures. I say that when you take valuation figures of 1968, the most recent figures, and you alter those to reflect valuations of two years earlier, then you are using false figures in ascertaining the distribution on the subsidy formula. I think it is wrong, I thought it was wrong in January and, whether it goes through eventually or not, I am sure it is going to be wrong. And I think as time goes on, if it hasn't already gone on far enough, that the members of this body are going to realize that it is wrong.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: May I request the status of this legislation?

The PRESIDENT: The Secretary will give the status of the bill.

The SECRETARY: This bill comes from the House, the bill substituted for the report and the bill subsequently indefinitely postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: It was my impression that the other chamber had decisively knocked this legislation down. Just to get back to the use of "fraudulent" again, to which I have strong objection, the word "fraudulent" to me involves intent, and if there is one thing that I am convinced of it is that a very honest attempt has been made to offer a responsible solution to what we consider to be an emergency, never before, situation in the State where there has been a historic change in valuation.

I think, on that basis, I felt and I think the majority of the Committee on Education, the Executive Department and the other end also felt that emergency legislation was necessary for the first year of the biennium. I hope you realize that by accepting this report you will be completely killing our emergency answer that we have established and that is presently on the Appropriations Table.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This may be a good measure; I am not sure. As it was originally before State Government, we voted Ought Not to Pass on it. Now, having reached the age of 69 years, I have learned a new word, "print out." The print outs have been coming along so fast on these education bills that I can't keep up with them. Since I don't know what is happening, I am going to vote with the Senator from Kennebec, Senator Katz.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Duquette, that the Senate substitute the bill for the report on Bill, "An Act Establishing a State - Municipal

Government Revenue Sharing Program". A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from York, Senator Duquette, that the Senate substitute the bill for the Ought Not to Pass Report, on Bill, "An Act Establishing a State - Municipal Government Revenue Sharing Program". A "Yes" vote will be in favor of substituting the bill for the report; a "No" vote will be opposed.

The Secretary will call the roll.

#### Roll Call

**YEAS:** Senators Barnes, Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Greeley, Hoffses, Kellam, Letourneau, Martin, Minkowsky, and Quinn.

**NAYS:** Senators Hanson, Katz, Logan, Moore, Peabody, Reed, Sewall, Stuart, Tanous, Wyman, and President MacLeod.

**ABSENT:** Senators Anderson, Levine, Mills, and Violette.

A roll call was had. Seventeen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with four Senators absent, the motion prevailed and the Bill was Read Once. House Amendment "A", Filing No. H-450, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

**RESOLVE,** to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. (S. P. 364) (L. D. 1246)

Tabled — June 13, 1969 by Senator Kellam of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled until later in

today's session, pending Passage to be Engrossed.

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

Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281)

Tabled — June 13, 1969 by Senator Sewall of Penobscot.

Pending — Consideration.

Thereupon, the Senate voted to Recede and Concur.

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

Bill, "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 841) (L. D. 1079)

Tabled — June 13, 1969 by Senator Hanson of Kennebec.

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

Mr. Wyman of Washington moved that the Bill be retabled pending the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Bill.

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

Mr. KATZ of Kennebec: Mr. President, directing our attention to the time of the tabling, I was wondering if the Senator might assign a date certain.

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

Mr. WYMAN of Washington: Mr. President, I am perfectly willing to assign any day. I understand that the leadership can take these bills off any time that they want. It just seems useless to keep retabling this day after day to a day set. If Senator Katz wants to assign a day, I will withdraw my motion.

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

Thereupon, on motion by Mr. Katz of Kennebec, retabled, 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:

Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 156) (L. D. 474)

Tabled—June 13, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Moore of Cumberland to Recede and Concur.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: L. D. 474 is a bill that was heard before the Labor Committee. If you will recall, this came out of committee at one time and then was recommitted to the committee for further study.

Originally this bill provided for a notice by all employers to employees if they were going to go out of business. In other words, they had to give a thirty-day notice if they were going to close shop. We felt that because of the restriction in the bill it probably would have some problems, so the committee came out the second time with a limitation of anyone that employs one hundred or more people will give a notice to their employees if they intend to close shop.

Perhaps all of you are aware we had a problem in Penobscot County a year ago in the area of two mills, one in Lincoln and one in Brewer, where on a Friday evening the entire personnel of both mills were informed that the mill was closing. So that Monday morning, especially in the Lincoln area, we had an economic blow without any notice whatsoever. It was felt by the committee that perhaps it would be sort of nice and admirable if the employer would at least give the community a thirty-day notice if they were going to close a plant. This is the purpose of the bill. If they failed to give a thirty-day notice then they have to give a month's pay to the employees, or a week's salary for each year that they were employed, not exceeding one month.

Personally, I feel that it is a good bill. Nobody will get hurt as a result of this providing that they give the employees a notice that they are going to close shop within

thirty days. I personally feel strongly on this bill, and I do have an amendment which I am going to put in which will meet the requirements which the Attorney General felt at one time — they were opposed to it because of a constitutional provision. I had prepared a legislative intent regarding this bill, and it is hoped that with this legislative intent, it will meet the constitutional requirements of the bill. In view of this, I certainly hope that you will oppose the motion to recede and concur and permit me to enter my amendment and send it back to the other body to see if we can keep the matter alive.

I have done so much work on this particular bill that I feel perhaps the title ought to be changed and instead of the word "severance" in there they ought to have the name "Tanous," but that is neither here nor there. I certainly hope that you will support me in defeating the motion of Senator Moore to recede and concur, and permit me to enter my amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill was defeated in the other body, as you heard the Senator from Penobscot say so. I don't believe any amendments will change it any. Of course, the Attorney General did rule that it was unconstitutional. I have the report here from the Attorney General's office. One thing that we have got to remember is that they are able to draw unemployment insurance if this should happen. Of course, that was a very unusual case at Lincoln when the Eastern moved out, there is no doubt about that, but they could go on to unemployment insurance immediately, which has been increased here in the past few days and there was a normal increase the first of June, so they certainly wouldn't suffer too much. As long as it is unconstitutional, it has been rejected in the other body, and here it is June 16, so I hope that you will go along with my motion to recede and concur.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I would support the position of Senator Tanous on this. It appears that the Attorney General's opinion, which was prepared by an Assistant Attorney General, and which has been frequently referred to as the opinion of one man and nothing more, is that this is an unreasonable extension of the police powers of the State which would result in discriminating against industries which employ one hundred or more. This is an area in which this State and many other States have not extended its activity.

We have reviewed this and Senator Tanous has discussed at length with the Assistant Attorney General involved, and they believe they have rectified this by clarifying and outlining in detail the legislative intent, which I believe would comply with the Constitution, would not be discriminatory, and it would be a logical and reasonable extension of our police powers. I think this is a good bill and this is a chance to salvage it. I trust you will vote against the pending motion so that we can return it to the other body and possibly salvage it finally.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate recede and concur with the House on Bill, "An Act Providing Notice or Severance Pay by Employers".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I ask for a division, please.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Moore, that the Senate recede and concur will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Recede.

Mr. Tanous of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-276, 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 twelfth tabled and specially assigned matter:

Bill, "An Act to Incorporate the Town of Flagstaff." (H. P. 1241) (L. D. 1576)

Tabled — June 13, 1969 by Senator Cianchette of Somerset.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-271, 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 thirteenth tabled and specially assigned matter:

Bill, "An Act to Revise the Liquor Laws." (H. P. 1224) (L. D. 1556)

Tabled — June 13, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Non-profit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Tabled — June 13, 1969 by Senator Logan of York.

Pending — Enactment.

On motion by Mr Katz of Kennebec, retabled and specially assigned for June 18, 1969, pending Enactment.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 464) (L. D. 1543)

Tabled — June 13, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Indefinitely Postpone Senate Amendment "B"—Filing S-259.

Mr. Wyman of Washington was then granted leave to withdraw his motion to indefinitely postpone Senate Amendment "B".

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "B".

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As I recall from last Friday, Senate Amendment "B" would remove a constitutional question on which we have had an opinion from the Attorney General. I would hope the Senate would give me an opportunity to present an order to get a ruling from the Supreme Court on this constitutional question.

The PRESIDENT: The Chair would inform the Senator that as soon as we finish with this particular piece of legislation that the Senator will be in order to offer his order.

The Chair recognizes the Senator from Kennebec, Senator Hanson.

Mr. HANSON of Kennebec: Mr. President, would it give the good Senator from Piscataquis, Senator Martin, an opportunity to present his order if this was tabled or not at this time?

The PRESIDENT: The Chair would inform the Senator that if the matter is no longer before us any other matter can be taken up out of order.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Thereupon, on motion by Mr. Reed of Sagadahoc, retabled until later in today's session, pending Adoption of Senate Amendment "B".

### Order

Out of order and under suspension of the rules. Mr. Martin of Piscataquis presented the following order and moved its Passage:

WHEREAS, it appears to the Senate of the 104th Legislature that the following are important questions of law and that the occasions is a solemn one; and

WHEREAS, there is pending before the 104th Legislature Legislative Document No. 1543 which proposes in Section 49 thereof to make it unlawful for any non-resident who is employed in a lumbering operation in any unorganized or unincorporated place within the jurisdiction of the State to have any firearm in his possession within the area of such lumbering operation; and

WHEREAS, the constitutionality of this proposed legislation has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of Section 49 of Legislative Document No. 1543;

NOW THEREFORE BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution, on its behalf, their opinion on the following questions, to wit:

1. Does Section 49 of Legislative Document No. 1543 violate the provision relating to equal protection contained in the Fourteenth Amendment to the Constitution of the United States and in Article I, Section 6-A of the Constitution of Maine?

2. Does Section 49 of Legislative Document No. 1543 violate the provisions relating to due process contained in the Fourteenth Amendment to the Constitution of the United States and the Constitution of Maine, Article I, Section 6-A?

Which was Read.



On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

#### Joint Order

Out of order and under suspension of the rules, Mr. Katz of Kennebec presented the following order and moved its Passage.

ORDERED, the House concurring, that Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act," Senate Paper 245, Legislative Document 754, be recalled from the Legislative Files to the Senate.

Which was Read and Passed.

Sent down for concurrence.

#### Joint Order

Out of order and under suspension of the rules, Mr. Katz of Kennebec presented the following order and moved its Passage:

ORDERED, the House concurring, that all Joint Conference Committees which have been appointed and are in being of this date be directed to complete their work and file their respective reports no later than Thursday, June 19th. (S. P. 508)

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President, I would like to point out to the Senate that presently there are seventeen conference committees presently in being which have not reported, some of them going back to the month of March. I think there is a sense of urgency and I move passage of the order.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

#### Joint Order

Out of order and under suspension of the rules, Mr. Berry of Cumberland presented the following order and moved its Passage:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the general subject of current forestry cutting practices and determine the need of desirability of legislation in this area. Such study shall include, but not be limited to, an evaluation of existing cutting pro-

cedures, their effect on soil and water conservation and to what extent, if any, increased taxation may have on such procedures; and be it further

ORDERED, that the State Department of Forestry be directed to furnish such technical advice, information and other assistance as the committee deems necessary to carry out the purposes of this order; and be it further

ORDERED, that the committee report the results of its study at the next regular or special session of the Legislature. (S. P. 510)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Prior to the tabling by Senator Katz, I would like to just point out that in several matters before the Natural Resources Committee significant testimony was offered that there are practices being followed around the State in cutting timber that lead to a serious question as to whether the best interests of the State are being served by these methods.

These methods vary all the way from very, very careful sustained yield cutting to downright utter butchering of state forestry lands. The committee felt that it was impossible in the time allotted to it to resolve these problems with the several bills that were before it, and these were reported out Leave to Withdraw. The area is an important one for the economic welfare of the State, it will certainly be a touchy subject, and I hope that leadership will find it possible to see this order through to realization.

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

Thereupon, on motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

#### Joint Order

Out of order and under suspension of the rules, Mr. Tanous of Penobscot presented the following order and moved its Passage:

Whereas, the divorce crisis in America is a national disgrace,

annually involving 1,250,000 adults and children in litigation; and

Whereas, the State of Maine Division of Vital Statistics records 26% of the marriages in this State end in divorce; and

Whereas, a national movement has been instigated to promote the stability of marriage thereby reducing the divorce rate; and

Whereas, furtherance of this movement can only be accomplished by studying the causes of divorce and its effect on our society in conjunction with the introduction and support of corrective legislation; now, therefore, be it

ORDERED, the House concurring, that a special commission shall be constituted and appointed to study the feasibility of establishing a State Department of Family Relations whose official duties shall be conducted in accordance with the following objectives set forth in Legislative Document 1382 introduced at the regular session of the 104th Legislature:

To reconcile families in difficulty whenever possible and to reduce divorce rates;

To promote stability of marriage;

To eliminate adversary proceedings in divorces;

To reduce the crime rate as caused by broken homes;

To limit divorces to those marriages where disharmony cannot be cured after application of trained reconciliation services;

To provide education, both premarital and marital, to reduce marital problems and divorces; and

To conduct research in better techniques, organization, methods and better trained services to carry out the above objectives; and be it further

ORDERED, that the membership of the commission shall be constituted and appointed as follows:

Two judges to be appointed by Chief Justice from either the Supreme or Superior Courts, 2 lawyers to be appointed by President of Maine Bar Association and 2 sociologists or psychologists, 2

psychiatrists and 2 laymen to be appointed by the Governor with the advice and consent of the Council and the President of the Senate and the Speaker of the House who shall serve as ex officio members; and be it further

ORDERED, that the special commission be given custody of all reports, documents and any other information concerning the subject presently in the files of the appropriate committees and authority to hold hearings if deemed necessary; to appoint advisory committees, to confer when and if deemed appropriate with staff members of state departments and other agencies, with staff and members of appropriate federal commissions, departments and agencies, and nongovernmental research sources, for specific information; and to report the special committee findings, conclusions and recommendations, including any necessary legislation, at the next regular or special session of the Legislature.

(S. P. 509)

Which was Read.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Perhaps the Senate would like this order reproduced for examination. It is quite an extensive order and it relates to a bill which was heard before the Legal Affairs Committee regarding marriages and divorce in the State of Maine and the increase in the numbers of both of them, I guess.

It appears that we do have a problem in the State of Maine regarding divorces especially and it has become a social problem and a burden upon the State. The Legal Affairs Committee felt that the bill that was presented before us was so vast and copious in nature that it should be studied. Now, the order does not call that this be sent to the usual legislative study committee; it calls for a special committee comprised of two Superior or Supreme Court Judges, two lawyers, two sociologists, two psychologists, two laymen, and also the President of

the Senate and Speaker of the House.

We feel that this is an important area in our society and that it should be studied and a report made at the next legislative session, the 105th, that is, regarding their findings and any suggested legislation which might improve the situation.

As I say, I don't know whether Senator Katz from Kennebec wants this matter tabled for further study until we vote on it, but I certainly would want your support when the order comes up for a vote. Thank you.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Passage.

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

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002)

Tabled — June 13, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

Mr. Beliveau of Oxford then moved that the Senate adhere.

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

Mr. DUNN of Oxford: Mr. President, would the Secretary read what the status of the bill is?

The PRESIDENT: The Secretary will give the status of the bill.

The SECRETARY: In the Senate, May 27, 1969, the Ought Not to Pass Report read and accepted in non-concurrence. Comes from the House, the bill substituted for the report and subsequently passed to be engrossed as amended by House Amendment 'A', House Amendment "B" and House Amendment "C".

Mr. Katz of Kennebec then moved that the Senate insist.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Sen-

ate: You have before you a copy of an article that appeared in the newspapers recently outlining some of the problems that exist today with wiretapping, eavesdropping, snooping and so forth, and the difficulty that the Department of Justice is having with the F.B.I. We have, again, discussed this at great length over the past several weeks and I don't believe it would serve any useful purpose for me to argue this any further.

I would say that there is no need for it, it has received the unanimous Ought Not to Pass Report of the Judiciary Committee, of which I am not a member, and there was no case made for this legislation at the time.

We now hear arguments that this would protect the citizens of this State, that this would avoid and prevent eavesdropping. I would like to remind the members of the Senate that the purpose and intent of this bill is to authorize the police, under certain circumstances to use wiretapping.

In yesterday's Sunday Telegram I read an article regarding the Commission on Criminal Law Planning, which recently received a grant of \$117,000 from the Federal Government. In the results of their preliminary study and survey they concluded that the problem in the State of Maine is not that we need additional legislation or additional authority for the police, but it centers around the fact that today a man may be a truck driver and tomorrow he may be a law enforcement officer. They were concerned with the fact that of the thousand some odd police officers and law enforcement officials that we have in the State, which does not include our constables, less than seventy per cent of them have any formal training. The great majority of these people do not possess a high school education. There again, there is no need for new laws; the need is to train and equip our police officers properly so they can cope with and enforce our existing laws.

No one has suggested in this body or at the committee hearing that there is a need for this legislation. We are again referring to the convenient argument or re-

sorting to generalities and universal statements. I urge each member of this body to read the document before you, although it contains material which is somewhat irrelevant to the issue before us, but I think it focuses on the problem that is also before us, and that is that the abuse - and I direct your attention to the second column, the first paragraph, referring to the Casius Clay and Dr. King phones being bugged for a period of a year or so without any authority. "These buggings which caught some Clay conversations in their net are but a fraction of the illegal wiretaps that have moved this country far closer to a police state that most Americans realize. Why the bland and indifferent reaction on the part of most Americans?" We could extend that same question to this body: why this indifferent reaction on our part?

I think it is important that we realize the precedent that this is establishing. The great amount of authority that we are delegating to our police officers, the authority, even after a court hearing — but you must remember that our judges and our police officers are not infallible — that the judges, when they hear a police officer coming before them requesting a wiretap, hear only one side of the case. He doesn't hear the other side of the case as to whether there is a real need for it.

As I have quoted from the hearings before the Committee on Judiciary in the United States Congress, they concluded that the efforts of the police could be better used, better served, by investigating these cases in another manner. The countless hours that are devoted to wiretapping only on a rare occasion, and only exceptionally, or it is the rare exception, I should say, does it produce evidence that can be admitted in court.

I say this is a very dangerous bill, and I trust that you will defeat the pending motion so that we can kill this bill.

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

Mr. KATZ of Kennebec: Mr. President, to be accommodating,

I will withdraw my motion that the Senate insist.

The PRESIDENT: The Senator from Kennebec, Senator Katz, withdraws his motion.

The Chair recognizes the same Senator.

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I want to commend the good Senator from Kennebec for his most charitable act this morning. To say that he is divinely inspired would be untrue. However, I object as strongly to this motion as to the previous one.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It is with some reluctance that I stand up this morning in opposition to my good friend, the Senator from Oxford, Senator Beliveau.

Last week I think perhaps my position as an attorney was challenged by Senator Levine, the good Senator from Kennebec, when he explained his position on this bill that he was following the legal minds of the Senate. Well, I suddenly became aware that perhaps the members of this body were in fact listening to the attorneys, although at times I question that, and I personally felt obligated that perhaps I should read this bill and the law pertaining to wiretapping. I returned that evening, and I guess the good Senator Dunn from Oxford was also over here doing some reading on some other matter, and I reviewed this bill in its entirety, along with the amendments. I also checked the statutes of the State of Maine relating to wiretapping.

As an attorney, I was frankly amazed to find that in the State of Maine we don't have any law against wiretapping. Now, anyone

of us can wiretap and, personally, this to me is something that we should be protected on. Senator Beliveau has argued that the right of privacy of the citizens should be protected, and I agree with him, but we don't have any law on the books that does protect the citizens of this State against wiretapping. I assume that if your telephone line was bugged, or wiretapped, so to speak, that you might have a civil action against the individual that does it, but you would have difficulty, I am sure, in your courts proving damages of any kind. In fact, you would have a lot of trouble probably proving who did it.

With the amendments which have been presented on this bill, along with very pertinent sections, which I frankly admit I had not given too much attention to, I find that this bill is not as bad as some of us would perhaps argue. This legislation will outlaw wiretapping or bugging in the State of Maine. It also provides a criminal penalty for wiretapping, and it goes on further to say that any individual who has been bugged, so to speak, without the proper authority granting him permission to, over and above the criminal aspects of the case, he also has a civil remedy against the individual.

Now, I grant you that I don't perhaps agree one hundred per cent with the entirety of this legislative document, but I agree with the majority of it. Most of this legislative document, I think, is for the benefit of the people of the State of Maine. It will put a stop to illegal wiretapping and very definitely set the course, very well defined, which a law enforcement official must follow in order to wiretap. The crimes which are spelled out in the amendment are of the highest nature, and evidence has to be presented to the judge before permission may be granted to carry out this procedure. I have a lot of faith in our judges and our courts, and personally I feel that they certainly would require much more than a scintilla of evidence that this is necessary before they issue an order. I am sure that they would require a definite burden of proof away beyond a

conjecture basis before they would issue an order to grant authority to a police officer to wiretap.

As I have mentioned, I felt it my personal obligation to look into this when the legal minds of the Senate were so closely followed. If I may borrow this book from my good friend and seatmate for something he read from this book last week, I would like to read that same section, perhaps in a different light, which was a statement put forth by Justice Brandeis: "We have cared enough for our privacy to prohibit unreasonable searches and seizures and unrestricted warrants in the bill of rights for privacy is, after all, the foundation of freedom and the source of individualism and personality." It goes on to explain how nice a commodity the right of privacy is.

I submit to you members of the Senate that this bill will preserve our right of privacy. It will secure our positions as citizens and outlaw wiretapping, and also provide for penalties for those that will do it without the right of the court granted to them, and will also provide us with a vehicle by which an individual who has been damaged may sue an individual who unlawfully and illegally uses this measure.

I submit to you that wiretapping is not as difficult as some people seem to think, because any individual with a little bit of knowledge about telephone wires can wiretap with no problem whatsoever. I now ask your support to enact this legislation and to push it along so we may have some protection in this State against the people who will seek to illegally and unlawfully wiretap. Thank you.

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

**MR. CONLEY** of Cumberland: Mr. President and Members of the Senate: I notice the good Senator from Aroostook, Senator Violette, is not present today, but I remember his words on two different occasions that he spoke in reference to this bill when on both occasions he cited that in order to put legislation before the people of the State of Maine there should

be a crying need for such legislation. I don't know of anyone in the State of Maine today that is yelling out the fact that his house is being bugged or the fact that people are hiding around the basements, or something like that, listening in on his private conversations.

The only wiretapping I can remember at all, as far as my being a resident of the State, was years ago when we used to have a ten-party line. I think we were all kids and everybody thought it was sort of in jest to listen in to everybody's conversation. The only wiretapping I have heard of in recent years was perhaps a few years ago when the telephone company was somewhat innocuously accused of monitoring telephone calls, and this was very quickly straightened out and stopped.

I think if we are going to put this type of legislation on the books that there should be a crying need, there should be some reason for it. I am a little tired of hearing about the Mafia in the State of Maine, and a little tired of hearing about thieves, crooks and robbers running away with the State. I haven't seen them yet and nobody else has, but one or two people, I guess. So, I am strictly against taking away any more of the freedoms and liberties of what few we still have left. I think it would be a terrible shame for us to try to saddle something like this around the throats of the citizens of the State of Maine.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Senator Conley says he is tired of hearing about all the bad things that are happening in the State of Maine. I assume he is referring to the articles that appear in the press with unfortunate regularity on the drug problems that we are having in our colleges. I assume that he is finding it uncomfortable to read the stories of the drug traffic in our high schools, and I assume that he finds it unpalatable that the news media is frequently carrying stories now that the drug traffic is getting

down into our junior high schools. I, too, find this distressing.

At the same time that we are talking about the maintenance of privacy, as Senator Tanous has pointed out, which is covered by this bill, we must pay attention to the fact that this is a useful instrument in the fight against crime, and it doesn't have to be the Mafia, it doesn't have to be some out-of-state organization that has its tentacles in the State; the use of legalized wiretapping by our crime-fighting forces in the State at all levels, I assume, would be primarily used for fighting crime in the State. If we say that crime does not exist in the State, I think we just aren't reading what the newspapers say and we are not hearing what the radio says.

Is there one of us here today who represents an area back home who is absolutely sure that there is no use of dope in his district? I can't. The district I come from has an acknowledged dope problem. I, for one, would feel that I was representing my people up here in doing everything possible at the State level to provide proper controls against this drug traffic. I don't know who controls it. I do find it strange and frustrating that a state like Maine, frequently held up as the last bastion of individualism, can have a state-wide traffic in drugs against which our law enforcement people are apparently powerless.

The paper today carries the news of a drug symposium being held at Orono on the University of Maine campus to be attended by some 250 young people. They seem to feel that it is a problem. Over the weekend the National Guard and the State Police went into a concentrated exercise in my home town of Cape Elizabeth at Fort Williams on riot and civil disorder control. Now, they are not doing this just to pass a nice weekend in Cape Elizabeth. They are doing this because there exists in the State of Maine a real threat. And our friends who say that there is no problem, and that if there is shown a demonstrated need for legislation then they will support the legislation, are they not losing sight of the fact that the time to

cure a problem and the time to cure a disease is before it arises, and not after it is with us?

I think this is good legislation from both standpoints, to protect our existing civil rights, as outlined by Senator Tanous, and to use as an intelligent tool by our enforcement agencies in the fight against crime, be it organized on any level, be it small. I would ask for a roll call when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I speak on this legislation because as I sit here it seems to me that some sort of a challenge was thrown out by the Senator from Kennebec, Senator Katz, in inquiring why every Democrat in this Senate voted, I believe, against this bill. Just the day before that I spoke on the Personnel Board, and on the way home I couldn't help but come to the conclusion that I didn't know enough about the subject to speak on it and I wasn't going to do that again, yet I find myself speaking on this particular subject, and possibly not knowing enough about it to speak.

But I do feel that this law and order bit that we speak about basically can go too far. I realize we are a government of laws and not of people and, yet, it seems to me that the strength of this nation and this State is not with the law but with the people and in the minds and hearts of these people.

Now, I very seldom become worried when I find myself in the same position as all the attorneys, which I do in this particular case, but I do feel that to try to solve the problems that we are having simply by law and order is leading us down a blind alley. I just do not feel that that is the answer.

I spoke for the implied consent bill and, again, I think I probably have to rest my case on this in much the same way as the Senator from Aroostook, Senator Violette, did the other day. There seems to be a real crying need here, and yet I feel that these two pieces

of legislation go somewhat together. I can remember my grandfather used to keep telling me I had a lazy man's load, I would carry so much wood or something that I would lose half of it before I got there, and his comment was "take what you can handle and move fast with it." I think that implied consent and also this is sort of a lazy man's way of law enforcement, but if there is a real need, then I say that this legislature should probably pass it. But the thing that bothers me today is I feel somewhat of a curve ball is being thrown at us, this 180 degrees that we have swung. In other words, if you need it for law enforcement, and there is already no wiretapping laws in the State, then certainly I assume the Attorney General or anyone else can use it, now, possibly it is not permitted in the courts and so on and so forth, but I feel, again, that I have never been approached by individual citizens of this State to back such legislation as this and, therefore, I am somewhat reluctant. Really, I couldn't be upset if this law was passed, but I just feel as if, to this point, no real need has been called to my attention, and I think that is why I voted against the bill.

Now, I suppose maybe, in answer maybe more directly to the Senator from Kennebec, Senator Katz, I assume maybe subconsciously politics entered into this thing. I don't know, but I would like to think my rebellion is primarily that this legislature, the citizens of this State and of this nation are trying to answer the problems that we have before us with the hue and cry of law and order because I feel, as an individual, that the purpose of law is to serve justice, and if I do not feel a law is doing this then I have a moral obligation to myself as an individual to rebel against this law in any manner that I can. Now, this doesn't mean shooting people, but it would mean standing on a street corner and shooting forth on maybe something that I don't know much about and running for political office and this type of thing. I feel very strongly about this, and I suppose this is why I oppose this legislation.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I assure the Senator from Sagadahoc, Senator Reed, that I did not mean to be provocative the other day when I pointed out that every Democrat voted against this bill. I had a sense of confusion that wasn't clarified until after the session when I found out that the very nature of the bill is that it protects our civil liberties on the one hand and, on the other hand, is a tool for law enforcement and, as such, perhaps takes away a little bit. This confusion was not resolved in my mind by the debate.

I am very deeply concerned to find out for the very first time that my home phone calls and my oral communications can be bugged legally in the State of Maine today, and it is not enough to say to me that I will have civil recourse. I am appalled to feel that for any reason at all my conversations can be bugged by anybody at all that wants to bug them and has the technical know-how, and then you can say that if you find out about it, and if you don't like it, if you can prove damages you can take them into civil court. Well, one thing about the insidious nature of wiretapping is that you don't know about it and, of all the basic rights that I feel we should afford the people of the State of Maine, it is the right of privacy, and I must admit that I didn't realize that this right of privacy does not exist in the State of Maine today. It is only in a secondary manner that I am interested in giving law enforcement officers an additional tool. My prime concern is the fact that let us offer the legal protection for the privacy of our people that is not presently afforded.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." A roll call has been requested. Under the

Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." A "Yes" vote will be in favor of receding and concurring with the House; a "No" vote will be opposed.

The Secretary will call the roll.

#### Roll Call

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

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Martin, Mills, Minkowsky, Quinn and Reed.

ABSENT: Senators Anderson, Levine, Logan and Violette.

A roll call was had. Fourteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with four Senators absent, the motion did not prevail.

Mr. Katz of Kennebec then moved that the Bill be tabled and specially assigned for June 18, 1969, pending further Consideration.

On motion by Mr. Beliveau of Oxford, a division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

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

JOINT ORDER — Relative to Legislative Research Committee study of S. P. 313, L. D. 1140 on Bill, "An Act Requiring the Registration of Real Estate Subdivisions." (S. P. 505)

Tabled — June 13, 1969 by Senator Katz of Kennebec.

Pending — Passage.



On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Tanous of Penobscot:

Bill, "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Building; the Repair and Improvement of Certain State-owned Buildings; and provide for other essential Improvements to Facilities for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by issuing Bonds in the Amount of \$11,140,000." (H. P. 307) (L. D. 394).

Pending the motion by Mr. Peabody of Aroostook that the Senate reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider our action whereby Committee Amendment "A" was adopted?

The motion prevailed.

Mr. Peabody of Aroostook then presented Senate Amendment "A" to Committee Amendment "A".

Senate Amendment "A", Filing No. S-260, to Committee Amendment "A" was Read.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: This amendment has asked for a tourist information center to be located at the northerly point of Interstate 95 at the Canadian Border near Houlton.

This information center would not only serve the Canadian tourists coming into Maine and the tourists going out of Maine, but others. There are four highways that meet at this point. First, a branch of the Trans - Canada Highway. We have Route 1 that starts at Fort Kent and follows the Maine - Canadian Border along the coast of Maine and continues

south into southern Florida. This is known as the longest highway in the east. The third and fourth, Route 2 and 2-A, comes from southern Maine. At no other place in Maine does Interstate 95 intersect these highways.

Since the opening of Interstate 95 to Houlton on November 15, 1967, the traffic through the United States Customs has increased beyond one's imagination. The figures I am about to present were furnished by the United States Customs and Canadian Immigration. From November 15, 1967, the opening of the northern section of Interstate 95, to November 15, 1968, one year, the traffic from the United States into Canada increased 180 per cent. From the same date Canadian traffic into the United States increased 40 per cent. From April 1, 1968 to August 31, 1968 traffic from Canada increased at this point seventy - nine per cent.

There are no tourist information centers on Interstate 95 between the Canadian - American Border at Houlton and Kittery, Maine, a distance of over 300 miles. There is not even a gas station on Interstate 95 where one could pick up a road map from Houlton until it gets to the toll highway, the Maine Turnpike, beyond here in Augusta. Today the only way tourists may get any information, maps and so forth, while on Interstate 95 is to drive off to a tourist information center or Chamber of Commerce. I feel that an information center is a must at both ends of the Interstate 95 system in Maine.

This is a good highway. I know it because I have driven it twice a week for the last six months. I hope you gentlemen here in the Senate will make a trip north on Interstate 95 to the Canadian Border at Houlton. I feel sure after making the trip that you will feel that your vote on the tourist information center at this point was not a lost cause. Thank you.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I must oppose very reluctantly this proposed amendment being offered by Senator Peabody.

This bond issue request was originally presented to the Appropriations Committee in the amount of \$11,140,000 and as it stands now, with the committee amendment, it is in the amount of \$1,940,000, which is an approximate cost of \$9 million off the original request. I think this was done for two reasons: the first reason being, as you know, the State is short of funds and we on the committee were concerned about the total amount of bond issues which were being requested. The second reason was because we were concerned about the lack of planning that had gone into some of these recommended projects. In this vein we have recommended a sum of money in this bond issue to plan future major projects, and I will read very briefly from the amendment. "It is the intent of the Legislature that the preliminary plans developed on any new buildings shall include necessary site information, floor plans, and shall be sufficiently developed so as to fix and illustrate the size and character of the project. Outline specifications and the detailed estimate of construction costs predicated on these plans and outline specifications shall accompany the same. The above information shall serve as the basis for capital requests to the 105th Legislature."

I think many of you here in the past have noticed the lack of planning on some of these State projects which have required supplemental appropriations to complete a project. This is not a very good way of carrying on either business or government, so that the Appropriations Committee felt that if we included funds in this particular bond issue for thorough planning, site work and really much more detailed design than had been done in the past, we would not be faced with additional requests for money in the future.

I have no question but what Senator Peabody's suggestion is a good one. This is the end of Interstate 95 when it hits the Canadian border in Houlton, but I submit that this project was not planned in any degree, it was not on anybody's priority list, and to indicate how concerned we were on costs,

the Department of Economic Development, for instance, had a request in for a \$750,000 facility in Kittery to be built when they complete the new bridge down there across from Portsmouth, and this request was cut by the Committee from \$750,000 down to \$153,000. Possibly some might feel this was an arbitrary cut, but we felt that for \$150,000 a very adequate and good building could be built, and so we summarily cut this amount by one-half a million dollars, and this again I point out as being indicative, not only of the mood of the Committee, but also to point out that possibly this project to which Senator Peabody refers might be deferred for another two years. So, I oppose his motion to adopt an amendment which would allow the construction of this building at Houlton. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A". As many Senators as are in favor of adopting Senate Amendment "A" to Committee Amendment "A" will say "Yes"; those opposed, "No."

The Chair recognizes the Senator from Oxford, Senator Dunn.

On motion by Mr. Dunn of Oxford, a division was had. Twelve Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion did not prevail.

Thereupon, Mr. Beliveau of Oxford presented Senate Amendment "B" to Committee Amendment "A" and moved its adoption.

Senate Amendment "B", Filing No. S-277, to Committee Amendment "A" was Read.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This amendment would provide for an appropriation of \$55,000 for the construction and establishment of a regional airport for northern Oxford County.

The 103rd Legislature appropriated \$25,000 for the construction

of such an airport which is presently being held in escrow. This additional \$55,000 would permit the communities of northern Oxford County, more specifically the Towns of Rumford, Mexico, Dixfield, Peru, Canton, to raise their share of the total cost for the construction of a 3,000-foot paved runway. The Maine Aeronautics Commission has estimated the cost of such a facility would be \$160,000, of which fifty per cent would be raised by the State of Maine and the balance by the municipalities. This is particularly necessary today because of the developments on the national level.

It is my understanding that this year approximately thirteen applications have been filed with the Federal Aeronautics Agency for matching federal funds to create the various municipal and regional air facilities. Of the thirteen that were submitted, only one has been actually funded to date, and it appears, although the remaining may have been approved, that there will be insufficient funds to finance the projects.

My amendment would increase the amount that would be held in escrow from \$25,000, which is presently being held in escrow, to \$80,000, and it would then place the burden on the communities to raise their proportionate share of that, in other words, fifty per cent or an additional \$80,000, once the site has been finally approved by the F.A.A. and the Maine Aeronautics Commission. Of course, if the site is not approved or if we have not complied with the F.A.A. requirements, the money would revert to the State. I would urge the members of the Senate to vote for the amendment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Through the Chair I would like to clarify my thinking by asking if Senator Beliveau is suggesting that this amendment will obviate the necessity of us receiving any federal money prior to the construction of this airport, and restrict the share only to the State and the locality?

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: It is my understanding that an application will be filed with the federal government, but we are only deceiving ourselves if we believe the federal people will in fact supply us with the monies that are necessary.

Conferring with the engineer at the Aeronautics Commission, he is the one who supplied me with this information as to the twelve or thirteen applications, and he said the only way we are going to be able to do this is to place a great burden on the municipalities, because in the past it has been a fifty, twenty-five, twenty-five proposition: fifty per cent for the federal government, twenty-five for the State and twenty-five for the municipalities. Now we are going to change our approach to this and make it a fifty-fifty proposition, placing fifty per cent of the burden on the municipalities and the remainder on the State. Of course, we do intend to file an application, go through the formalities of filing and, for that matter and, hopefully, we will get some money but, because of what is happening in Vietnam, and because of the fact that this would be way at the bottom of the priorities because of the great number of applications that are pending that have priority over northern Oxford County, I doubt very much it would ever receive any money. With this, at least, we would be able to return to the communities and say the State has raised or it has at least conditionally approved its share of the construction costs; it is now upon the municipalities to raise their fifty per cent. Of course, if they do not do this, then it is a moot question and, as I say, the money will be returned. But in answer to the Senator Katz's question, we do not intend to preclude any applications to the federal government, but it would just be foolhardy I would assume for us to depend upon federal monies at this point.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a radical departure from the established policy in the State, which has said, in effect, that in order for our airport development to continue at a reasonable pace that the federal government will give us fifty per cent of the cost of the airports, and, as the Senator from Oxford has told you, twenty - five per cent will come from the towns and twenty - five per cent will come from the State.

There are communities in the State which are waiting for federal funds without any great success, of course, but the Lewiston - Auburn area is going through this properly with a requirement for federal funds. It is my understanding the Rockland Airport, which was developed recently, also made use of federal funds. I just want the Senate to realize that if you accept the amendment it will be a very substantial departure and will require the State to increase its contribution in the face of the absence of federal money. I would suspect that if this amendment were successful that other communities in the State who are waiting rather impatiently for federal monies also would feel in a sense of equity — that they should try to — pursue this path.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: A parliamentary inquiry: Is this amendment in order? Inasmuch as Senate Amendment "A" was adopted, doesn't it change all of these numbers?

The PRESIDENT: The Chair would inform the Senator that Senate Amendment "A" was not adopted.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would oppose adopting this amendment for the reason stated by the Senator from Penobscot, Senator Sewall. For the reason, too, that we turned down a bid for a project a few moments ago in Aroostook County, I wouldn't

feel that it was right to pick up another one, even in my own County.

In some of the items that were turned down by the committee, or were not approved by the committee, one in particular was a request for \$609,000 for Auburn, and that was deleted completely, and I can imagine the feeling when this gets back in the other body if we accept an amendment for one of these other cities. I can imagine what the reaction will be on many of these deleted projects. I would hope that you would vote to deny this amendment, and I would ask for a division.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that the Senate adopt Senate Amendment "B" to Committee Amendment "A". A division has been requested. As many Senators as are in favor of adopting Senate Amendment "B" to Committee Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A" was Adopted in concurrence, and on motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Beliveau of Oxford:

"An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339)

Pending - Enactment

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: It appears that H-hour and D-day have arrived, and after a quick review of our position on this it appears that the best approach

would now be through the form of an amendment. There are several individuals who approached me with possible amendments to this document and I would, therefore, request that someone table this item until next Wednesday so that the proposed amendments can be prepared in proper form.

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

Mr. KATZ of Kennebec: Mr. President, sometimes a tabling motion is in order and is a courtesy, but when a tabling motion is used as a device to defeat or to emasculate legislation I have a feeling it is not proper. I would hope that we will indeed vote on the measure today and give it final enactment.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This bill has been debated at some length over the past several months in the newspapers, in the legislature and elsewhere. We have had some very real objections to it, well-founded objections, objections that have been the result of good faith and inquiry. The Chairman of the Highway Safety Committee has conferred with me regarding the proposed amendments. As a matter of fact, he proposed them a week or so ago. The amendments are needed to clarify this law to remove some of the objectionable aspects of it. I think that where this is such a far-reaching document, which will have such a substantial impact upon the citizens of this State, that we should be given the opportunity to amend it. If you don't like the amendments when they are proposed, vote against them, but give us the opportunity to propose them. I don't think that is unreasonable.

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

Mr. KATZ of Kennebec: Mr. President, I look upon this as a good faith offer from the Senator from Oxford, Senator Beliveau, to propose amendments that will clarify and strengthen the bill to make it better legislation and at

which time he will support it. Now, if the opponents are withdrawing their objections at this time, and this is an offer to support the legislation, this makes a lot of sense to me. I feel on that basis that it might very well be tabled.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I don't want to interfere with Senator Katz or Senator Beliveau, but I have had some objection to this bill all along. I haven't said anything about it or I haven't discussed the bill in the Chamber here, so if you would give me just one moment. The bill calls for, as I read the bill, an option with the person who is arrested to receive whichever type of test he wishes to receive. I would read the line to the body which is very short. "Persons," and so forth, operating and, "if arrested, he should be informed by the law enforcement officer of the tests available to him, and said accused shall select and designate one of the tests." Now, that means to me that if the person were arrested he would be allowed to take one of the three tests involved, the blood, urine or breath.

The opinion of the Law Court, which we received some time ago, and in which some of the members of the legislature appeared to place great faith, says that "Legislative Document 1339 provides that if a person legally arrested under this provision, and advised by a law enforcement officer of the tests available to him, thereafter refuses, upon request of the officer, to submit to one of the tests as provided in this section, his license and privilege to operate shall be under suspension for a period not to exceed six months." Then it says: "If enacted, a person legally arrested under this provision, and advised of the tests available to him, and requests a test not available, but refuses to take any other test, his license or privilege to operate are susceptible to suspension." They answer "Yes." I read that backwards, but the gist of it is that the Law Court has ruled that the person who is arrested

does not have a right to select the test available, select one of the tests. He must take whichever test is presented. I would like to, myself, I feel that there are people who object to taking blood tests for reasons known to themselves and may object to exposing themselves with other types of tests, and I feel that the law is intended, as I read it, to allow him the prerogative to take whichever test he wants. I understand the advisory opinion of the Law Court is that he must take any test which is presented to him. Consequently, I feel that this is a very valid amendment, and I would hope that someone would table the bill for one day so we could talk about this particular point insofar as I am concerned.

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

Thereupon, on motion by Mr. Mills of Franklin, retabled and specially assigned for June 18, 1969, pending Enactment.

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Berry of Cumberland:

RESOLVE, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. (S. P. 364) (L. D. 1246)

Tabled — June 13, 1969 by Senator Kellam of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Reed of Sagadahoc:

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 464) L. D. 1543)

Tabled — June 13, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Indefinitely Postpone Senate Amendment "B" — Filing S-259.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel I should arise and perhaps endeavor to clarify some of the problems which seem to be prevalent here in regards to this particular L. D.

If I understand the motion by the good Senator from Washington, Senator Wyman, when he the other day moved to indefinitely postpone Senate Amendment "B", under Filing No. S-259, actually, and I trust the good Senator Wyman will correct me if I am in error, his problem seemed to be with a House Amendment which was relative to some of the waters of the State. I believe that the Filing Number was House 507. I do not particularly appreciate this amendment myself, and I believe that the House Amendment should be defeated, and if it is defeated, there has been prepared by me another amendment which tightens down this particular aspect of the bill and I believe would make it much more acceptable, and it would apply only to the Dennys River, which has been indicated by the Fish and Game Department, and particularly the Atlantic Run Salmon Commission, that we could reconstitute this river as an Atlantic Salmon River.

I am not familiar with all the little intimate problems which have been created between one person and the Fish and Game Department, but I do believe that if we are going to reclaim a lot of these rivers, and to restore the Atlantic Salmon migration in them, we are going to have to take some measures and work in conjunction with the Fish and Game Department to put them back in shape. I must confess I do not know the exact procedure to take right now, but if the Senate would find it acceptable to them that we — I think perhaps now I am in error — I may be looking at the wrong — yes, I am, please forgive me — the House Amendment which I am referring to is Filing 455, and this I believe, Mr. President, is on the bill now, House 455. If this amendment was defeated, then I would be willing to offer a Senate Amend-

ment which would restrict the law and have it apply only to this one particular river and I think perhaps it might be more acceptable to all hands concerned. Gentlemen, I may have confused the issue still more.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "B". Is it now the pleasure of the Senate that Senate Amendment "B" be Adopted.

The motion prevailed.

House Amendment "B", Filing No. H-469, was Read and Adopted, in concurrence and House Amendment "C", Filing No. H-507, was Read.

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Adoption of House Amendment "C".

#### Joint Resolution

Out of order and under suspension of the rules, the Senate voted to take up the following Paper from the House:

#### STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY NINE

JOINT RESOLUTION TO HONOR THE MEMORY OF HIS EXCELLENCY PERCIVAL P. BAXTER, FORMER GOVERNOR OF THE STATE OF MAINE

WHEREAS, Thursday, June 12, 1969 marks the passing of former Governor Percival P. Baxter, one of the State of Maine's greatest benefactors; and

WHEREAS, man is born to die, his works are short lived, buildings crumble, monuments decay, wealth vanishes, but Katahdin in all its glory forever remains the mountain of the people of Maine; and

WHEREAS, his diligent and patient efforts have provided the people of succeeding generations a living example of what life in Maine was "in the good old days" before the song of the woodsman's axe, and the whine of the power saw was heard in the land; and

WHEREAS, his generous gifts completing Baxter State Park,

which contains in excess of 7 wild-land townships or 302 square miles, have been accomplished over a period of 30 years since he left the Governorship; and

WHEREAS, his departing message as the curtain falls on this Legislative session and his life's work, express his love for the State of Maine, her fair land and fine people, her mountains and forests with the beasts and birds therein, her rugged shores and clear waters, all blessings that God has conferred upon us for which we should be thankful; now, therefore, be it

RESOLVED: That the Members of the Senate and House of Representatives of the One Hundred and Fourth Legislature assembled, inscribe this token of our enduring affection and esteem for his memory and acknowledge the word of this State given by Act passed by the Legislature and signed by the Governor is as sacred a pledge and trust of his gifts as man can make, and as time passes the People of Maine will more deeply appreciate this Park and the wisdom of the state never to break these trusts; and be it further

RESOLVED: That the conscience and soul of Maine further attest to the fine public spirit of his life and benefaction by inscribing this Resolution in the 1969 Laws of Maine.

(H. P. 1266)

Which was Read and Adopted in concurrence.

(Off Record Remarks)

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

Mr. HOFFSES of Knox: Mr. President, I would like to inquire of the Senate if we are in possession of L. D. 658?

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This is a Bill, Creating the Maine Mining Land Conservation Act, by the Natural Resources

Committee. I am very much interested and concerned as many, many of the rest of the citizens of this State. I would like very much, I mean this sincerely, I would like very much to see legislation passed which is going to be beneficial to the State and which is not going to be injurious to our mining interest. With that thought in mind, I would like to move that we reconsider our action whereby we accepted the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its

action whereby it accepted the Ought Not to Pass as Covered by other Legislation Report of the Committee, on Bill, "An Act Creating the Maine Mineral Land Conservation Act." Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.