

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 17, 1969

Senate called to order by the President.

Prayer by the Rev. David Glusker of Hallowell.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Salaries of Legislative Research Committee Officials." (H. P. 43) (L. D. 44)

In the House June 10, 1969, Ought to Pass Report "B" Read and Accepted and the Bill on June 12, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-521).

In the Senate June 13, 1969, the Ought Not to Pass Report "A" Read and Accepted in non - concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Wyman of Washington, the Senate voted to Adhere.

Non-Concurrent Matter

Bill, "An Act Providing for Annual Revision of State Valuation." (H. P. 100) (L. D. 108)

In the House February 25, 1969, Passed to be Engrossed.

In the Senate June 13, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-255) in non - concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

On motion by Mr. Wyman of Washington, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

WYMAN of Washington
BOISVERT of
Androscoggin
LETOURNEAU of York

Non-concurrent Matter

Bill, "An Act to Revise the Pharmacy Laws." (H. P. 1175) (L. D. 1496)

In the Senate June 11, 1969, Passed to be Engrossed as Amended by Senate Amendment "D" (S-242) and Senate Amendment "B" (S-198) in non - concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-198) in non - concurrence.

On motion by Mr. Stuart of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine." (H. P. 885) (L. D. 1144)

In the Senate June 6, 1969, Passed to be Engrossed in non - concurrence.

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

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

Mr. LOGAN of York: Mr. President and Members of the Senate: This measure for taxation of Blue Cross - Blue Shield lost by a wide margin in the other body yesterday. This is a matter that should be seriously considered at the rate which other insurance companies are taxed. It is a half million dollar a year matter. However, I think there is no point in sending this back and forth. It would be an exercise in futility at this point. It will be studied. I, therefore, move that the Senate recede and concur.

The PRESIDENT: The Senator from York, Senator Logan, moves that the Senate recede and concur. Is this the pleasure of the Senate?

Thereupon, the Senate voted to Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of providing necessary clerical and staff assistance for members of the House and Senate; to examine the problems involved including the num-

ber of staff and clerical assistants required, a suitable means of supervision of such staff and its clerical activities and the availability of accessible office facilities; and be it further

ORDERED, that the Bureau of Public Improvements is directed to provide the Committee with such information relative to use of space or other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee reports its findings and recommendations including a p p r o p r i a t e legislation at the next regular or special session of the Legislature. (H. P. 1267)

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 16, 1969

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

The Governor of the State having returned to the House.

"An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department" (H. P. 944) (L. D. 1205) with this objections to the same, the House proceeded to vote on the question

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 63 members voted in the affirmative and 61 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Joint Order

On motion by Mr. Hanson of Kennebec,

ORDERED, the House concurring, that the State Highway Commission be, and hereby is, authorized and directed to make a study of the need and cost of reconstruction of Route 201 between the Cities of Gardiner and Augusta to provide a highway of modern design and construction with all necessary accesses thereto; and be it further

ORDERED, that the commission report the results of its study, including recommendations and any necessary legislation, to the next special or regular session of the Legislature. (S. P. 512)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Passage.

Joint Order

On motion by Mr. Wyman of Washington,

ORDERED, the House, concurring that Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax," S. P. 474, L. D. 1550, be recalled from the Governor to the Senate. (S. P. 514)

Which was Read.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This is to correct just a minor technicality which has been brought to our attention. I would hope that the order could be sent forthwith as I think tomorrow is the last day for the Governor to sign the bill.

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage and under suspension of the rules be sent forthwith to the House?

The motion prevailed.

Sent down forthwith for concurrence.

Joint Order

On motion by Mr. Mills of Franklin,

ORDERED, the House concurring, that Bill, "An Act Relating to Powers and Duties of the Attorney General," S. P. 142, L. D. 424, be recalled from the Governor to the Senate.

(S. P. 511)

Which was Read and Passed.

Sent down for concurrence.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Like the good Senator from Washington, Senator Wyman, said, this is on its last legs and has to be acted on right away or it will be too late. I do request and move that this be sent forthwith to the House.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Considering the fact that the title of the L.D. is "An Act Relating to Powers and Duties of the Attorney General," and noting the deep affection that Senator Mills has for the Attorney General's Office, I was quite amazed when this bill did go through, so, I am not surprised that it is back for consideration. I accept Senator Wyman's statement that there is probably a minor correction in the bill that he refers to but I would appreciate an explanation of Senator Mills' minor correction.

The PRESIDENT: The Chair would inform both Senators that the matter is no longer before the body.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I object to this matter being sent forthwith to the House.

Mr. Mills of Franklin was then granted unanimous consent to address the Senate:

Mr. MILLS: Mr. President and Members of the Senate: I didn't say that this was a minor correction. I think it is a rather basic correction. I don't like to have the Senator from Cumberland putting words into my mouth in this way. This is a correction which is

probably quite essential, and it was called to my attention that if this bill, through the language which was used, should become law, we might find the Attorney General as Super Chief of the State Police, even Super Chief over Tim Murphy in the Liquor Control, and in general pretty much running a heavy branch of part of the Executive Branch of Government, conceivably under the interpretation of that language, which wasn't the intent of the committee in passing it out.

The intent was to state that the Attorney General of the State of Maine is the chief legal officer of the State and make it very clear that he is. We have felt on the committee that he is anyway, but if the department wanted this legislation and felt that it wasn't quite clear enough, in very plain language we put it out that way that he is the chief law enforcement officer.

It didn't bother me personally and I felt that there wasn't any particular ambiguity about it, but I can see where possibly Philadelphia lawyers might argue about it, and might bring it up in future years — and this doesn't apply to the present personnel; it would only apply in the future times, well, after ninety days it would, but for all intents and purposes it is for the long haul — there could be constitutional questions arise under the wording that we used. If this comes back to us we will propose an amendment more in line with stating that he is the chief legal officer of the State, so that there won't be any ambiguity. There is no animus in this, and there are no personalities as far as I am concerned.

Mr. Berry was then granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: I think Senator Mills has very plainly put what is on his mind. I am certainly not going to stand in the way of orderly progress. It will take a two-thirds vote to suspend the rules when the time comes. I withdraw my objection to sending this forthwith.

The PRESIDENT: Under suspension of the rules is it now

the pleasure of the Senate that this order be sent forthwith to the House?

The motion prevailed.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Legislative Research Committee is directed to study all aspects of the subject of eminent domain procedures and takings. Such study shall include, but not be limited, to, the areas of determination of the necessity for the eminent domain taking, provision of adequate and timely notice of taking, payment of a fair initial price based on factors including, but not limited to, fair present and future market value, provision for independent appraisal by the owner or tenant of the premises involved with the expense therefor being paid by the taking party in the event eventual award is equal to or in excess of the appraisal figure, provision of a hearing procedure for parties aggrieved by initial awards, with further right of appeal to the courts, and establishment of guidelines as to factors to be considered in determination of fair value; and be it further

ORDERED, that the Office of Attorney General be directed to provide the necessary information upon which such determination can be made and such 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 session of the Legislature. (S. P. 513)

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: Speaking to the motion prior to the tabling by Senator Katz, I would like to point out that this matter is a very involved matter. It is something that is very close, I think, to the people who have sent us up here. Whether we in the legislature through the years have side-stepped the problem, or feel that it is perhaps not as serious as some of the individuals af-

fectected think it is, I don't know. The matter of eminent domain is becoming increasingly important, it is becoming an increasingly used tool and I am sure that all of us as representatives of our people back home are very familiar with and have received phone calls on individual problems. They are too numerous to cite here.

The problem is severe, and this is not oriented at any particular state department. I have received calls myself in connection with the practices of the University of Maine in acquisition of land. The State Highway Commission is involved. Every private, semi-public and public body that uses the power of eminent domain is involved in this field of eminent domain and would be covered by the order. I would urge the eventual passage of it.

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.

Committee Reports House

Ought to Pass

The Committee on State Government on Bill, "An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age." (H. P. 1253) (L. D. 1589)

Reported that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Final Report

The Committee on Education 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 - As Amended

Bill, "An Act Establishing a Full-time Administrative Hearing

Commissioner.” (H. P. 1242) (L. D. 1577)

Which was Read a Second Time.

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

Bill, “An Act Establishing a State-Municipal Government Revenue Sharing Program.” (H. P. 1174) (L. D. 1498)

Which was Read a Second Time.

Mr. Duquette of York then presented Senate Amendment “A” and moved its Adoption.

Senate Amendment “A”, Filing No. S-280, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, “An Act to Provide Certain State Level Land Use Controls.” (S. P. 501) (L. D. 1596)

Which was Read a Second Time.

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

Enactors

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

An Act to Provide a More Equitable Method of Distributing School Subsidy. (H. P. 1254) (L. D. 1586)

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

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions. (H. P. 1234) (L. D. 1566)

(On motion by Mr. Sewall of Penobscot, temporarily set aside).

An Act Relating to Installation of Sprinkler Systems in Hotels. (H. P. 260) (L. D. 336)

An Act Altering Formula for Retirement Under State Retirement System. (S. P. 480) (L. D. 1558)

An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries. (S. P. 71) (L. D. 193)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Sec-

retary presented to the Governor for his approval.

The President laid before the Senate the matter previously set aside, as requested by Mr. Sewall of Penobscot: An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions. (H. P. 1234) (L. D. 1566).

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Item 8-2, apparently, is major legislation. It is a redraft and I think it might be significant if we could have a brief explanation as to the impact of this bill from a member of the committee.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is a redraft of L.D. 210. It is the so-called wild lands zoning bill, and it provides for the first time effective control of shore frontage on so-called ponds. This is a compromise bill which tends to take into account, and I am sure it does, the interest and concern of the large landholders who have, in my opinion, a basic agreement with it and feel they can live with it. As Senator Katz indicates, this is basic legislation and I am sure that we and the people of the State are very happy to see it pass through the stage it is in.

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

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

Bill, “An Act Creating a School Administrative District for the City of Portland.” (H. P. 805) (L. D. 1044)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, tabled pending Enactment.

Bill, An Act Relating to the Employment of the Handicapped. (S. P. 487) (L. D. 1571)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, Indefinitely Postponed in concurrence.

Emergency

Bill, An Act Increasing the Gasoline Tax. (H. P. 1217) (L. D. 1549)

Comes from the House, having failed of Enactment.

On motion by Mr. Greeley of Waldo, tabled until later in today's session, pending Enactment.

Orders of the Day

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

Bill, An Act to Clarify Taxation of Annuity Contracts and Insurance Policies. (H. P. 1229) (L. D. 1562)

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

Pending — Enactment.

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:

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-527 from the Committee on State Government on Bill, "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys." (H. P. 1049) (L. D. 1377)

Tabled — June 16, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think the county salaries are incorporated in a bill which was heard by the Joint Committee of State Government and Judiciary. If this bill which was heard by these two committees is enacted then there is no necessity for L. D. 1377. It seems to me there is no useful purpose served by tabling and retabling it, so I move it lie on the table.

The PRESIDENT: The Chair would inform the Senator that the tabling motion is not debatable.

The Chair recognizes the same Senator.

Mr. WYMAN of Washington: Mr. President, I hesitate to differ with the Chair and I don't ask for any ruling on it, but I thought I was debating the time of the tabling and not the bill itself, however, I accept your ruling.

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

Thereupon, on motion by Mr. Logan, tabled pending Acceptance of the Committee Report.

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

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

Tabled — June 16, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

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

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)

Tabled—June 16, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fifth 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 16, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Levine of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the sixth 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 16, 1969 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

The President laid before the Senate the seventh 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 16, 1969 by Senator Sewall of Penobscot.

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 eighth tabled and specially assigned matter:

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

Tabled — June 16, 1969 by Senator Berry 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:

SENATE ORDER — Relative to Propounding Questions on Constitutionality of Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 464) (L. D. 1542)

Tabled — June 16, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, the Order received Passage.

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

JOINT ORDER — Relative to Commission to study Proposed Department of Family Relations. (S. P. 509)

Tabled — June 16, 1969 by Senator Hoffses of Knox.

Pending — Passage.

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

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

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 Department 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)

Tabled — June 16, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the twelfth 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 16, 1969 by Senator Katz of Kennebec.

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 thirteenth 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 16, 1969 by Senator Hoffses of Knox.

Pending — Adoption of House Amendment "C" — Filing H-507.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This Bill, L. D. 1543, had what I considered and what I believe several others considered a House amendment on it which was quite objectionable. That amendment, I now learn, has been deleted from it. The Bill now has House Amendment "B" attached. The pending amendment is House Amendment "C", and if this is adopted I would then propose Senate Amendment "C", which would supplement House Amendment "A" which was indefinitely postponed. I, therefore, move that the Senate adopt House Amendment "C".

The PRESIDENT: Is it now the pleasure of the Senate that House Amendment "C" be adopted?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I object to this amendment here. It has been brought to my attention by different members from the House, and it seems to me we are giving the Salmon Commission tremendous powers when we give them the power of eminent domain.

Now, this particular spot that they refer to in here of the head waters of Dennys River, that has been fought back and forth for the last eight years that I can recall. They have harassed this man who owns this property and had him into court trying to take this property away from him, and now they are going to present an amendment to a bill so that they can take it. I object to that type of legislation giving the powers of eminent domain to the Salmon Commission without a hearing on this particular spot because this has been fought through the courts

and everything else, and I object to it.

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

Mr. CONLEY of Cumberland: Mr. President, may I inquire through the Chair as to what the filing number is on House Amendment "C" please?

The PRESIDENT: The Chair will inform the Senator it is on the calendar. It is Filing No. H-507.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think perhaps that the matter which the good Senator from Cumberland has reference to is the House amendment which pertains to the eminent domain factor, and not House Amendment 507. As I mentioned first, the House amendment which was indefinitely postponed pertained to the Atlantic Sea Run Salmon and applied to the Dennys, Sheepscot and, I believe, the Narraguagus, and that particular House amendment has a filing number of 455. That amendment, as I understand it now, has been indefinitely postponed, and 507 does not pertain to the matter of eminent domain; it pertains primarily to the distance at which you can fish from the mouth of a fishway, and does not pertain to eminent domain, as I interpret the amendment. Perhaps that may clarify the position for the good Senator from Cumberland.

The PRESIDENT: Is it now the pleasure of the Senate that House Amendment "C" be adopted?

The motion prevailed.

Mr. Hoffses of Knox then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-275, was Read.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was in error. I thought that he had offered Senate Amendment "C" when I spoke. This is the amendment I was opposed to, and I move indefinite postponement of the amendment.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Senate Amendment "C" be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This particular matter has been batted around for quite some time, and the particular amendment which we have before us now under consideration pertains to that great county, the sunrise county of Washington, and I believe that it does satisfy reasonably the objections which the good Senator from Washington County had to the House Amendment which has been indefinitely postponed. I believe that this is reasonable legislation. It will help in a great way to improve the Atlantic Sea Run Salmon, and we are interested certainly in improving our fishing conditions. I would ask for a division on the motion of the good Senator from Cumberland.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am quite interested and familiar with the situation at Meddybemps Lake, which is specifically covered by this amendment, and I would invite the attention of the members of the Senate to my joint order which I put in on eminent domain and the concern I expressed where such powers are being used perhaps not for the purpose for which they were originally intended.

I won't say this is a glaring example, but this sure is a case where the powers of eminent domain could be used and perhaps — I won't say are, but there is definitely the suspicion that they are being used — for harassment purposes. This dam has been owned for many years, pretty close to thirty, to my knowledge, by a gentleman of the name of "Smith." He is not an individual overly endowed with worldly goods, and somehow or other he scraped together enough money to put in a small waterwheel there and I think, when there is enough water in Meddybemps Lake, he generates

something like 75 or perhaps 100 kilowatts and he ekes out a dollar or two an hour maybe as a result of the labor of his brains and his back. Quite a lot of harassment started many years ago against him, not all from the fish people either, some of the people on the lake, summer people, some other state agencies were after him, I always had a suspicion that some of the electric public utilities were after him, and through thick and thin he kept going. He was taken into court and won his case at least on one occasion against pretty brilliant legal talent.

I hope this wouldn't be fatal to the salmon run development, with which I am also quite sympathetic, but I do feel this is a glaring example of a specific problem, harassment by a state agency and other people too, as I have related. I would hope that this would be defeated. I think what is at stake is this fellow's ability, his pertinacity, his guts to go and fly in the face of the federal government, the state government and his community. He has never done anything wrong, to my knowledge. I think the legislature in this one small instance would be well advised to back him up, and I would support the motion to indefinitely postpone this.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I agree with the good Senators who have spoken previously on this matter of eminent domain, and it bothers me. However, I have had a good many telephone calls from down in that area from selectmen and sportsmen's associations, and they favor this bill. Since I come here to represent them, I feel that I must vote for it, because it is rather an unusual circumstance and I want to be recorded in favor of the amendment.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am somewhat confused.

I would like to ask a question through the Chair of anyone who might answer: Isn't there presently a fishway, and doesn't the department have the power to put a fishway in this dam? Maybe this was answered, but I missed it if it was.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, has posed a question through the Chair to any Senator who may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I cannot give a positive answer, but I think the department can require fishways. I think the problem is controlling the flow of water from the lake.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that Senate Amendment "C" be indefinitely postponed. A division has been requested. As many Senators as are in favor of indefinitely postponing Senate Amendment "C" will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Twenty - one Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion prevailed.

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

Sent down for concurrence.

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

SENATE REPORT — Ought Not to Pass as Covered by Other Legislation from the Committee on Natural Resources on Bill, "An Act Creating the Maine Mineral Land Conservation Act." (S. P. 228) (L. D. 658)

Tabled — June 16, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

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

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

After Recess

Called to order by the President.
Papers From the House

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

Non-concurrent Matter

S. P. 507 — Joint Order relative to recalling Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act" Senate Paper 245, Legislative Document 754, from the Legislative Files to the Senate.

In the Senate June 16, 1969, Read and Passed.

Comes from the House, Failed of Passage, in non - concurrence.

Thereupon, the Senate voted to Recede and Cocur.

Non-concurrent Matter

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

In the House June 9, 1969, Indefinitely Postponed in non - concurrence.

In the Senate June 16, 1969, Passed to be Engrossed Amended by Committee Amendment "A" (S-184) and Senate Amendment "B" (S-276) in non - concurrence.

Comes from the House, that body having Insisted and asked for a Committee of Conference.

On motion by Mr. Beliveau of Oxford, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:
TANOUS of Penobscot
BELIVEAU of Oxford
GORDON of Cumberland

Enactors

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

An Act Providing for a State Pilotage System for the Penobscot

Bay and River, Maine. (S. P. 338) (L. D. 1136)

An Act relating to Creation of Professional Service Corporations. (S. P. 378) (L. D. 1288)

An Act relating to Jurisdiction and Judicial Divisions of the District Court. (S. P. 468) (L. D. 1526)

(On motion by Mr. Mills of Franklin, tabled, pending Enactment.)

An Act Revising the Maine State Personnel Laws. (H. P. 1048) (L. D. 1376)

(On motion by Mr. Katz of Kennebec, tabled pending Enactment.)

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

Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24)

Comes from the House, having failed of Final Passage.

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

Mr. KATZ of Kennebec: Mr. President, is enactment the pending question?

The PRESIDENT: Enactment is the pending question.

Mr. KATZ: I move the pending question.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Several weeks ago we discussed this proposed amendment at some length. As you know, this bill would permit the President of the Senate and the Speaker of the House to convene the legislature anytime that they deemed it necessary. I believe that the bill further provides that they could convene the House and Senate at the times as provided by rule.

We discussed the impact that this could have in the State of Maine, and we further discussed the need for it at this time. As you know, under our constitution

today, only the Governor can call special sessions of the legislature. This would give authority to the President of the Senate and Speaker of the House which they do not now possess. Of course, this leads us to ask the question as to whether there is a need for it at this point. As I indicated earlier, at the hearing on this bill the sponsor testified that this document was the thinking man's answer to annual sessions. I have some very real reservations as to whether it would accomplish that purpose. I don't believe that there is any need for this legislation at this time. No case was made by the proponents, they are projecting or anticipating problems in the future, but to date we don't know of any situation where the Governor has failed or refused to call a special session of the legislature where the situation so required.

This is a very dangerous document in the sense that it would delegate the authority to two individuals to call the legislature into special session. I have no quarrel and, as a matter of fact, I know that under our present leadership it would not be abused, but who knows what occurs in the heat of a political campaign. A speaker commented on what occurred several years ago where certain legislative leaders were disturbed and concerned with the actions of one of our former Governors, how they wanted to call in the legislature solely to embarrass the Governor and to try to manufacture and create political issues which didn't exist at that time, or to expand and to magnify political problems during a campaign year.

This document, in my opinion, is not needed. It is so broad in the language that we don't know what the rules would be. We don't know these are joint rules which would be approved by the legislature. Who would promulgate the rules would create some problems, and it could be — I don't want to raise it as a spectre — but it could be a very real constitutional problem as to whether we do have the right to delegate this to two leaders and permit them, apparently, although I would assume it would mean to permit

them to promulgate or prepare their own rules, so, I urge the members to oppose the passage of this resolve at this time.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: We have never had in our times a constitutional crisis at federal level concerning the election of the President. But if there is one thing that all political scientists are agreed on it is that our present electoral system is replete with potential for mischief and problems in the future. Congress has unsuccessfully wrestled with this problem for many years.

Maine did express itself earlier this session in saying that we wanted to liberalize the electoral system in Maine and, if you can recall, Maine is now the only state in the nation in which it is possible for two candidates for President on opposing tickets each to get electoral votes.

Here is a situation where I am convinced there is danger in the future if we don't act. The record of the Governors that Maine has had has been perfectly splendid. I think long ago we convinced everyone here that this is not a partisan nor a personal matter. If in the future the occasion comes up where the Governor is incompetent, incapable, immoral, if he is capricious and mischievous, and if he defies all the rules of the game insofar as his office is concerned, he is the only one, the only one under the Maine Constitution, who can call the Legislature into session.

You can say that this case hasn't been proven by anything that has happened in the past, but you are closing your eyes to the fact that you are leaving the State of Maine in the situation where if something like this occurs, and the Governor is no longer responsive to the obligations of his job, either because of medical or psychological or any other reason, that the people of the State have absolutely no protection against the workings of this man.

I find it interesting that, although many people here oppose it, no one

has offered any suggestion as to how to modify this measure to make it acceptable. The opponents have shown absolutely no inclination to try to resolve their differences and to meet what I consider a pressing need. I don't care whether the mechanics of this are changed to include majority and minority representation, but no one in here is ever going to convince me that the leadership of this great legislature is ever going to be, with malice aforethought, capricious in calling a legislative session for political reasons.

I can't imagine what would happen to the court system, which is one of the three great branches of government in the State of Maine, if they required the permission of the Chief Executive to move into an area that had an emergency and they were not presently sitting. Are we three co-equal branches of government? I say today we are not, not when our entire potential for effective operation is dependent upon the calling of the session of the legislature by the Governor and that is the only way to do it. This will be a roll call vote, Mr. President and Members of the Senate, and I have a feeling that, even though the implications of this proposed amendment are in the future rather than the past, it is my idea of governmental reform. I hope on that basis it is supported by those who have been calling for governmental reform.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: With reference to the possibility of there being a problem in succession of the Governor, I have asked the Legislative Research Department to prepare a study order for the Legislative Research Committee to determine if there is a problem and to suggest legislation in this field. I would hope that this would take care of the problem. I think that, pending the results of such a study, our State has gone along for a hundred and fifty years and that maybe the necessary safeguards are in. If not, I think we probably can last until the results of this

study are in. I do subscribe to the arguments against this measure and I shall personally vote against its enactment.

The PRESIDENT: Is the Senate ready for the question? This is a Constitutional Amendment and requires the affirmative vote of two - thirds of those present for Passage. 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 at least 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 final passage of Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. A "Yes" vote will be in favor of the resolve, and a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senator Tanous.

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with one Senator absent, sixteen being less than two - thirds of all Senators present and voting, the Resolve failed of Final Passage in concurrence.

Emergency

An Act to Clarify School Construction Aid for Certain Units. (S. P. 288) (L. D. 930)

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

The President laid before the Senate the first matter tabled,

earlier in today's session, by Mr. Katz of Kennebec:

Joint Order

On motion by Mr. HANSON of Kennebec,

ORDERED, the House concurring, that the State Highway Commission be, and hereby is, authorized and directed to make a study of the need and cost of reconstruction of Route 201 between the Cities of Gardiner and Augusta to provide a highway of modern design and construction with all necessary accesses thereto; and be it further

ORDERED, that the commission report the results of its study, including recommendations and any necessary legislation, to the next special or regular session of the Legislature. (S. P. 512)

Thereupon, the Joint Order received Passage.

Sent down forthwith for concurrence.

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

Emergency

"An Act Increasing the Gasoline Tax." (H. P. 1217) (L. D. 1549)

Comes from the House, having failed of Enactment.

On motion by Mr. Barnes of Aroostook, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-279, 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 third matter tabled earlier in today's session, by Mr. Levine of Kennebec:

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

Tabled — June 16, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Levine 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. Berry of Cumberland:

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

Tabled — June 16, 1969 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-281, was Read.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: After reading and rereading this amendment in disgust, I arrived at only one conclusion, and it is this: It appears here that the only intent in this amendment, and it is one of the most malicious and vindictive expressions I have come across in a long time, there is absolutely no doubt that this amendment will cripple the activities of the DED. If you want to stop all economic development in the State of Maine, then adopt this amendment. But if you want progress, then it is your duty to vote against it. I move the indefinite postponement of this amendment, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This sounds like pretty rank censorship. It sounds like the very antithesis of freedom of the press, freedom of expression, and that sort of thing. I hope we haven't reached the point in these

legislative halls where we are going to tell the departments what they can write, how they can write it, and if some of the material they write happens to step on our toes I hope we are big enough to live with it.

I don't know who produced this even, I must have missed it, but it sounds like my friend from Cape Elizabeth. I hope it is defeated.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: During the winter we have had an opportunity to look at this publication, "Maine on the Grow," and many of us did not feel that this sort of thing is necessary to the operation of the Department of Economic Development.

It costs something in excess of \$10,000 a year to publish this magazine, and it is primarily aimed at emphasizing the good work that the department is doing. This amendment which I have offered has no hidden meaning or intent other than simply to save the taxpayers of the State some money. This publication is a matter of patting the department on the back by the department, and many of us did not feel that this is promoting or helping the primary purpose of the department, which is the encouragement of tourism and industry in the State of Maine. That is the basis behind the amendment and I won't go beyond that.

The rest of the amendment would change one paragraph in L. D. 1245, under Investigations, which would allow the Department of Economic Development to carry on investigations which should include physical marine resources, environmental studies, industrial and recreational effects and technological developments, with special attention in the fields of electronics, nuclear energy and chemical industries. I would suggest that this is pretty far afield for the Department of Economic Development to be going.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I agree in essence up to a point with what the Senator from Franklin, Senator Mills, said, that this is harsh treatment. But I think it is a problem that does need harsh treatment.

Now, the Appropriations Committee, in its wisdom, refused to give the Department of Economic Development all the money that it needed, and the legislature, I think, went along with that and did not give the department all the money it thought it needed in Part I. So what does the Commissioner do? You have seen in the paper the first thing, "We are going to cut out our office in Montreal; we can't afford to keep it. We may have to cut out our office in New York." In other words, cut where it is going to hurt and perhaps make us scream, but still keep publishing this propaganda sheet. I certainly support the motion of the good Senator from Penobscot County, Senator Sewall. I think it is something that needs harsh treatment, and I hope his amendment prevails.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Maybe first of all I should apologize for my tie. I had a little spot on it and my good seatmate, the Senator from Cumberland, Senator Conley, has a new spot remover, and this is the result.

I would just merely like to say that I do oppose this amendment. I understand somewhat the thinking behind it. Again, possibly, I am biased. The Commissioner and myself went to the same school and belonged to the same fraternity, and I feel that back then and I think now he is pretty straight forward, and is not the type of fellow that fools around much. I feel he has been a good Commissioner. You may or may not agree with him, but all I can say to this Senate is that you know where he stands. Whether I agree with the guy or not, I like this quality, and I think we need more of it with department heads. I

think that, here again, if you do not particularly like the way he is running the department, that this is a criticism that can be levied by this legislature, it can be levied against the Governor in a political campaign, and this is the way to get at primarily department heads. As I said the other day, I feel the Governor is basically responsible for the department heads, and if you do not like the way a department head is running his department, then the Governor is responsible and must stand the brunt of that attack when election time comes around.

I have talked with a number of people. I am surprised at the Bath Iron Works, at the praise they have heaped upon this department, they feel it has done a good job.

Now, I know that it is upsetting to the majority party here to see politics possibly come into play within some department. All I can say is that the shoe fits on both feet, on either side. Back when the Governor was of the other political party it used to upset us at some of the publications which came forward from the Fish and Game, and this type of thing, with the Governor's picture on it, all the State maps had the Governor's picture, with "Welcome, tourists," and so on and so forth. But I guess this is part of the game and it can be played by both sides. I just feel as if this is taking a prerogative away from that department which this legislature should do from the standpoint of the next election if they feel they do not like the way things are being done over there. On that basis, I would oppose the present amendment.

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

Mr. KATZ of Kennebec: Mr. President, I would pose a question through the Chair to the Senator from Sagadahoc, Senator Reed. I wonder whether it is the Senator's intention to include the tremendously derogatory remark's he made about Senator Conley in the record for all posterity to see?

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

Mr. REED of Sagadahoc: Mr. President, in answer to the good Senator's question, I have no intention of striking that from the record.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise today in support of the amendment as proposed, and I don't question in any way the integrity or ability of our Commissioner of DED.

I have known the Commissioner for many years. First, as Executive Secretary of the Chamber of Commerce in Presque Isle and then as the Industrial Agent, and he did a wonderful job, no question about it. I don't question his ability in any sense of the word. However, I don't feel that we should use this publication, or that it should be used as a publicity media for the Commissioner, the Governor or for anybody else. Regardless of who is the Governor or who is in power, I don't think that we should misuse this publication, and I think it has been misused.

I would like to call your attention to something. I have sat down about every time we got an issue of this "Maine on the Grow," and I have examined it and perused it very carefully, and I sat down some figures. I find that the Commissioner's picture or name, or both, has averaged about one and a half times per page about every month. Now, if that isn't using a publication from a department where a man is commissioner for his own publicity's sake, then I don't know what it is, and I don't think that the State of Maine can afford to spend ten or twelve thousand dollars a year to publicize any one commissioner or any one man. I think it is time we called a halt.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I would submit that perhaps there is some merit in wondering about the value of the publication, the issues that are published, and so forth, but I submit to you that this is not the

only department. I don't know why at a particular time a particular department should be singled out in its publication. I am certain that you all receive, as I do, publications from many departments that have basically the same content. They may deal with different persons but they deal with persons in that department, and I submit to you that practically every department that we have here in this State operates in the same manner. If we are going to make a cut, if this is an economy move, if this is to straighten things out, let's do it across the board and not single out one single department.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested. As many Senators as are in favor of Senate Amendment "A" being indefinitely postponed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Thereupon, Senate Amendment 'A' was Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

The President laid before the Senate the fifth matter tabled earlier in today's session, by Mr. Berry of Cumberland: Bill, "An Act to Revise the Liquor Laws." (H. P. 1224) (L. D. 1556)

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the sixth matter tabled earlier in today's session, by Mr. Katz of Kennebec:

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 Department 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 — Passage to be Engrossed.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be engrossed in concurrence?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I move we reconsider our action of yesterday whereby Senate Amendment "B" to Committee Amendment "A" failed of adoption, and I will speak very briefly on this.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that the Senate reconsider its action whereby Senate Amendment "B" to Committee Amendment "A" failed of adoption. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, may I ask the contents of Senate Amendment "B"?

The PRESIDENT: The Chair would inform the Senator that it is Filing No. 277.

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I oppose the reconsideration motion, and when the vote is taken I ask for a division.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I had intended to defer any comment on this until after we reconsidered it, but I have an amendment which I proposed here, which I discussed yesterday, and

which would provide for an additional \$55,000 for a regional airport in northern Oxford County.

Now, following yesterday's session several Senators approached me indicating some concern as to what would happen to this where there were no federal monies attached. I conferred at length yesterday afternoon with Robert Johnson, who is the Engineer of the Maine Aeronautics Commission, and we reviewed in detail the several projects listed under the Aeronautics Commission in L. D. 394. I believe there are some thirteen projects listed there, twelve of which have not qualified for federal monies, either they have been rejected or they have not applied. There was not one nickel of federal money going into these projects. I ask only that Oxford County receive the same treatment.

The 103rd Legislature in a bond issue appropriated \$25,000 for an airport in northern Oxford County, or more specifically Rumford, for that matter. In reviewing the aeronautics statute, I find that this money cannot be returned to the State of Maine unless the community involved consents, and certainly no community will consent to the returning of any money to the general fund.

Now, my proposed amendment would increase the State's share from \$25,000 to \$80,000, an additional \$55,000. This in turn would be matched by local funds. The Towns of Rumford and Mexico and all the adjoining communities would have to join and raise a minimum of \$80,000 and, hopefully, we would then get our airport. If we failed to comply, or meet final approval or confirmation by the Federal Aeronautics Administration or the Maine Aeronautics Commission then, of course, we would not have our airport.

This is not unprecedented. Each item in this document is in the same position in which we in northern Oxford County find ourselves. There is a very real need for this airport. There are some fifty single-engine planes that fly in and out of two or three strips in northern Oxford County. The Oxford Paper Company and

several wood-turning mills all have their private planes and they are unable to land in Oxford County; they must land either in Portland or Auburn-Lewiston, and this creates a very real hardship. I ask only that Oxford County receive the same treatment that the other areas are receiving. I don't object to Rangeley or Millinocket or Frenchville or Waterville, Pittsfield, Livermore Falls, Augusta or Dexter being included in this bond issue. I ask only that we in Oxford County be permitted to join you.

As I say, we have \$25,000 presently held in escrow for this airport. The minimum cost of constructing a 3,000-foot paved runway is \$160,000. That is the minimum, so you can see that \$25,000 is of very little assistance to us in reaching our final goal. Now, this would be our final request for State funds because we would then have the State's share, and the burden would then be on us to raise the money locally or acquire funds federally.

Now, there was an article in this morning's paper where President Nixon has recommended \$25,000,000 be appropriated to general aviation for airport construction. Although there is legislation on the books today which would authorize federal expenditures for general aviation airports, because of the national financial situation these monies are not available to municipalities, and they have not been available to the Maine municipalities, and for the year, July, 1969 - July, 1970, only one out of thirteen Maine municipalities qualified. Now, those who are submitting applications for the next fiscal year beginning July, 1970 hopefully will benefit from this legislation which the President is suggesting. So, I urge you people to permit the reconsideration motion to prevail so I in turn can offer my amendment and, hopefully, in my brief presentation I have overcome some of the objections of the people who are concerned. Finally, as I said, the thirteen or fourteen items that appear in L. D. 394, with the exception of Presque Isle, received no federal monies and, hopefully, there will be additional monies, but until the situation improves

nationally we must depend upon the State and local communities to contribute their proportionate share to the project.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: Yesterday I voted against this amendment, thinking that it did create a precedent. I thought that under our statutes twenty-five per cent monies on the State level was all that was allowed. I believe this was true some years past and I did not know that it had been changed. I find this morning in checking this that I was wrong, that in the past several sessions monies have been made available for various communities on the same basis that this is being asked and that, as the Senator from Oxford has just stated, in the appropriations for the various communities this is a matter of fact for all of the others. Consequently, I hope that the matter will be reconsidered.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Unfortunately I missed the debate of yesterday on this. I would inquire through the Chair to anyone who may care to answer if the Appropriations Committee took testimony on this matter and, if so, what their reaction was.

The PRESIDENT: The Senator from York, Senator Logan, poses a question through the Chair, which any member of the Appropriations Committee may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: The answer to Senator Logan's question is in the negative.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: May I ask a question through the Chair to the Senator from Oxford, Senator Beliveau? The question would be: this airport in northern Oxford County, is it

not a fact that it would be adjoining Franklin County, District 21?

The PRESIDENT: The Senator from Franklin, Senator Mills, poses a question through the Chair, which the Senator may answer if he desires.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As a matter of fact, it is our intention to extend our runway over into Franklin County, and any other county that can be of assistance to us this afternoon.

To answer further the inquiry of Senator Logan, it is my understanding, although it was not formally presented to the Appropriations Committee this year, they did consider it two years ago and recommended that \$25,000 be raised at that time. It was, in fact, included in the bond issue that year. Since that time, the reason they did not formally appear before the Appropriations Committee was that, of the several proposal sites that were recommended to the Aeronautics Commission and F.A.A., they all did not comply with their standards and requirements. Since then, as recent as eight weeks ago, two months ago, they have found a site which they believe, hopefully, will meet the F.A.A. standards. As you probably know, the F.A.A. standards and the Aeronautics Commission standards in some instances do not coincide, depending on the type of aircraft that will be using the facility. Although there has not been a public hearing, it has been passed upon by the 103rd Legislature. The feeling at that time was that the \$25,000 would be sufficient the rest would be federal and locally, because of the developments on the national scene, federal monies are not forthcoming, and we need more assistance from the State, which will be matched dollar for dollar by the local municipalities before any work can be done on this project.

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

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

Senate: I am convinced that the Rumford area needs an airport. But airport development in the State of Maine follows a specific pattern, and the pattern is a very thoughtful one with a very substantial amount of lead time. This particular little appropriation was not considered by the Appropriations Committee. I can tell you today that there is still not a specific location that has been proposed to the Aeronautics Commission that would have to be approved by the Aeronautics Commission and approved by the Federal Government.

Those of you who are more involved in highways know the necessity for following certain procedures in the construction of highways. I understand in the old days one of the greatest pork barrels was to come down and grab a little piece of highway for your community. Immediately after the war it looked like this very well might develop into the pattern for airport construction in the State of Maine, so we established a policy and the policy was as follows: very frequently the communities developed a program and brought it to the Maine Aeronautics Commission where it was evaluated and, if accepted, it was incorporated into the Maine Airport Plan which was published by the federal government. The procedure is a meaningful procedure that protects us against unwise expenditure of funds and, believe me, in the State of Maine we have spent airport funds in cases and areas in which they should not have been spent.

With respect to this particular project, as recently as this noon-time the Director of the Maine Aeronautics Commission knew absolutely nothing about the request for additional funds for this airport. In specific conversation with him, it took me a moment to tell him what I was questioning him about because he didn't know anything about it. The Engineer of the Maine Aeronautics Commission is more familiar with the situation, and he tells me that no specific location has been approved. Now, this may or may not be the way to get an airport in the Rumford area, but I have a feeling that

it is not the right way to get it, and that the Rumford area would be better served if we followed set procedures like other communities are following.

Let's talk discreetly about federal funds. In our Revised Statutes it says that the State of Maine may contribute an amount not to exceed fifty per cent for the construction of an airport and airport facilities. Certain portions of airport construction are eligible for federal funds and certain portions are not eligible. By and large those things in front of the terminal building which are directly connected with airports, with runways, with taxing and lights, are eligible for federal funds. Terminal buildings are not, parking areas are not, ancillary facilities, approach roads, and so forth are not eligible for airport funds. It has been the established procedure in the State of Maine in the case of small airports — and by small airports, I think you can look down this list and find that most of these are small airports — to give up to fifty per cent in State funds. The Aeronautics Commission tells me it is not the case in major airport construction to put fifty per cent of State money with local money for the construction of an airport. I adhere to my position that if we are indeed turning our backs on federal funds in this airport construction it is a departure, and it is a departure from the airports in your communities that were built at the time they were built. If I were here, and if a proper request came from the Rumford Area Airport, I would be up on my feet speaking for it. Such is not the case today and I oppose the motion to reconsider.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Oxford, Senator Beliveau, that the Senate reconsider its action whereby Committee Amendment "A" was adopted.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: I request a division, please.

The PRESIDENT: As many Senators as are in favor of the motion that the Senate reconsider

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

A division was had. Twenty-three Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed.

On motion by Mr. Beliveau of Oxford, the Senate then voted to reconsider its action whereby Senate Amendment "B" to Committee Amendment "A" failed of Adoption and, subsequently, Senate Amendment "B" to Committee Amendment "A" was Adopted.

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted.

On motion by Mr. Kellam of Cumberland, the Senate voted to reconsider its action whereby Committee Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted.

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

Senate Amendment "C", Filing No. S-285, was Read.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Senate Amendment "C", which I have now offered, is an outgrowth of L. D. 1246, which has been heard by the Appropriations Committee and has been considered by this body and, of course, deals with the proposed international ferry service between the Port of Portland and Nova Scotia. The initial legislation requested a contribution from the State of Maine of \$500,000 to assist in locating terminal services and the allied services in order to have this ferry come between the State of Maine and Nova Scotia.

This matter has been discussed at great length throughout the Legislative Session, and I am sure it is not news to anybody. The State of Maine has been in very severe competition with New Hampshire and Massachusetts in order to attempt to secure this ferry service for the State and to bring

into the State of Maine the great many people who, I believe, all estimates would indicate are certain to come to the State of Maine, and I believe it is going to inure to the considerable benefit of the entire State by having this located in the State of Maine.

If something is not done to provide for these terminal facilities the ferry service, which has already agreed to locate in the State of Maine, will be free to seek a terminal port elsewhere. As you may have seen in the paper recently, the City of Portsmouth, New Hampshire and Gloucester, Massachusetts have started again to seek the ferry service, so I think at this time the question before the body is: Shall we do something to help secure this service in the State of Maine or just throw up our hands and let it go elsewhere?

As I say, the Appropriations Committee has had a great deal of time to consider the legislation and they have, of course, felt that it was not reasonable to make the gift of \$500,000, but I would certainly hope that we would agree that it is a very reasonable request to allow a bond issue to fund this particular project.

The amendment calls for, as the bill had called, the Maine Port Authority to supervise the building of a terminal facility and to run the same. Of course, there would be not only the benefits derived from the considerable increase in tourist traffic, but there would be some expectation of revenue to be received by virtue of the operation of the terminal. The city of Portland, on its part, is going to have to come up with additional funds to insure the operation of this terminal, which is presently estimated at something like another \$500,000. I believe there is no question now that the City will go ahead and guarantee these funds. It is a partnership arrangement. The city of Portland doesn't occupy all that much space geographically that all the benefits that would come into the State would settle in the City of Portland, but would help particularly the tourist areas in the southern part of the State and would help to a greater extent the

collection of sales tax receipts and the business that is generated. I would certainly hope that all the members of this body would consider all of these many benefits that would come to the State when they vote on this matter.

I would say that the greater Portland area has guaranteed to the ferry service up to a million dollars for losses during the first five years. I believe, if in fact losses were sustained, that is just a hedge that the ferry service has required of any community it goes to that they will not lose money in the very initial procedure. Obviously this is a large firm and the Canadian Government is not going to invest its resources into a failing operation, and I don't believe that we are. This is a firm which is going to succeed and the City of Portland has done a great deal to try to secure the service. I would hope that we go along with this bond issue at this particular time.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise only to quell the fears of the good Senator from Cumberland that if this dock facility is not located in the City of Portland that it will go to Portsmouth or Gloucester, Mass. I would say that the Port of Rockland is also available.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Might I ask through the Chair, to refresh my memory, and perhaps the Senator from Hancock, Senator Anderson, or the Senator from Cumberland, Senator Kellam, might answer the question: Some years back the "Bluenose" had a ferry terminal built in Hancock County and I believe the State was involved in the financing of that. What was our procedure at that time?

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question through the Chair, which either Senator may answer if he so desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I don't seem to recall just what the procedure was. I wonder if Senator Wyman might know.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I can remember hearing it discussed, but this was some eighteen years ago and I don't remember. I would move that this be tabled until the next legislative day.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that L. D. 394 be tabled and specially assigned for tomorrow, pending Adoption of Senate Amendment "C" to Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate the seventh 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 16, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

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

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

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

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of Item 1-6, Bill, "An Act

Relating to the Employment of the Handicapped" (L. D. 1571)?

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

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby the Senate Indefinitely Postponed the Bill.

On motion by Mr. Minkowsky of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its action whereby L. D. 1571 was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-286, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President and Members of the Senate: Very briefly, this amendment takes out the appropriation on this particular L. D. and removes the Executive Secretary as a paid position in this particular bill.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. BERNARD of Androscoggin: Mr. President, is the Senate in possession of L. D. 1583, "An Act Relating to Civil Service Commission in the City of Auburn?"

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

On motion by Mr. Bernard of Androscoggin, the Senate voted to reconsider its action of yesterday whereby the Senate voted to Insist.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby this Bill was Passed to be Engrossed.

Thereupon, on further motion by the same Senator tabled and tomorrow assigned, pending Passage to be Engrossed.

On the disagreeing action of the two branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing, (H. P. 673) (L. D. 859), the President appointed the following conferees on the part of the Senate:

Senators:
 QUINN of Penobscot
 MARTIN of Piscataquis
 BERNARD
 of Androscoggin

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Increasing Certain Fish and Game Fines" (H. P. 122) (L. D. 138), the President appointed the following Conferees on the part of the Senate:

Senators:
 MILLS of Franklin
 TANOUS of Penobscot
 KELLAM of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161), the President appointed the following Conferees on the part of the Senate:

Senators:
 TANOUS of Penobscot
 CONLEY of Cumberland
 KELLAM of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381), the President appointed the following Conferees on the part of the Senate:

Senators:
 BERRY of Cumberland
 SEWALL of Penobscot
 REED of Sagadahoc

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, "An Act Relating to State Employees' Suggestion Awards Board and Providing Funds to Activate the Awards Program" (H. P. 208) (L. D. 258).

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, "An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children" (H. P. 508) (L. D. 679).

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act" (S. P. 267) (L. D. 905).

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

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

Mr. MILLS of Franklin: Mr. President, there is a bill, I believe, in possession of the Senate that was recalled on Joint Order from the Governor's Office relating to the powers and duties of the Attorney General. Is that in possession of the Senate, please?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MILLS: Mr. President, then at this point, not having in my hand the proposed amendment, but desiring to amend eventually, I would now move, Mr. President, that we reconsider our former action whereby this bill was passed to be enacted.

The PRESIDENT: Under suspension of the rules, the Senator from Franklin, Senator Mills, moves that the Senate reconsider its action whereby Legislative Document 424, An Act Relating to Powers and Duties of the Attorney General, was passed to be enacted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, considering Senator Mills does not have his amendment, I would suggest that some-

body table this matter until he has had time to do this.

The PRESIDENT: The Chair would inform the Senator that the paper is not before Senate as yet. The Chair would inform the Senator that the motion to table would be made pending the motion for reconsideration.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending the

motion by Mr. Mills of Franklin that the Senate suspend the rules and reconsider its action whereby the Bill was Passed to be Enacted.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,
adjourned until 9:30 tomorrow morning.