

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 24, 1969

Senate called to order by the President.

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

Reading of the Journal of yesterday.

Papers From the House

Non-concurrent Matter

Bill, "An Act Relating to Property Tax Administration." (S. P. 392) (L. D. 1340)

In the Senate June 19, 1969, Report "A" Ought to Pass in New Draft "A" (L. D. 1604) Read and Accepted and the Bill, in New Draft "A", (L. D. 1604) Passed to be Engrossed.

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

Mr. Wyman of Washington moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Cianchette of Somerset, tabled until later in today's session, pending the motion by Mr. Wyman of Washington that the Senate Recede and Concur.

Communications

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

June 23, 1969

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

Sir:

The House today voted to further insist and join in a second Committee of Conference on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980). The Speaker appointed the following Conferees on the part of the House:

Mrs. LINCOLN of Bethel
Messrs. CURTIS of Bowdoinham
OUELLETTE of South
Portland

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 23, 1969

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

Sir:

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

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

Mrs. PAYSON of Falmouth
Messrs. LUND of Augusta
HEWES of Cape

Elizabeth

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

Messrs. DENNETT of Kittery
HICHENS of Eliot
TANGUAY of Lewiston

Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" (H. P. 1231) (L. D. 1564)

Messrs. DENNETT of Kittery
CROSBY of Kennebunk
HARRIMAN of Hollis

Respectfully,

s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

**Senate
Ought to Pass
- As Amended**

The Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 366) (L. D. 1248)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-317).

Which report was Read.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In regard to this bill, as

you will notice, it is the one to pick up any errors and mistakes that may have been made in previous legislation this winter and spring, and now summer, and I hope it will drag along and be about the last bill to be enacted so that, if any other things come to light through Mr. Slosberg's office, that they may be corrected here.

Two years ago the then President of the Senate admonished me that that bill, when it comes out of Judiciary Committee, that I should be able to assure him that it didn't have any jokers in it and that it was all errors and inconsistencies. I haven't checked right now to recheck on Committee Amendment 317, but I believe this is nothing but a technical amendment and is a proper amendment.

I have talked with Mr. Slosberg within the last two or three days, and we were talking about a substantive amendment which I would kind of like to put on a little later, and which I will explain in due time, and he said to me, "Well, you know, that bill right now is just as clean as a hound's tooth," and I think it is. I think I can assure the President and leadership in both branches, both parties, that this bill is just what it says it is, "Errors and Inconsistencies."

Now, if there are any people that want to get on and ride the bill with any measures, it is a perfectly logical vehicle to use in the way of a House or Senate amendment. I have got one and we didn't try to put it on in the committee — I will tell you about it when it comes along — but if anybody else has, I will be glad to be of any assistance in using it, as long as the matter is fully explained to the bodies involved.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A", Filing No. S-317, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Majority of the Committees on Judiciary and State Government on Bill, "An Act Providing for Full-time District Attorneys." (S. P. 384) (L. D. 1291)

Reported that the same Ought to Pass in New Draft "A" under New Title: "An Act to Provide for Full-time County Attorneys." (S. P. 528) (L. D. 1610)

Signed:

Senators:

MILLS of Franklin
VIOLETTE of Aroostook
QUINN of Penobscot
WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

MORESHEAD of Augusta
DANTON of Old

Orchard Beach
BRENNAN of Portland
HESELTON of Gardiner
BERMAN of Houlton
DONAGHY of Lubec
STARBIRD of Kingman
WATSON of Bath
FOSTER of Mechanic

Falls
HEWES of Cape Elizabeth
D'ALFONSO of Portland

The Minority of the same Committees on the same subject matter reported that the same Ought to Pass in New Draft "B" Under New Title: "An Act Relating to Full-time State's Attorneys." (S. P. 529) (L. D. 1611)

Signed:

Representatives:

RIDEOUT of Manchester
MARSTALLER of
Freeport
DENNETT of Kittery

Which reports were Read.

Mr. Logan of York then moved that the Senate accept the Ought to Pass in New Draft "B" Report of the Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It is a fortunate circumstance that they put the original L. D. numbers on these committee reports sometimes, otherwise the sponsor might not recognize his bill by reading it in the new draft.

I believe that the time will come when we will have a system of full-time district attorneys in the State of Maine, with the prosecutors being selected by our appointive authority and being approved by the confirming authority. Unfortunately, this does not appear to be the year that we are going to have this step taken. That being the case, and in looking over the two drafts, it would appear that Draft "A" is certainly the best, for at least the time being, in that it does give some of the larger counties an opportunity for a full-time man handling his prosecution, and the person would be elected as he now is, and this would be less of a traumatic change for some people, and I believe it is more acceptable. Consequently, I would oppose the motion to accept Draft "B" and hope that the Senate would go along with the acceptance of the Majority Report, Draft "A".

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I firmly concur with my good friend from Cumberland, Senator Kellam, in his statement. We could put a lot of time in on this. It is a joint report of Judiciary and State Government, and the vote was seventeen to three in favor of Report "A". I hope you will vote against Report "B" in order that Report "A" may be accepted.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I have a great deal of sympathy for the time and effort that the joint committee put in on this important matter, and I can also understand why they would turn out a Report "A" because Report "A" is a safe, easy half a step forward.

The need for full-time prosecuting attorneys on a district basis has been long recognized by all of us. I can't speak for Penobscot County, I can't speak for Franklin County, but I can certainly speak for York County. We are in desperate need of proper full-time

prosecution down there, and I mean desperate need. We have had situations - well, probably I shouldn't go into them on the record but, in any event, I would submit that this legislature should take a full step.

Now, we all know that the State's Attorney system is coming. We have our district Courts and, I think now, with all due respect to this distinguished joint committee, that this legislature should go ahead and get this job done.

I have here a speech which was written for me. I don't need it really. I talked on this during the campaign, and I think the need for this is so apparent that we should take our courage in both hands now and go ahead and get the job done that we all know should be done. I think it would be a feather in the cap of this legislature if we went ahead without fear and accepted Report "B". I hope we will all live up to our responsibilities in this matter. Thank you, Mr. President.

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

Mr. MILLS of Franklin: Mr. President, I would like to make a parliamentary inquiry through the Chair to the Senator from York, Senator Logan, as to the author of the speech that he has. He mentioned that somebody wrote the speech that he was given, and I wonder if he would tell us who it was?

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

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I don't desire to answer that question. I don't think that is necessary. That is not germane to this argument, and I don't have to come out and say who is behind these bills. I am not speaking for anyone, I am not speaking for myself; I am speaking for the people in my community.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The joint committee recognizes that in certain areas of the State there is a need for full-time prosecution, and in Report "A" L. D. 1610, there is a provision for full-time prosecutors in our five largest counties, which includes York County. In Androscoggin, Cumberland, Penobscot, Kennebec and York Counties we have made arrangements to increase the salaries of the prosecutors to a sum which would make it practical for them to leave their private practice and devote full time to criminal prosecution. There is also a provision under Section 454 which states that the full-time prosecutors must devote their full time to the duties of the office of county attorney.

I think that this document represents the feeling of seventeen of the twenty members of the joint committee. We felt that the State did not need nor could we afford at this time full-time State's Attorneys, therefore, I urge the members to oppose the pending motion so that we can, in turn, adopt L. D. 1610.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The motion of Senator Logan of York to adopt Report "B" gives us a chance to vote on by far the better report.

I fail to understand the thinking of the joint committee in denying equal justice to the balance of the counties in the State. We seem to have picked on the more populous counties and said "You are deserving of the benefits of full-time prosecutors but the small rural communities aren't worth the effort or expense to administer equal justice." I fail to see why Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York do get this preferential treatment.

There is a vast difference, of course, between the two bills. Bill 1611 is practically the bill that I introduced and which some of the members of Judiciary felt shouldn't be introduced, and for the

first time in the history of the State of Maine an L. D. was denied admission to the legislature. Quite fortunately, with the due process of the legislative procedure, we have been able to get this bill before us for consideration, so the machinations didn't work out after all.

The bill which would be covered by Senator Logan's motion, if you accept Report "B", provides for, obviously of course, district attorneys, and this would give justice to everybody in the State. It also provides, equally importantly, for the Attorney General to be a full-time law enforcement officer and head up the effort. As Senator Logan has said, this would divide the State into districts comparable to roughly the District Court, and when you think that dividing the State into equal districts, as provided in my bill, as opposed to Senator Kellam's bill, each of the districts would have the same number of people that is provided here in these six favored counties. There would be just as many people served in the areas in the districts which would not be covered. It is exactly like each of us representing 30,000 people, give or take ten per cent. The district attorney set-up would represent exactly, give or take a few of the same number of people. So, why do we say that six districts are to be favored and six not?

As has been indicated in the debate, these is a crying need in the State of Maine for something along the line of full-time district attorneys. Several of the counties have situations in existence which are deplorable in this situation. While we can never question the judgment of the voters, it just happens that sometimes we don't get people in the positions as qualified people. I would hope you support Senator Logan's motion. I consider this an extremely important step in the right direction. Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to point out

one thing to the body that, contrary to the previous speaker, this Report "B", which is now under consideration, does not provide for district attorneys. It provides for a State Attorney system with all the power centralized in one office of the State, with this particular office being located in Kennebec County and having s t a t e w i d e jurisdiction.

The original bill upon which the committee was entrusted to act provided for a district attorney system, with the district attorneys being appointed by a responsible elected official and being confirmed, as in the present case, by the Executive Council. This would give status to our district attorneys, I believe, and would be of benefit to the State as a whole. The selection of these district attorneys would be much the same as the present system of selecting judges is.

It is unfortunate that we have Report "B" at all, I feel, because it is just designed, as I say, to centralize power among non-elected officials, and I feel that is detrimental to the State. As well as we can, under the circumstances, we certainly should try to make some provision in the larger counties, so I would go a long with Report "A" and hope that in some future legislature the body will be of a mind that we should have the full-time district attorneys. I oppose the motion of Senator Logan.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate accept Report "B", Ought to Pass in New Draft Under New Title, Legislative Document 1611, Bill, "An Act Relating to Full-time State's Attorneys." 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 Logan, that the Senate accept Report "B", Ought to Pass in New Draft, Bill, "An Act Relating to Full-time State's Attorneys." A "Yes" vote will be in favor of accepting Report "B"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Barnes, Berry, Dunn, Greeley, Hoffses, Logan, Moore and Peabody.

NAYS: Senators Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Katz, Kellam, Letourneau, Levine, Mills, Minkowsky, Quinn, Reed, Sewall, Stuart, Tanous, Violette, Wyman and President MacLeod.

ABSENT: Senators Anderson, Bernard and Martin.

A roll call was had. Eight Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with three Senators absent, the motion did not prevail.

Thereupon, the Ought to Pass in New Draft "A" Under New Title Report of the Committee on Bill, "An Act to Provide for Full-time County Attorneys," was Accepted and the Bill in New Draft Under New Title Read Once.

Thereupon, on motion by Mr. Katz of Kennebec, and under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Final Report

The Committee on Judiciary submitted its Final Report.

Which was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Provide Protection for the Consumer Against Unfair Trade Practices." (H. P. 770) (L. D. 1003)

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

Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment." (Emergency) (H. P. 1275) (L. D. 1603)

Which was Read a Second Time.

Mr. Berry of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-314, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: L. D. 1603 is an approach to the problem of regional industrial development which involves the problem of pollution affecting more than one municipality.

The subject matter was covered in three hearings by the Natural Resources Committee, two hearings on a bill presented by Representative Eustis, and one on a joint order presented by Representative Lund. This bill is an outgrowth of the study of these three, and is in direct compliance with the provisions of Representative Lund's order.

Broadly, the problem is the construction of a polluting or possible polluting industry in a municipality which affects, by its polluting characteristics, more than the municipality where it is constructed. The bill, as would be covered by the amendment which I have submitted, limits the interest to contiguous communities, the community in which the industry is going to be constructed and the surrounding communities, whose boundaries touch that community.

The problem of covering existing industries is handled by making the act effective a year from this June 30th, and this is done deliberately so that any industries which are being contemplated at the present time will be exempt from this act and have an opportunity to proceed with what they are doing. This would specifically exempt the King Resources proposal on Long Island in Portland Harbor, and any other industry which starts its plans before a year from this June 30th. An industry which contemplates such construction, and is in question of whether it is in the area of being a polluter would file an

application with the Water and Air Environmental Improvement Commission. Within sixty days the Commission would accept or reject the application and approve the plans for construction or issue a permit for construction, or reject it. In the event of rejection, the industry can apply to the court for relief.

In the event that people in the area are concerned, they can file, by either 100 names or five per cent of the last gubernatorial vote, an application for a referendum on the subject, and the referendum would cover merely the question: Shall this permit be granted or not? And the votes are tabulated by a total of all the communities voting on it. This would mean that a large community surrounded by satellite communities that don't have a big populace would probably carry such a majority that they would outweigh the votes of the smaller communities. However, I think we must agree that this is an approach to this area problem. The bill, as originally provided, said fifteen miles from the source of construction. This, in an effort to appear to bring things a little bit closer, and not go too far from the source of construction, the contiguous community concept was developed.

The bill appears to have the backing of the available resources of the court for appeals, it has the interest and chance for expression by the voter, it is not going to hurt existing industry, and it is, in my opinion, and I think those of us who worked on it, an approach to the problem, a very difficult one, we all admit, but an approach to it. I would hope that we would be able to adopt Senate Amendment "A" to this bill, and I so move, Mr. President.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This is one more bill that I haven't studied throughly, and I would like to ask a question. Take for example, the Town of Hampden, which is a residential area on the Penobscot River. If some industry were to apply to

go into the Town of Hampden, and the Town of Hampden did not want this industry, does this mean that Bangor and the surrounding towns could force an industry on Hampden?

The PRESIDENT: The Senator from Washington, Senator Wyman, has asked a question through the Chair of any Senator who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would answer the question in the negative.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I am wholeheartedly in agreement with all of those who are advocating clean water and pure air for the State of Maine, and would support any reasonable measure that would bring forth these things that I am sure we all desire, but I can't possibly conceive that this piece of legislation would bring this about.

I am quite disturbed in that possibly a carnival huckster type of situation could occur, if we can visualize such a thing, whereby a small group would submit propaganda, if you will, to distort the picture, and I can easily see whereby, through a referendum, a legitimate industry could be denied access to the State of Maine. I could also visualize a smaller satellite community requesting an industry, possibly to broaden its tax base, and having the larger adjacent community with a larger number of voters denying this small community the revenue they might receive from the industry they might like to have.

I could go on at great length this morning, but I don't think that I need to. I think that this body in its wisdom will readily see and appreciate that this is not the measure that will do the job that we would like to have it do. I am merely going to submit to you that this bill should be indefinitely postponed with all its accompanying papers, and I so move.

The PRESIDENT: The Senator from Cumberland, Senator Gordon,

now moves that Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment," and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I get up to support the motion of the Senator from Cumberland, Senator Gordon. Although I realize that the good Senator from Cumberland, Senator Berry, is deeply concerned with this particular type of legislation, we are also concerned in Portland with the present problem, which the Senator from Cumberland mentioned, King Resources.

The bill itself, as I understand it, with the amendment now, has been reduced to an area of five miles. Even under this, a community such as Portland would be able to stop the industrial growth of surrounding communities such as Westbrook, Cape Elizabeth, Falmouth, Scarborough, or any adjacent community. I think, personally, even with the situation as it is now in Portland, we still have two years before any great problem could arise, and I think it would be an excellent idea if this problem was turned over to Legislative Research for them to do a study on it. Therefore, I support the motion for indefinite postponement.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: As a signer of this report originally, I believe the Senator from Cumberland, Senator Berry, has pretty well outlined the committee's feelings on this. I don't know as this really is the answer. I feel as if probably a lot of holes maybe could be shot in it, but I think that the committee tried to make an honest attempt to do something about this problem. I think everyone agrees that there is a problem here, and that is why I signed the report and would like to see this bill moved along at this time.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would mention one thing I omitted, and that is that the possible polluters are limited by the bill to industries, plants or operations involving the mining, removal, refining or processing of any metallic mineral or derivative thereof, or any refining of petroleum products.

Now, sooner or later we are going to have to come to grips in our own consciences with this problem of pollution, and all we are talking about this morning are polluting industries of this particular nature. These appear to be, from available information, the prime polluters in our country today. There is no attempt, of course, to keep industry as such away from any community; the problem is the polluting industry to be controlled. Now this would, of course, if passed, require permits from the Water and Air Environmental Improvement Commission in and of itself. They are not just going to be allowed to come in without the necessary State permits.

I do feel, as Senator Reed says, it is a beginning. It will work no hardship, and anybody who comes in knows what they are going to be facing. This is the big thing. We are told today that new industries welcome knowing just what they are going to face, and this is a chance for us to put on reasonable regulations so that new industries, when they do move into this State, will know what they will have to do. I would request a division, Mr. President.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with some reluctance that I rise to talk on this matter. I have not involved myself a great deal in pollution, although I have taken a very, very long time interest in it. I hesitate because I have so few of the answers, but I have a feeling, an instinctive feeling, that we have a problem here that apparently, from what I can

make out, is not really being solved by this legislation.

It seems to me that we are going pretty far afield if we are going to tell any one municipality in the State that within reasonable range it can do certain things or it cannot do certain things, or other communities surrounding that municipality can tell it that it cannot engage in certain activities. I think the reverse is that it can even tell it that it would have to do so.

It would seem to me, and here again I am probably completely far afield, but I am the first one to support wholeheartedly the concept of trying to make our industries, not only those we now have today, but those that we would hope to attract to Maine in the future, make sure if they do come to Maine that they do not despoil our natural scenery, that they do not become polluters, and that they become assets, not only industrially, but to the environment of our people. It would seem to me that the way to get at this would be to make sure that the air and water — and we have commissions and State agencies that do have the capacity and the authorization and the mechanics to make sure that if these industries apply for licenses that we can guarantee to our people that, wherever they are going to locate, that they are not going to be despoilers of our natural scenery and our natural beauty, and that they are not going to be polluters, but that they are going to be assets in every sense of the word.

As I say, it is not my intention at all to oppose this legislation as a means of blocking work on air or water pollution, but it does seem to me that we are going at this in kind of a backhanded way instead of actually enacting the legislation that is going to make sure, as I say, that if these industries apply for a license that they are going to have to be able to prove that their activities are not going to pollute our air and are not going to pollute our waters. I just have an instinctive feeling that this is not the way to arrive at what we are trying to accomplish. I would hate to have a community around Van Buren

that would tell my community that it cannot do things within its municipal boundaries or that it should not. Now, this is not to say that maybe this is not the right thing to do, but I think we get into situations that are quite unreasonable under this type of legislation. Here again, I mean, I am wide open to education in the process, but just doesn't ring right to me.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would just like to say that I think that my instincts tell me that this is good legislation. We all talk when we campaign about pollution and wanting to do something about it, and now before us we have a chance to do something and more of us are backing away from it. I think that if the people do not want a pollution industry in that area then they should have a right to vote on it. I oppose this motion to indefinitely postpone this bill.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: With your permission, I would like to pose a question through the Chair to my good friend from Cumberland, Senator Berry. As I understand this, if I interpret it correctly, there is a provision in here for a referendum for neighboring communities. Is this limited to a radius of five miles?

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

Mr. BERRY of Cumberland: Mr. President, with the amendment there is no geographical limitation, other than that they must be contiguous communities. The boundaries of the affected community where the construction project is going to be, plus all communities whose boundaries touch that area.

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

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

Senate: I think it is bad legislation for one reason, and that is that any industry that wants to come into Maine, if they want to come to a small town, because they might be afraid of the people in the larger cities would turn them down, they will go down to the large city and they will get the votes there and it might affect and hurt the small town.

What we should do now is strengthen the Air and Water Improvement Commission. We have to clean up the rivers by 1976, and if they need more legislation we should give it to them, and that would solve the problem.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I want to make very clear my position here. I am not interested in any industry coming into our state now or at any time and becoming polluters, but the question that I ask, and maybe it can be answered, is whether or not you have the legislation — and I ask it in all sincerity — is it more subject to being given a license whether you have this legislation or not, from our Water Air Improvement Commission, because there is this type of legislation on the books or if there isn't?

Now, it would seem to me that if an industry requests a license, they ought to be given the license on the basis of whether or not they are going to adhere to our laws on pollution, whether it is air or water pollution. It seems to me that it ought to make no difference. If it is a polluter, and our Water and Air Improvement Commission judges that it is a polluter, it shouldn't have a license, regardless of whether or not you can initiate a referendum from surrounding communities. This is the point that I want to stress.

It seems to me that the industry ought to be entitled to a license or not be entitled to a license if it is or is not a polluter. If it is not a polluter, then I question the authority of allowing the surrounding communities to say that any municipality ought not to

have that industry within its limits. This is the point I want to raise. I am not interested in seeing that it is going to be any easier for an industry to secure a license if it may be a polluter, but it seems to me that our State agencies should have the authority, the breadth and scope of authority, to rule and deny licenses for people that are going to be polluters. I think this is the germane of the issue, rather than the surrounding communities deciding whether it is going to be a polluter or not a polluter. I think this ought to be decided through Our State agencies, and this is where the decisions ought to be made.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Maybe I would like to clarify my position a little more as far as this legislation is concerned. I agree that possibly this is sort of a backdoor approach to the issue and maybe we should be talking. But I am one, I guess that takes an unreasonable position many times on despoiling of our natural resources in this State.

I would agree that the first thing for this State to do is to set standards for industry to use as far as water and air is concerned, and possibly land. A public hearing is held and a license is issued. Then I would agree that this license, if it was granted after the public hearing when all people concerned in all the neighboring towns can express themselves, then the license is granted and the plant is built. The problem is that the license is then violated. It then goes to the courts, and the courts tend to decide on the equity of the case. I mean, I am not an attorney, but they say, well, here are a thousand people employed, and so on and so forth, well, we can't take and pull this license because it will raise havoc in a particular area. This is the problem that we are having as far as enforcement is concerned.

I agree, if you could set standards, good strict standards, and grant licenses, and then the courts would act speedily and

quickly, and so on and so forth, to enforce these licenses, but such is not the case.

Secondly, I feel that if the communities in our State would get together in some type of regional zoning so that a particular area would decide what they want but, again, at this time such doesn't seem to be the case and, therefore, where one town really is at the mercy of another as far as industrial expansion is concerned, it seems as though this was an avenue that we might pursue.

I realize the other body defeated it quite badly and, if we defeat it here, I certainly would like to see it go to a study committee, but right now the committee's thinking was that this concept should be debated and see what the outcome was as far as this legislature was concerned.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am sure that we have probably belabored this long enough, but I would just like to make a few comments, if I may. First of all, it is very seldom that I am in opposition to my good friend, the Senator from Cumberland, Senator Berry, but this morning I have to oppose this bill and support the motion for indefinite postponement.

I have to agree with the comments as expressed by my good friend and colleague from Aroostook County, Senator Violette. I would like to point out a situation that occurs to me we have in Aroostook County. We have two neighboring cities in Aroostook County, namely, Caribou and Presque Isle, and I represent both of them. There is considerable inter-city rivalry between these two. I am sure it is all friendly in some aspects but, nevertheless, it does exist. And I could just visualize how either city could prevent its neighboring city from obtaining a very important and vital industry, and I feel that there are other ways that we might solve this problem. I just feel that this just isn't the way to do it.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I would remind the Senate that this bill refers to oil refineries and smelters, and presumably aluminum plants.

Can you remember now what New Jersey looks like as you go up the Jersey Pike or down the Jersey Pike past Bayonne through the huge oil refineries down through there? Truck farming in that part of New Jersey has ceased, not only from the Bayonne refineries, but from the pall of smoke that comes over from Manhattan. This bill provides an area approach to the problem. Many states now recognize interstate compacts in this area; they are going even further, so the sulfur from the refineries in Bayonne is not going to damage farmers and others in New York State.

Recall, can you, what it looks like as you drive up the Calumet Skyway from South Bend into Chicago through Gary. You see the sky filled with clouds or red dust from the blast furnaces of Gary, all of it drifting into the surrounding areas. This is the sort of pollution we are talking about. At nighttime that looks like a scene from the Inferno. This is the type of thing we are talking about, and this is what this bill is meant to approach. I think it is a good one.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I appreciate we have belabored this to quite a degree, and I appreciate the remarks of the Senator from Sagadahoc, Senator Reed, but I would point out that I can't possibly see where or how this piece of legislation would do anything to bring that offending industry back in line which had been granted a license but failed to comply with the requirements that were set down by the State. I just can't see where this piece of legislation would deal with that problem.

I can see where, because of community boundary lines, an industry

could be denied because that community or those communities that will not receive the benefits from a particular industry might not be too interested in taking a chance and have it come into the community or the area, the region. I think the fact that community boundary lines are involved here I think that this renders the referendum process in this particular case almost useless.

I think the people should have a right to judge whether or not, but the whole picture is clouded and confused by the fact that boundary lines are involved.

I think that the best course for the State of Maine to take in an issue of this nature is to require stringent regulations that might be administered from perhaps the State level, if this is the way we are to conduct and protect the State in this fashion, and, hopefully, the communities will expedite a little faster the regional concept, but I can't see that this would really be too valuable.

I think that we are providing a hammer to kill a flea, and I am very disturbed. I appreciated the remarks of the good Senator from York, Senator Logan, but let's take a look and see what is happening in some of these areas. Pittsburgh was able to clean itself up, and many of these other areas are doing a great job. I would submit to you that the Bayonne section of New Jersey has made great strides, and the problem that used to exist twenty years ago does not exist today. I don't think that they have corrected these problems by a regional referendum of this nature.

If a division hasn't been requested, Mr. President, I would request one.

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

Mr. LOGAN of York: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would just like to say

one thing. A while ago we discussed the fluoridation issue here and, as I recall, I got the message that when it came to adding fluoride to the drinking water you felt very strongly that the people ought to decide this. Now, I wonder why the people shouldn't have a right to decide whether they want to breathe polluted air. It seems to me they should.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I will speak very briefly. I would like to recall to the Senate the recent action involving an aluminum refinery in the Town of Trenton, where the fate actually of the entire Mt. Desert region hinged on the votes of a handful of people. This is why, in my opinion, this area concept is valid and is necessary.

Any major industry today certainly affects a much broader area than, let's say, one small township, or even a large township.

I would also recall to the Senate the great problems that have been caused in Aroostook County by the sugar plant or the potato processing plant at Easton. This not only has involved downstream communities, abutting communities, but it has even become an international incident. So, I think in this one aspect I certainly agree that we should make our Water and Air Improvement Commission stronger and give it better tools and better standards through which to work, but I think these two instances illustrate the need for area thinking and of giving the voters in an area the opportunity to speak on these issues which so definitely will affect their lives and their environment. So, I certainly support Senator Berry's motion and oppose the motion to indefinitely postpone this bill.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Gordon, that Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional

Environment," be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: After listening to the debate, I think we all agree that everybody wants to clean up the air and the water. Now, before any new industry comes into the State, they have to have a hearing and get a license from the Water and Air Improvement Commission. So, if all of us want to clean up the air and the water in this State, I feel that the five mile or ten mile area isn't enough and that this bill wouldn't be effective enough. The only thing that could be effective is to have either a stronger Commission or we should give them more authority. Putting more teeth in it, I think that would solve the problem.

The PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Gordon, that Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Barnes, Boisvert, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Mills, Tanous and Violette.

NAYS: Senators Beliveau, Berry, Cianchette, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Martin, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Stuart, Wyman and President MacLeod.

ABSENT: Senators Anderson and Bernard.

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

Thereupon, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed in non - concurrence.

Set down for concurrence.

House - As Amended

Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use. (H. P. 878) (L. D. 1121)

Which was Read a Second Time.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There are certain parts of this bill that are good, but certain parts that are not good for the people of the State of Maine. I feel that for the farmer that has land adjoining a developed area, and his land is being assessed on a house lot basis, I think this bill would do some good regarding that point. However, for the developer who buys land with the intent of holding and developing it for future use, holding it for a higher price, I think the bill is wrong in that aspect. So, Mr. President, I am going to ask for indefinite postponement of his bill.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, now moves that Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook; Mr. President and Members of the Senate: Every bill that is presented before the legislature has some weaknesses, and every proposed legislation is not perfect, but I think that the advantages of this piece of legislation far outweigh the disadvantages. I certainly am opposed to any motion to indefinitely postpone this bill.

As far as speculation is concerned, it is true that possibly it

could be taken advantage of, but, as I say, the advantages far outweigh the disadvantages, and I would hope that we go along and pass this bill.

Over the years farmers in Maine have shared with farmers everywhere in the country an increasing concern that a way be found to avoid being forced to sell their farms by tax assessing policies applied by the governing bodies. I don't think that we should try to kill the goose that lays the golden egg. I think the farmers in the State of Maine are assuming a great proportion of the tax, as I have said here before in this Senate, agriculture is our basic industry, and I think our whole economy in the State of Maine is based upon the farmers and the agricultural industry. I think that this bill gives the farmer an opportunity to survive and live, and continue farming without having to be forced to sell his farm because, if we are to assess on the basis of speculation or a false value, you are going to force the farmers in the State of Maine to sell their farms and get out of farming, and we need them to continue to produce the food for the people of the State of Maine. It is true that most of our farms are along Maine highways and Maine development areas, and there is an amendment already presented in the other body which has been accepted, which I think takes care of any objections we might have to this bill. I would hope that members of this Senate would take a good look at this bill and oppose the motion to indefinitely postpone it.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Would the Secretary advise us of the filing number of the House Amendment, please?

The SECRETARY: Filing No. H-550.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I can't speak very eloquently on this bill, except I

would just like to say that I think it is a good bill and I oppose the motion to indefinitely postpone it. I discussed it with the good Senator from Piscataquis, Senator Martin, yesterday, and I understand that it probably isn't a perfect bill, but there are farmers in my district who would be affected. They have land, they are using it for farm purposes, and they are not holding it so that the value will increase so they could sell the lots off in ten or twenty years and make a lot of money. It is land that is used for farm purposes and they feel it should be taxed as it is used. If it were taxed as it were zoned it would put a great hardship on them, and my heart goes out to these farmers. They work hard and there is no subterfuge there. They are not trying to hold out, to hold these lots, so they can get rich later. They are just using it for that one purpose. I think that this is good legislation, and I hope that you will vote against the motion.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Reviewing this document, I note that it is not limited to farmers and agricultural lands, but Sections two and three refer to open space lands which are used for recreation or the enjoyment of scenic or natural beauty.

Now, we are concerned with a constitutional amendment here. Once this amendment is adopted, if there are abuses in this area, and I can anticipate many, it will be next to impossible to change this law because it requires a two-thirds vote and a referendum. I do not believe that legislation of this nature should be enacted in the form of a constitutional amendment, although I do appreciate one of the ways it can be done is through a constitutional amendment. If this were a statutory provision, which could be exposed to amendment or possibly repealed at a later session, I could see that possibly we ought to consider it, but this is a constitutional amendment which, as you know, would be very difficult to amend at a later date.

I fail to see why there is any need for the language in Section 2. If we are concerned with preserving and protecting the farmers in this state, that first sentence would be adequate and sufficient to meet that need, but I do not believe that Sections 2 and 3 serve any purpose, and could be abused, and will be abused, by land speculators.

We all know that there are many people who purchase property today for the sole purpose of selling it at a later date at a higher price. I do not believe that this is true of the farmers. It may occur occasionally, but we do know that Maine is being exposed today to land speculators, that we have large tracts of land that are being purchased throughout the State for the sole purpose of resale at a higher price.

Unless this bill can be amended in some form, I would have to support the pending motion. If it were amended and limited solely to farm and agricultural lands, that would meet with my approval, but in the present form I could not support the bill because, again, we are protecting those who are coming to Maine and those who are in Maine for the sole purpose of speculating and benefitting from the land appreciation.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am all in sympathy with the farmers, however, this is a local assessment problem. I believe that the local assessors, can use their judgment, and if the farm is used for farmland it should be assessed on an acreage basis.

If a developer comes in and buys a parcel of land, whether it is on a farm adjoining the urban area of a town that is being developed into house lots and construction is going on, or whether it is on the shore of a pond, this is broader than just being a bill for the farmer. It ties up the land on the shore of a pond that could be assessed or would be assessed as shore property for cottage lots. This bill, if passed, would place this shore property on an acreage

basis with a lesser assessed value than on the lot basis, and this is what is bad about it.

I really don't think there is any way to amend this bill and word it so that it will help the farmers alone. You can classify a piece of land as being owned by a farmer, and it could be owned by somebody else with the intent of selling it at a higher price. This is a local problem and I think the local assessors can handle it very well.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise to oppose the pending motion. I think that this bill to assess according to current use is a fair and proper method of assessment. Now, they talk about future developments. I don't think a piece of property should be assessed at potential future use until it gets into that use. If it is going to get into a development, then let it be assessed accordingly. This doesn't freeze it at present use. As present use changes, the assessment will change. I think that this is a fair bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I have been confused because of the use of the word "bill" here. It is a Constitutional Amendment, and it seems to me that what the Constitutional Amendment seeks to do is to give a greater latitude to future legislatures for meeting the problems that will develop. I would pose a question through the Chair to the Senator from Piscataquis Senator Martin. I can understand his misgivings of a blanket authority to put property into what amounts to bank in escrow as against a future sale at substantially increased prices, but is it not a fact that this constitutional amendment merely says that as conditions change, and as future legislatures meet, that they will have the authority to meet these changes and meet the new conditions without running smack up against a constitutional prohibition?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: On reading the bill, it appears to me that the language of it gives the legislature the powers to provide for assessment and, as Senator Katz has pointed out does not circumscribe the area within which the legislature can operate. This was a point made by Senator Beliveau, which I considered an excellent point. Also, I have a feeling that this bill is only going to legalize what is the current assessing practice throughout the State. Consequently, it seems to me, with the freedom enjoyed here, and the fact that this is practically what we are doing now, unless there are some other objections, I think the bill in this form is a pretty good bill.

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

Mr. BARNES of Aroostook: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: This is another one of those bills that I am somewhat at a loss on, myself. I certainly sympathize with the basic aims here, and yet I am very skeptical of a constitutional amendment such as this. I guess I was brought up with the idea that the only good tax was a low tax, and I think this is one of the problems that we are having, the high property tax.

The way to solve this problem is not in the sense of a constitutional amendment, I feel, but having a more realistic property tax than we now have. I come from a coastal area and I represent coastal communities, and I have had more calls from people who are upset by the recent revaluation of shore property. The towns are now being forced into this simply because of school subsidies. If you go along and take these places like Boothbay, Southport, West Bath, Phippsburg, and so on and so forth, and the State assesses that land at a very high

value, then you base school subsidy payments on it, which is fifty per cent or sixty per cent of their budget, and cut them accordingly, then the assessors are going to turn right around and assess this land at approximately the same value that the State has. People have called up and wanted to know if they could give it to the State because they are reluctant to have development. I feel that way myself, I hate to see the coast become an Old Orchard Beach from Kittery to Calais, and I don't know what the answer is, whether it can be done through zoning, whether this is necessary or not. But I do feel that there is a real problem here. I don't know about the farmers so much, but as far as along the coast of Maine there is a serious problem as far as development is concerned.

I sympathize with the people who are reluctant to go along with this because of the speculators. I know people are buying up coastal property simply because of speculation and what they feel will be over the next few years a tremendous increase in the cost of coastal property, and certainly we shouldn't pass a law that helps them make money. I guess all I am saying is I don't know what the answer is, but I hope there is one somewhere along the line.

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

Thereupon, on motion by Mr. Beliveau of Oxford, retabled until later in today's session, pending the motion by Mr. Martin of Piscataquis that the Resolve be Indefinitely Postponed.

Senate

Bill, "An Act Relating to Assistance to Municipal Assessors." (S. P. 518) (L. D. 1605)

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

Sent down for concurrence.

Enactors

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

An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Pro-

viding for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund. (S. P. 383) (L. D. 1356)

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

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

Mr. WYMAN of Washington: Mr. President, I would inquire if the Joint Order that we passed yesterday relative to the recall of 1604, which has to do with "An Act Relating to Property Tax Administration", is in the hands of the Senate?

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

Mr. WYMAN: Mr. President, I now move we reconsider our action whereby we passed this order.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate reconsider its action whereby Senate Paper 527 received passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I rise in opposition to the motion to reconsider. This is a vehicle which had previously been before us which many members of both houses would like to get back in order to use, very frankly, as a vehicle for the imposition of an increased wildlands tax if the legislature so desires.

I have not been emotionally involved in the question of the wildlands tax, but many members of both houses have expressed an interest in at least debating this, and I think that these people should have their day in court. This is purely and simply the reason for this Joint Order. If you are in favor of at least discussing an increased wildlands tax you will vote against the motion to reconsider. On the other hand, if you are opposed to even permitting the legislature to discuss this question, you will vote in favor of the motion to reconsider.

I personally have a feeling of commitment that the many people

in both houses who have been asking for this chance this session should have this chance. So, on that basis, I hope that you will oppose the motion to reconsider.

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

Mr. MARTIN of Piscataquis. Mr. President and Members of the Senate: The thought just came to me of just what this bill was. This is a bill on the yield tax that the Committee on Taxation reported almost unanimously for a redraft to include the wildlands tax and, in error, our good Chairman reported it out Leave to Withdraw, it passed my desk and I didn't observe it. The good Chairman himself mentioned to me a couple of days afterwards that the only thing we have to do is recall it, so this is what is being done.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't recall that we were going to report that out in different form, but I don't question the sincerity of the good Senator from Piscataquis. I did a while back, he mentioned about recalling the bill, and I said why don't you go ahead and do it, and nothing was done about it for a long time. Now, I hope these are the closing days of the legislature, and we don't seem to have any trouble in offering and, if we have the votes, passing amendments to appropriation bills and tax bills and everything else, and I just don't see why we need this for a vehicle.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In order to refresh the memory of my good friend, Senator Wyman, this is the bill that the Committee on Taxation agreed nine to one to come in with a redraft to increase the wildlands tax by five mills. This is the bill, as I mentioned previously, that passed my desk without my noticing it. I did talk to the good

Senator afterwards and he said, "My gosh, I don't know what happened, but it came out leave to withdraw." He himself mentioned, "We will just have to recall it." The committee agreed nine to one to redraft this bill to increase the wildlands tax by five mills.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby Joint Order recalling Bill, "An Act Providing for the Taxation of Forests", received passage yesterday. As many Senators as are in favor of reconsideration will say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

Orders of the Day

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

HOUSE REPORT — from the Committee of Conference on Bill, "An Act Relating to Bids for Contractual Services Under the Auburn City Charter." (H. P. 963) (L. D. 1243)

Tabled—June 23, 1969 by Senator Tanous of Penobscot.

Pending — Motion by Senator Tanous of Penobscot to Reject the Committee of Conference Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you recall yesterday, I tabled this matter at the request of Senator Bernard, and I received a note from Senator Bernard this morning that he will not be in today but he wishes this body to move along and kill the bill.

The PRESIDENT: Is it now the pleasure of the Senate that the Committee of Conference Report be rejected in concurrence?

The motion prevailed.

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

Bill, "An Act Providing for the Conservation and Rehabilitation of

Land Affected in Connection With Mining." (H. P. 1270) (L. D. 1598)

Tabled—June 23, 1969 by Senator Barnes of Aroostook.

Pending — Passage to be Engrossed.

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

(Off Record Remarks)

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

Bill, "An Act Relating to Property Tax Administration" (S. P. 392) (L. D. 1340)

Pending — The motion by Mr. Wyman of Washington to Recede and Concur.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am quite disturbed on this bill and very interested in it. I am disturbed in the manner this bill was treated, in that it is a very long bill based on a study required by the 102nd Legislature. It has been studied and restudied throughout the State for the last four years. It is a good bill, in my sense of thinking. It may have bugs that some of the members don't agree with, but I believe that these bugs could have been ironed out to make it palatable to all.

At this time I think it might be well to give a little history of what happened to this bill. This bill was heard in committee at a public hearing during the month of April. Being the most important bill that I sponsored, naturally I was interested in its outcome. I kept hoping that the bill would come out of committee, be heard in these halls, have a chance to be heard, debated, discussed, and changed. I beat my brains against the wall to attempt to get our good Chairman, Senator Wyman to remove this bill off the committee table and present it for debate. I have done everything that I possibly could, contacted Senator Wyman personally, notes after

notes, personally, and promise after promise that a redraft was coming up. The first excuse was that the redraft was being drafted by the Bureau of Taxation. Then the Attorney General took it over and it took a long time, therefore, the bill was being held. I feel this bill hasn't had its just due. I feel this bill was killed intentionally in committee. I have made these comments known to our good Chairman, Senator Wyman, time and time again.

The PRESIDENT: The Chair would ask the Senator from Piscataquis to restrain his remarks and be careful in his remarks about another member of this body.

Mr. MARTIN: Thank you. You can see that I am hurt, Mr. President. I was in the other body yesterday and listened to the debate. Most of the debate mentioned that the bill was too late in the session; it could not be amended, it could not be changed. So, therefore, when the motion for indefinite postponement was made the bill was killed in the other body by 67-63, a margin of four votes. Many of the arguments played on the floor of the other body was that it was too late in the session to discuss and debate this bill and amend it as it should be, or as it could be.

At this time I would move against indefinite postponement so that we could possibly have a committee of conference. I really don't know just what to do with it. An order for the Legislative Research would be in order, I hate to see this bill die. Of course, it could be brought back next session possibly, and undoubtedly it will because it received quite a bit of support. I just want at this time to acquaint this body with just how this bill has been treated throughout from the time it was heard publicly. I hope that the motion to indefinitely postpone does not prevail.

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

Mr. KATZ of Kennebec: Mr. President, may I request what the pending motion is?

The PRESIDENT: The pending motion is the motion of the Senator

from Washington, Senator Wyman, that the Senate recede and concur with the House.

Mr. KATZ: Mr. President, I will vote against the motion and I would request a roll call. I consider this as important as any legislation to come before this legislature. At the previous time of debate I pointed out the fact that everytime that I turn around on questions of school subsidies and education hearing, and many other facets of my legislating experience, I come across the fact that real property taxation in the State of Maine is not in good condition. I think this is a temperate bill that gives a tremendous lead time. It has been subject to years and years and years of study, both the most recent study and the studies before that. And everytime that we study it we find that our taxation of property in the State of Maine is in a shambles. About the only thing we would accomplish by voting for the motion to recede and concur with the house is to dodge another one of the many responsibilities that we have been dodging so successfully this session. I would urge all members of the Senate to vote against the motion to recede and concur, and let's see if we can't work out something with the other body.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I wish to concur with many of the remarks that have been made, but I think there is one thing which should be brought before the members of the Senate: I think it was four years ago that I supported, and worked very hard to try to have a study made for the district assessing. Unfortunately, we did not receive the report until after the first of the year.

The philosophy of the bill I agree with one hundred per cent. There are only a couple of things that I would like to draw to your attention. I question whether we should pass the bill unless we have the finances to go with it. From

any information that I can receive, it appears like this could be an additional \$600,000 to set this up and get it under way. I would like to explain what the thinking is in regard to the possibility of setting up maybe a new department, and possibly may come out of our regular Taxation Department, but we would need one Bureau Chief, and on a two-year basis this would be approximately \$17,000 a year, one secretary at approximately \$6,000 a year. Under those we need the technical services of one person, which would be approximately \$15,000 a year, a secretary on a two-year period at approximately \$5,500 a year, and then probably clerical help for a year or a year and a half to assist the secretary, at approximately \$4,000. Now, you have the mapping to be done, and I think probably that this would involve one person anyway, at approximately \$11,000 a year, an appraiser, which would be estimated at one and a half years, at \$11,000. You would need assistants, and these could be set up on a one-year basis at approximately \$7,500. You would need a forestry appraiser, you would need real estate personal property appraisers and so forth, and these could be approximately \$8,000 each. You would need the statistical and data processing, and this would be at least a year and a half, which is estimated at \$10,000. You need the management of this, and this would be approximately \$10,000 a year for a two-year period. You need one secretary, at least, at approximately \$3,500 a year. You have to have your local assistants, your secretary and so forth. Now, these are broken down on an estimate by Mr. Johnson over in the Taxation Department.

If we are going to pass this bill, I feel, that we should have the money so that we could have the proper administration to go with it. This is really the main objection that I have to the passage of this bill at the present time. I also have another, and I am speaking of a local proposition. In our small town of Gardiner, which is a little less than 7,000 population, we have had a

second revaluating job completed. We have had our tax maps made, our aerial maps made, so what, it has cost us a bit of money. There are several of the surrounding communities that have had absolutely no revaluation, they have no maps and so forth. Now, as this bill is written, as far as I can see, and I have not had the chance to study the bill as I would have liked to, I can't see why, if this is made into a district, we are still now going to be assessed in our community to help pay for having this appraisal and mapping and so forth done in the surrounding communities.

I have a great deal of sympathy for this bill and I want to commend the good Senator from Piscataquis for the exceptional amount of work that he has put into this but I think that more work should be done on the bill. I would like very much to see this come up at the next special or regular session, and the money funded so that we could have the proper administration, and possibly iron out one or two of these questions that I do have in my mind. I think that the time is coming when we will have to have something very similar to this. Whether this is the proper time or not is the big question in my mind.

Unless we can have the money to fund this, I definitely will vote against the bill, because we have only, if I remember right, in the Part I Budget we have approximately \$200,000 in there for the Taxation Department to use. This should cover their expenses for the two years. I hope I haven't confused you. If you have other questions, I will try to answer them in regard to this, but you know my main objections. The towns, the municipalities, that have already had a revaluating job done, have they got to stand the expense of having the others done as well on a percentage basis? Another thing, how is this going to operate if you haven't any funds to operate on?

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: The cost relative to this bill, for the first year would be \$467,500, and the second year \$565,500. However, we already have in the Part I Budget, in the Current Services Budget, \$212,785 that is in the budget for the first year, and \$220,000 in the second year. This has already been passed in the Part II Budget, which leaves a balance of \$254,000 for the first year, and \$345,000 for the second year to administer the functions of this bill if it should pass. This would mean seventeen new employees for the first year, and twenty-eight new employees for the second year. So, the funds that are lacking at this particular time are roughly \$599,000.

The intent of recalling L. D. 1119 is as a vehicle to put a wild-lands tax on to offset these costs of roughly \$600,000; this was the intent of it.

As my good friend Senator Hanson has pointed out, he feels that this is a good bill. He is a member of the Taxation Committee and he feels that there is a need. He also mentioned that the towns that have gone into revaluations on their own will assist in paying for the other towns that have not. This is true in a sense, however, if the towns that have had a revaluation do not follow their revaluation up in two or three years, five years at the most, they will lose the effects of the revaluation, and in order to keep their assessment properly in a proper shape they will have to perform another one. If this bill is passed, this would take care of these problems on a yearly basis by trained men.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Yesterday, when I withdrew my motion on this matter, I promised that I would be back today to restate my position and to oppose the bill and support a motion to recede and concur.

Before I get into my argument, I would like to bring to the atten-

tion of the members of this body that apparently there have been undercurrents relative to this legislation. I can say personally that there have been rumors that have been mentioned about good Senator Martin from Piscataquis and about this bill, I have known him for six or seven months now, and I can truthfully say that there are no personal motives involved in this legislation. Senator Martin is a sincere individual and he believes in his cause, and he believes that this legislation would be good for the State of Maine. All of us are aware that he is a professional assessor and does the job well, and realizes the need in this area. He has noticed the inequities in our present system. But, in a larger sense, I cannot permit these feelings to move me as far as my objections are concerned, nor can I permit the objections of the other opponents to this bill to influence my opposition to it. My opposition to this bill goes a little deeper than the bill itself.

The bill is a proper vehicle in its form, it is a good vehicle as far as the legal document is concerned, but what it does, perhaps is good, but how it accomplishes its end is what I am opposed to. Maybe I lost most of you at this point I will try to bring out my objections to it as clearly as possible.

In a government such as ours, in a democracy, we believe in government of the people, by the people and for the people. This is our form of government in a democracy, and it has proven itself over almost two centuries. This is the form of government which we have gone to war to preserve and been successful on each occasion. This, to me, is the gist of this bill, because when you boil it down, it is an efficiency bill, but in many governments and industry, for instance, you can do this with the relationship of employer and employee, because you are not involved in a form of government or a democracy.

Some forms of government have found that their local people are not able to govern themselves adequately or do what they should for

themselves, so they have enacted laws and taken away the rights of these people, a little bit day after day, until eventually you have a dictatorship or a form of government where the people's rights or votes don't count anymore.

If you analyze this bill, really analyze it, you will find again in this particular legislation that we are removing from the people on the local level a right which is inherently theirs under a democracy. This is my objection to this, as much as I objected to other forms, fluoridation and other bills of that type, that take away from the people a right inherent under our democracy.

The bill is good, Senator Martin, I don't deny that. It is a good legal document, but personally it takes away from the local people a right which they have. I know that we have many inequities in our form of government, but this is a democracy, this is a democracy and it has proven itself. I certainly hope that we draw the line somewhere in taking away the rights of the local people, the rights of our citizens, that this is not an area where it involves the health and welfare of the people; this is an area of taxation, of assessment. I feel very, very strongly that we should leave this right with the people at the local level. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I hate to disagree with my good friend Senator Tanous. I think most of the time we vote in the same direction, but I want to give you one example. There is a town in my district, and usually when the selectmen run for office they accuse each other, whoever is going to get elected will cut taxes on his side. Each time a new crowd gets in, for their friends the taxes are favored, and for the side that votes against them the taxes go up. It is an unfortunate situation but you can't help it. Then another thing, I talked to a lot of people in the

small towns and they tell me that when new people come in as assessors that they really don't know the value and make a lot of mistakes. I think this bill would correct all of these situations.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I couldn't agree more with the good Senator from Penobscot, Senator Tanous, with his remarks, but I, in my opinion, feel that they are not perhaps germane to the subject at hand.

I do think that the people should govern themselves, but let's look at the problem and the situation at hand. We, the State of Maine, are trying to determine the value of this State, and we have delegated the authority to four hundred and perhaps sixty some odd agents not truly qualified in this complex technical age. We are coping with this problem. They haven't the training, skill, ability, however, I appreciate that they are doing the very best they can.

Under this system there are so many inequities, and we know that so many inequities do exist. The system is perhaps almost bordering on the corrupt, although I hate to use this term. The problem doesn't reach into assessment; it is appraising as I understand it, and the communities can assess as they would so desire, but I do think that we should establish some reasonable means of appraising. I don't think that four hundred and whatever the case might be different little communities and agencies can properly appraise the State with any sort of realistic manner. Therefore, I would hope that we could use a reasonable yardstick and certainly move this bill along. I think that it can be implemented, although it surely has gotten off to a poor start. I think it can be implemented, and I would certainly hope that we would follow and support the good Senator from Piscataquis, Senator Martin.

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

Mr. HOFFSES of Knox: Mr. President and Members of the

Senate: As I sit here and listen to the debate on this particular bill I become more and more frightened of the bill. When I hear the mention of \$499,000, and we struggling to try and come up with a supplemental budget, that in itself is enough to convince me to vote against the bill.

Now, I realize that there are inequities in or tax valuation in our several communities but, as the Senator from Penobscot has said, that is a local matter and should continue to be a local matter if they want to continue their inequities.

We have gotten personal in some of our discussion here of our own individual towns, and I can say the same about mine. The Town of Camden has revalued their town, and we have a man there who is constantly going over the property in the town, and I believe that he is keeping a very close watch on the value of the property of the town, and he is doing an excellent job of keeping an equalized valuation of our property. When it is mentioned that my town, as a citizen and a heavy taxpayer in the town of Camden, a town which is doing a good job to keep our valuations in line, has to help some other town somewhere else to finance a revaluation of theirs, I frankly don't like it. I believe that something should be done and needs to be done sometime in the future, but I will be compelled to vote against this particular document for these reasons which have been pointed out.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't want to belabor this, but I was called back for a moment and it was pointed out that perhaps my argument wasn't put across as forcefully as it should have been.

I want to point out to the members of this Senate that a community is a political subdivision of your state, so is your county, and you have got your State and you have got your Federal Government. Now, if we destroy the community and the county, which is almost obsolete at this time, we

are left with the State, which means the legislature would govern directly to the people. If this legislature should become submissive to the will of the Federal Government, then what have we got? We have got nothing left. If we destroy the community government, and I feel that this is a major step in that area, that we are going to take away the right of the local people to tax themselves, to assess themselves, we have already taken away the schools from them in these school districts, we are seeking every day to take away from the communities, and I am against this. I know that in the end it is better for the people, but you have got to choose: is democracy better, or is taking away the rights of the people better?

I think that the good Senator Levine from Kennebec has pointed out the inequities at the local level. This proves a point that in a democracy this is a freedom that the people enjoy.

We do have legislation on the books which will permit communities, if they so desire, at their will, to call upon an assessment, a professional assessor to assess their communities. But this is their right and this is their choice. Now we are going to remove this choice from them and I don't agree with that. I sincerely feel that if this legislation is enacted, and it does go into effect, that we are going to destroy our local governments in our State and, as I have mentioned, our county governments are fast disappearing in their authority, and then we end up with one government in the State and this is it. I am opposed to that. I think we should concern ourselves with State matters and not local matters. Thank you.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to add to a few remarks that have been made. I really don't see just how we are destroying the democracy of our people on the community level. In this bill we are helping them to do a better job in assessing. At the

present time an assessor is elected on a municipal level, his work is as a storekeeper or owner of a filling station, or farmer, so he has absolutely no knowledge as to how the functions of appraising work. He has absolutely no knowledge. He wants to do a good job, but he carried on the figures that have been used for previous years and the same errors are being multiplied and kept on from year to year.

This bill is not depriving the local communities of their initiative. It is going to make it possible for the local assessors to be trained and, if they qualify, they will do the assessing themselves in their own community. It is just going to help them; it won't destroy their initiative. It is a tool to help them.

I feel that we have helped the communities in coming in with the school administrative districts, our children are getting better schooling for it throughout the State, it is unfortunate that some of the more financially able areas are possibly helping to educate the kids in the smaller towns, but this again is good. It is a level of uniformity that we are establishing, and this is the same method, the same philosophy, that we will be using with these tax assessment districts.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate recede and concur with the House, on Bill, "An Act Relating to Property Tax Administration." A roll call has been requested. 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 for Washington, Senator Wyman, that the Senate recede and concur with the House on Bill, "An Act Relating to Property Tax Administration." A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Barnes, Dunn, Greeley, Hanson, Hoffses, Logan, Minkowsky, Moore, Peabody, Tanous and Wyman.

NAYS: Senators Beliveau, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Katz, Kellam, LeTourneau, Levine, Martin, Mills, Quinn, Reed, Sewall, Stuart, Violette and President MacLeod.

ABESNT: Senators Anderson and Bernard.

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

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Insist and Ask for a Committee of Conference.

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

Senators:

SEWALL of Penobscot
MARTIN of Piscataquis
KATZ of Kennebec

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the fourteenth tabled and unassigned matter:

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 1272) (L. D. 1601)

Tabled—June 23, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Senate Amendment "B", Filing No. S-321, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox, recessed until 2:30 p.m. in the 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

Bill, "An Act Providing for the Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229)

In the House, June 23, 1969, Passed to be Engrossed.

In the Senate June 23, 1969, the Majority Referred to the 105th Legislature Report Read and Accepted in non-concurrence.

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

On motion by Mr. Quinn of Penobscot, 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: MILLS of Franklin
VIOLETTE of Aroostook
CIANCHETTE
of Somerset

Non-concurrent Matter

Bill, "An Act Establishing a Full-time Administrative Hearing Commissioner." (H. P. 1242) (L. D. 1577)

In the Senate June 18, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-493) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-493) and House Amendment "C" (H-587) in non-concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to Recede and concur.

Non-concurrent 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)

In the Senate June 17, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-584) in non-concurrence.

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

Non-concurrent 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 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)

In the Senate June 19, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-487) as Amended by Senate Amendments "B" (S-277), "C" (S-285) and "D" (S-288) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendments "B" and "D" thereto, in non-concurrence.

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

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

- Senators: BERRY of Cumberland
- KELLAM of Cumberland
- GORDON of Cumberland

Joint Order

ORDERED, the Senate concurring, that the Legislative Finance Officer, William H. Garside, or his assistant if he is unable to attend, be and hereby is authorized, during the current biennium to attend the conferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses. (H. P. 1282)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that she be reimbursed for her necessary traveling expenses. (H. P. 1277)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

Out of Order and under suspension of the rules, on motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that Bill, "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) be recalled from the Legislative Files to the Senate. (S. P. 522)

Which was Read.

A division was had, Twenty-six Senators having voted in the affirmative, with no votes in the negative, the order was Passed.

Sent down for concurrence.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of S. P. 527, a Joint Order of the same title as that which we just passed?

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

Mr. KATZ: I move that the Senate reconsider its action earlier in today whereby this was passed by the Senate.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby this order received passage earlier in today's session. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, the Joint Order was Indefinitely Postponed.

Committee Reports**House****Ought to Pass in New Draft**

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council. (H. P. 75) (L. D. 75)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1271) (L. D. 1600)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Indefinitely Postponed.

Which report was Read.

Mr. Mills of Franklin then moved that the Resolve be Indefinitely Postponed in concurrence.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think maybe I should explain the thinking of the State Government Committee which came out, if I remember correctly, with a unanimous Ought to Pass Report on this. Apparently, my memory is bad sometimes, and I hope that I am not accused of making a wrong statement in this respect, but I think it was unanimous Ought to Pass for the reason it would allow in practice that you would have bipartisan representation on the council. What it actually does, it provides for the legislators from a given district to pick the councilors; it would not go to the whole Legislature. So these districts, some of which are Democratic, would have Democratic Legislators, and some Republican, and it did seem to the committee that this was a good solution. I really don't have much hope of passing the bill, but I will oppose the motion of the Senator from Franklin. I request a division.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council, be indefinitely postponed in concurrence.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the Resolve will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed and the Resolve was indefinitely postponed in concurrence.

Enactors

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

An Act Relating to the Water and Air Environmental Improvement Commission. (S. P. 322) (L. D. 1084)

On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act to Reorganize the Department of Economic Development. (S. P. 363) (L. D. 1245)

An Act to Give Relief to Elderly Persons from the Increasing Property Tax. (S. P. 474) (L. D. 1550)

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

Emergency

An Act Appropriating Funds for Military and Naval Children's Home. (H. P. 1203) (L. D. 1530)

On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.

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

Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use." (H. P. 878) (L. D. 1121)

Pending — the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Resolve.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Sen-

ate: I would like to withdraw my motion. I have prepared an amendment that would seem to relieve the objections on this, but apparently there is a lack of definition on farms, and I would hope that somebody would table this until tomorrow.

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

Thereupon, on motion by Mr. Barnes of Aroostook, 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. Sewall of Penobscot:

"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).

Pending - Enactment

Thereupon, on motion by Mr. Hoffes of Knox, retabled and tomorrow assigned, pending Enactment.

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

Bill, "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection With Mining." (H. P. 1270) (L. D. 1598)

Tabled—June 23, 1969 by Senator Barnes of Aroostook.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is the bill which is the consolidation of several other bills, strip mining, hard rock mining, sand and gravel, which has been considered by this body and passed to be engrossed. We have been in disagreement with the other body only on a minor amendment which this body insisted on, and it has come back to us in the same form as it originally was. This is going to an extreme act of

credence on the part of the Senate if they will tolerate what I am going to do, because I am going to offer three amendments and I want to assure you that they do nothing but are housekeeping details to the bill, and this is very hard to believe. This is because we wanted to add one amendment of housekeeping details but, because there are two amendments on the bill and some of these details apply to that, we have to amend each of the amendments.

Accordingly, Mr. President, I would move that the rules be suspended and that the Senate reconsider its action whereby it adopted House Amendment "A", under Filing No. H-538.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, on motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby House Amendment "A", Filing No. H-538, was Adopted.

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

Senate Amendment "A", Filing No. S-319, to House Amendment "A" was Read and Adopted.

On motion by the same Senator, the Senate then voted to Adopt House Amendment "A" as Amended by Senate Amendment "A" thereto in non-concurrence.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby it Adopted House Amendment "B".

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

Senate Amendment "A", Filing No. S-318, to House Amendment "B" was Read and Adopted and House Amendment "B", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

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

Senate Amendment "A", Filing No. S-320, was Read and Adopted and the Bill, as Amended, Passed

to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. QUINN of Penobscot: Mr. President, I would inquire if the Senate is in possession of Senate Amendment "B" to L. D. 1601, Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials"?

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

Thereupon, on motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted reconsider its action whereby Senate Amendment "B" was Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. QUINN of Penobscot: Mr. President, I now would like to address an inquiry to the good Senator from Kennebec, Senator Katz, through the chair. I would like to ask Senator Katz if this is the usual and proper manner of increasing the salary of state officials?

The PRESIDENT: The Senator from Penobscot, Senator Quinn, has posed a question through the Chair to the Senator from Kennebec, which he may answer if he so desires.

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

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN: Mr. President, I would like to inquire of Senator Katz whether this salary increase had a committee hearing?

The PRESIDENT: The Senator from Penobscot, Senator Quinn, has posed a question through the Chair to the Senator from Kennebec, which he may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I understand that we

reconsidered our action whereby this bill was passed to be engrossed. We have also reconsidered our action whereby the amendment was previously adopted. Is there any further motion before the Senate at this time?

The PRESIDENT: There is no further motion before the Senate. The pending question is the re adoption or the indefinite postponement of Senate Amendment "B".

Mr. KATZ: Mr. President, I move that the Senate adopt Senate Amendment "B" and I ask for a division. I will indicate to the Senator from Penobscot, Senator Quinn, in the last hours of the session our Majority Leader, who has been occupied with substantial matters other than individual bills, finds that he gets substantial correspondence pointing out errors of omission and commission. One of the things that I have been concerned with this session is the fact that the salary of the Commissioner of Education is less than the salary of Superintendents of schools around the State of Maine, less than the salary of certain of our college presidents at our small colleges, it is a salary that is smaller than that of most Commissioners of Education in the United States. I feel a sense of responsibility as an employer, and that is what we are, employers, that where we have a good man who is being treated in a manner that is not commensurate with the dignity and importance of the job, that the legislature should look at it, whether it is June 24th, May 24th, or any other time. I would be very, very agreeable to listen to debate on the propriety or the amount of this salary. I think any insinuations or other conversations as to the propriety of the procedure are not acceptable to me.

Mr. President and Members of the Senate, it is very well for us to become the Senate or the Legislature that attempts to hold the line, and it seems to me that we are going to get a reputation for holding the line to the extent of \$43,000,000 more than we intended. I think that in itself is a pretty good accomplishment, but in this particular case, in a sense of equity and in a sense of fairness, the chief educational officer in the

State of Maine, whose responsibilities are in the neighborhood of supervising the flow of some \$200,000,000, more or less, in the biennium, whose responsibilities are as great as any other member of State Government, when this man's salary gets out of line I say that we have a responsibility to look at it, and that is what we are doing here today. If the Senate acted hastily this morning in passing this, I stood mute while we reconsidered our action. But now we are debating it, and I would urge the Senate to vote for the adoption of the amendment.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Since the salary was adjusted last the duties of the office undoubtedly have been changed a great deal to the extent that all of the state colleges have been taken out from under his jurisdiction, which would be a burden, of course, much greater than is borne at the present time. In the absence of a public hearing, which we haven't had, I do feel we need to go into this to some extent, and I do feel that the good Senator from Kennebec, Senator Katz, has no business telling us that we can't discuss procedure. If we haven't had a public hearing on the bill it certainly is proper for the good Senator from Penobscot to point it out, and to point it out that this thing came in on little cat's feet this morning by way of an amendment and slid right along without anybody noticing it until he did, apparently, later. So, I think the procedure certainly is germane to this discussion, even if the Senator from Kennebec doesn't like it. Furthermore, isn't it true, may I ask the good Senator from Kennebec, Senator Katz, that the business of the Department of Education has greatly decreased, and the functions and responsibilities of the Commissioner of Education has greatly diminished since we last met two years ago?

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: We have been trying to cut down the expenses of State Government. We have been worrying over it for the last two or three weeks pending adjournment. We tried to hold the line all along during the session. We turned down the Justices of the Supreme Court of the State of Maine for a salary increase. We have turned down the Justices of the Superior Court for an increase, and many other of our valuable officials in the State. Now, I think we should continue to hold the line, and I move that this amendment be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, now moves that Senate Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, the question that comes into my mind is very simple: Would I or would any of us here want to take on that job \$20,000? I think not.

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

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

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Quinn, that Senate Amendment "B" be indefinitely postponed 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 fourteen Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" was Adopted.

Mr. Beliveau of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-307, was Read.

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

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

Senate: The amendment will strike out that section which creates the unclassified state employees salary board. This apparently was one of the objection of the opponenets to the document. I understand it is still going to be exposed to some difficulty in the other body.

I have certain reservations about Section 4a, which reduces the salaries of the Executive Director of Arts and Humanities and the Director of the Museum Commission, because at the time that they were hired to serve in these various capacities they were hired at a specific salary. They arrived here in good faith and have been in their various positions for quite some time. We are now arbitrarily saying that we misrepresented to them, you might say, in a certain sense, that they were to receive \$18,000, and here we are trying to reduce it to \$16,000. Without addressing myself to the merits or the responsibilities of the various commissions, I think that this is not fair play on our part and possibly we should consider, depending what happens in the other body, offering and amendments to strike that section as well, which means, of course, we would probably have a bare bill and maybe we could indefinitely postpone the bill finally afterward.

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

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, the Bill was Indefinitely Postponed in concurrence.

(Senate at Ease)

Called to order by the President.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate reconsider its action of just a few moments ago whereby it indefinitely postponed the salary board bill.

The PRESIDENT: the Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby it indefinitely postponed (H. P. 1272) (L. D. 1601)

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials." Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I think that if Senator Katz wishes to debate this matter, now will be the time.

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

Mr. KATZ of Kennebec: Mr. President, it is my intention if I am given the opportunity to table it tomorrow for two reasons. In the first place, I was out of my seat when the motion to indefinitely postpone was made immediately after a division. In the second place, it is my understanding that the Senator from Oxford, Senator Beliveau, would like to broaden an amendment that he has offered here today. On that basis I request reconsideration.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials", was indefinitely postponed?

The motion prevailed.

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

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

Mr. CIANCHETTE of Somerset: Mr. President, I move that we reconsider our action whereby we indefinitely postponed (H. P. 75) (L. D. 75) Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that the Senate reconsider its action whereby Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, was indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, would the Secretary please cite the last action on this and, if it was a record vote, what the vote was?

The PRESIDENT: The Chair would inform the Senator that the Resolve was indefinitely postponed by a vote of 14-12.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: If there is any question on this, I did vote with the majority for indefinite postponement. If the motion is reconsidered I shall change my vote.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I don't know if the good Senator wants his motion to prevail or fail.

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

Mr. CIANCETTE: Mr. President, I wish the motion to prevail.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, was indefinitely postponed?

The motion prevailed.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: To somewhat clarify the mystery that seems to surround this, I also voted for the indefinite postponement of this particular resolve. I was not paying attention to the Senator from Washington, Senator Wyman, and during the recess it was called to my attention that this was not a popular election of the council, but that this was election by the legislative members of the council district. I would much rather see the council done

away with. I am sure some would much rather see it given popular election. I don't know if this is the answer, but I personally feel that this might be at least an area of compromise and, therefore, I would hope that the Senate would accept the Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, The Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Resolve in New Draft Read Once.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In order to get a record vote on the present status of the matter, I move, Mr. President, for indefinite postponement and I ask for a division.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, be indefinitely postponed and requests a division. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Mills, that this Resolve be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Resolve was tomorrow assigned for Second Reading.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the third tabled and unassigned matter:

Bill, "An Act Creating the Unclassified State Employees Salary Board." (H. P. 1212) (L. D. 1541)

Tabled—June 10, 1969 by Senator Hoffses of Knox.

P e n d i n g — P a s s a g e to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am not quite sure what useful purpose this bill any longer serves and I would move indefinite postponement of the bill. At the same time I would urge anyone who has any misgivings that it might be in order to table it until the next legislative day to properly evaluate my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act Creating the Unclassified State Employees Salary Board", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Logan of York, the Senate voted to take from the table the eleventh tabled and unassigned matter:

RESOLVE, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Ap-

pointments and Their Confirmation. (H. P. 1016) (L. D. 1324)

Tabled—June 19, 1969 by Senator Logan of York.

Pending—Motion by Senator Mills of Franklin to Reconsider Acceptance of the Majority Ought Not to Pass Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I would urge the Senate to vote against reconsideration.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee? As many Senators as are in favor of reconsideration will say "yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

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