

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

Wednesday, July 2, 1969

The Lord's Prayer recited by the Body in unison.

Reading of the Journal of Yesterday.

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

Senate Paper 548, Joint Order relative to recalling from the Legislative Files to the Senate, Bill "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program," Senate Paper 427, Legislative Document 1425.

In the Senate July 1, 1969, Read and Passed.

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

Thereupon, the Senate voted to Recede and Concur.

Joint Resolution

Joint Resolution Congratulating Robert M. Crocker on His Candidacy for National Secretary and Treasurer of the American Newspaper Guild.

WHEREAS, ROBERT M. CROCKER has received the nomination for National Secretary and Treasurer of the American Newspaper Guild; and

WHEREAS, confirmation of this highly responsible position in his favor will be a meaningful achievement in the life of this conscientious correspondent; and

WHEREAS, his knowledge and expertise in the affairs of this State are widely recognized to be of the highest quality of journalism; and

WHEREAS, his keen understanding and experience began while serving as a Page in the Maine House of Representatives in 1939; and

WHEREAS, he has faithfully borne the mantle of responsible journalism with an enduring display of competence, integrity and friendship; now, therefore, be it

RESOLVED; That the Members of the Senate and the House of Representatives of the One Hundred and Fourth Legislature express to Robert M. Crocker, in the wake of his nomination to a

higher office, their affection, their gratitude and their admiration, all of which he has won on a basis of his many years of outstanding service; and be it further

RESOLVED: That a duly attested copy of this Resolution be presented to Robert M. Crocker, along with our heartiest congratulations and most sincere wishes for good luck and God-speed in this endeavor.

Comes from the House, Read and Adopted. (H. P. 1301) which was Read and Adopted in concurrence.

Committee Reports**House****Ought to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (H. P. 1300) reports pursuant to Joint Order (S. P. 538) that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-616).

Which was Read and Accepted in concurrence, and the Bill Read Once. House Amendment "A", Filing No. H-616, was Read and Adopted in concurrence.

Under suspension of the Rules, the Bill was given its Second Reading, Passed to be Engrossed in concurrence, and sent forthwith to the Engrossing Department.

Second Committee of Conference Report

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on "An Act Establishing a Human Rights Commission." (H. P. 1050) (L. D. 1384) ask leave to report: that they are unable to agree.

On the part of the Senate:
BARNES of Aroostook
PEABODY of Aroostook
GORDON of Cumberland

On the part of the House:

RICHARDSON
of Cumberland
RIDEOUT of Manchester
McTEAGUE of Brunswick

Comes from the House, the report Read and Rejected and that Body having further Insisted and asked for a Third Committee of Conference, with the following Conferees appointed on its part:

RICHARDSON
of Cumberland
RIDEOUT of Manchester
McTEAGUE of Brunswick

Which report was Read and Rejected in concurrence.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist and Join in a third Committee of Conference.

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

Senators:

KATZ of Kennebec
HOFFSES of Knox
REED of Sagadahoc

Final Report

The Committee on Appropriations and Financial Affairs submitted its Final Report.

Which report was Read and Accepted.

Sent down for concurrence.

Enactors

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

Bill, An Act Increasing Salaries of County Attorneys and Assistant County Attorneys. (H. P. 1049) (L. D. 1377)

Comes from the House, Indefinitely Postponed.

Which was Indefinitely Postponed in concurrence.

Orders

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

ORDERED, that the salaries of the officers of the Senate be adjusted to a level comparable to those paid to officers holding comparable positions in the House of Representatives, effective from the beginning of the regular session. Which was Read and Passed.

On motion by Mr. Hoffses of Knox, recessed pending the sound of the bell.

(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:

Papers from the House

Non-concurrent Matter

The Committee of Conference Report on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide for the Construction and Improvement of Airports Throughout the State, for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of the Adjutant General, Finance and Administration Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000." (H. P. 307) (L. D. 394)

In the Senate July 1, 1969, the report Read and Accepted and the Bill Passed to be engrossed as Amended by Committee Amendment "A" (H-487) as Amended by Conference Committee "A" (S-354) thereto and Senate Amendment "B" (S-277) thereto and Senate Amendment "D" (S-288) thereto in non-concurrence.

Comes from the House, the report Read and Rejected and that Body having further Insisted and asked for a Second Committee of Conference with the following Conferees appointed on its part: RICHARDSON of Cumberland, HASKELL of Houlton, BENSON of Southwest Harbor.

The Senate recessed from acceptance of the report.

Which report was Read and Rejected in concurrence.

Thereupon, on motion by Mr. Kellam of Cumberland, the Senate voted to Insist and Join in a Second Committee of Conference.

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

Senators: KATZ of Kennebec
DUNN of Oxford
GORDON of Cumberland

**Senate
Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 503) (L. D. 1599) ask leave to report: that the Senate refer the Bill to the 105th Legislature; that the House recede and concur with the Senate.

On the part of the Senate:
CIANCHETTE

of Somerset
MILLS of Franklin

On the part of the House:
BERMAN of Houlton
SOULAS of Bangor

Which report was Read and Accepted.

Sent down for concurrence.

The Senate voted to refer the Bill to the 105th Legislature.

Enactors

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

An Act Providing for State Contribution to the Cooperative Soil Survey. (H. P. 904) (L. D. 1165)

An Act Revising the Maine Mining Law. (H. P. 339) (L. D. 448)

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 Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (H. P. 1300)

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with one vote in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Now that we have enacted this document, would someone tell me exactly what this represents?

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This is the traditional so-called wrap up omnibus bill which has come out of the Appropriations Committee yesterday. It carries all the final items that had to be corrected, and also removes the ADC payments which were previously called for in the Part II Budget. I think it is fairly self-explanatory. There is some language in there correcting some changes in the preamble. There is a listing of the L. D.'s that were funded in the last two or three days. I think that is about all I can say about it. If there are any specific questions I will do my best to attempt to answer them.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of (H. P. 1285) Joint Order—Relative to the Legislative Research Committee studying current practices and operations of the Casco Bay Lines?

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

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby this order was passed. When the vote is taken, I request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby H. P. 1285 received passage. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. Kellam of Cumberland: Mr. President and Members of the

Senate: It seems to me that we have enough things to do here today already without reaching back into yesterday or the day before. This order was passed, I believe it was yesterday, it was discussed at some length, a decision was reached, and I see no reason why we should take and change our minds now. It strikes me that we should be thinking about doing productive matters at this time and adjourning before we get another day gone around here, and take care of the things that we do have at hand. This Casco Bay Line Order is a perfectly reasonable Order and it is something that I think does have some merit to it. If it does not require a great deal of time then, of course, that is so much the better, as far as the Research Committee is concerned. I certainly would oppose reconsideration. I suggest that we tend to the business at hand here.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: So I don't have to ask unanimous consent for the moment I might use this as an excuse and a vehicle to explain the question of time, that unfortunately there has been an arithmetical error in the bond issue and another committee of conference has been appointed. Rather than being pressed for time, I am sorry to have to tell the Senate that we have time aplenty because it is our intention to recess until 2:15 p.m. so that we may get the bill back from engrossment again, so I don't think that there should be any attempt to cut off any discussion on this one. Mr. President, this order will involve a substantial amount of time and effort, and I would ask the Senate to go along with us and permit us to reconsider so that the bill will not be passed.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Maybe I am a little hasty on this thing, but it would appear to me that anything that needs to be done in relation to

that bond issue can be done within the framework of the bond issue bill itself. I would like to make a request of the President if, in effect, there is arithmetical error in the engrossed bill on the bond issue?

The PRESIDENT: The Chair would answer in the affirmative. The engrossed copy has been checked and there are several arithmetical errors that must be corrected and then it must go back to the Engrossing Department.

The Chair recognizes the same Senator.

Mr. KELLAM: Mr. President and Members of the Senate: I would like to make a further inquiry as to how that does tie in, in fact, with the Casco Bay Line Order if the other bill is before us?

The PRESIDENT: Is the inquiry directed to the Chair?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM: Mr. President, I don't know whether my friend across the way is coming in clearer or more vague all the time, but I do like to discuss the matter that is under discussion when we have debates and I think it comes out a little clearer if we do that. If we are discussing the Casco Bay Line Order, and if there is a feeling that he has plenty of time because of some other reason, I don't think it has much bearing on it, I think the Casco Bay Line Order was passed, and if we have extra time we could spend it out at the pool or something.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby Joint Order H. P. 1285 received passage. A division has been requested. As many Senators as are in favor of the motion of the Senator from Kennebec that the Senate reconsider its action will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and twelve Senators

having voted in the negative, the motion prevailed.

Thereupon, on motion by Mr. Katz of Kennebec, the Order was Indefinitely Postponed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Dunn of Oxford,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs of the 104th Legislature is directed to meet at such times during the interim when the Legislature is not in session to make such studies and perform such other duties as the Legislative Research Committee may order or direct; and be it further

ORDERED, that the members of the Joint Standing Committee on Appropriations and Financial Affairs shall receive compensation and expenses from the Legislative Appropriations in the same manner as members of the Legislative Research Committee; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs shall, subject to the advice and consent of the Legislative Research Committee, report the results of their activities at the next regular or special session of the Legislature. (S. P. 549)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I consider this an historic occasion when this order passes the Senate and I would certainly hope it would in the House. This is the really first concrete move that the legislature has made to provide a much needed review of the operations of State Government. I think everybody can take a great deal of pleasure and pride in the passage of this order. I do hope that

the Appropriations Committee would be free to use their own judgment and use the benefit of their experience that they have gained in the past six months operation in fulfilling its task.

The PRESIDENT: The Chair would like to acknowledge publicly, as the Senator from Washington in a Joint Order did two days ago, the very hard work that the girls in the Engrossing Department have done these past few weeks, and again last night when they weren't able to leave their job until 4:15 this morning when they were engrossing the budget and the bond issue. I am also very happy that partly because they had to work such late hours that the Senators were able to get a good night's sleep.

On motion by Mr. Hoffses of Knox, recessed until 2'clock this afternoon.

(After Recess)

Called to order by the President.

Order

Out of order and under suspension of the rules, on motion by Mr. Hoffses of Knox,

ORDERED, that the telephone service provided the members of the Senate during the remainder of the biennium be a personal privilege, not to be exercised by other than the member.

Which was Read and Passed.

Committee Reports

House

Committee of Conference Reports

The Third Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Establishing a Human Rights Commission." (H. P. 1050) (L. D. 1384) ask leave to report: that the House recede from acceptance of Report "B" reporting "Ought to Pass" in new draft (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and from passage to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto; that the House recede from adoption of the Amendments and indefinitely postpone same; that the House accept

Report "C" reporting "Ought to Pass" in new draft (H. P. 1264) (L. D. 1594) under title of "An Act Establishing a Human Rights Commission", a d o p t Conference Committee Amendment "B" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "B"; that the Senate recede from acceptance of Report "A" reporting "Ought to Pass" in new draft (H. P. 1262) (L. D. 1592) and from passage to be engrossed, and concur with the House.

On the part of the House:

RIDEOUT of Manchester
McTEAGUE of Brunswick
RICHARDSON
of Cumberland

On the part of the Senate:

KATZ of Kennebec
REED of Sagadahoc

Comes from the House, the report Read and Rejected.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: With full knowledge that the motion accomplishes nothing, and is an admission of failure on our part, I move that we reject the Committee of Conference Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Committee of Conference Report be rejected. Is this the pleasure of the Senate?

The motion prevailed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: Resolve, in Favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722)

Which was finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Committee Reports

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

House

Committee of Conference Report

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,00." (H. P. 307) (L. D. 394) ask leave to report: that the House recede from passage to be engrossed and from adoption of Committee Amendment "A" as amended by Senate Amendments "B" and "D" thereto; that the House adopt Conference Committee Amendment "B" to Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "B" and Senate Amendments "B" and "D" thereto; that the Senate recede and concur with the House.

On the part of the House:

RICHARDSON
of Cumberland
HASKELL of Houlton

On the part of the Senate:

KATZ of Kennebec
GORDON of Cumberland

Comes from the House, the report Read and Rejected and that Body having further Insisted and asked for a Third Committee of Conference with the following Conferencees appointed on its part:

RICHARDSON
of Cumberland

BENSON
of Southwest Harbor
HASKELL of Houlton

Which report was Read.

Mr. Katz of Kennebec then moved that the Senate reject the Committee of Conference Report.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: You know

that I was one of signatories to permit this bill, as amended, to get before both bodies of the legislature because the hour is so late and the stakes are so high.

The voice of the other body has been unmistakable and I think there would be no fruitful reason for us to pursue trying to get a report of a conference committee accepted in this branch of the legislature. I am going to ask for a roll call on my motion to reject the committee of conference report, and before the vote I would like to point out to the members of the body that a vote against this motion to reject the committee of conference report effectively is going to kill this bond issue. I think I can state that as a matter of fact. Those of you who are not sure whether to vote for or against the motion might refer to the matter in question.

I would like to take the Senate's attention for just a moment and ask you to refer to House Amendment under Filing H-487, to see just what is in this document that has been so burdened with amendments at this eleventh hour. I know that those of you who have wanted an airport facility in Rumford, an information center at Houlton, or some additional state aid for a very worthwhile purpose of the new ferry service at Portland, will be disappointed. But if your disappointment leads you to the point where you are considering trying to overturn an orderly flow and a meeting of the minds of the two branches of this session, I want to point out that you will be jeopardizing a very substantial amount of projects going onto the Adjutant General's Department. Portland itself will fail, because there is \$52,000 in it for the Portland International Airport. A new terminal building is in it for Bangor for \$313,000, and there are airport projects all over the State of Maine. Included in this amendment is a sum of \$663,000 for BPI, part of which is for renovation of the State House, and for planning funds to help get under way some of the projects that we have already authorized. There is also \$9,000 for the Maine Port Authority for the Casco Bay Lines for a

general maintenance, and there is \$131,000 for the rehabilitation of the Maine State Pier down in Portland. We are not playing fun and games now; we are dealing with a measure that is important for the entire State of Maine.

Mr. President, I would ask members of the Senate to vote with me on this roll call to reject the committee of conference report. The bill is already pre-engrossed in the final form without the amendments that have proved offensive to the other body, and if you vote for rejection of the committee of conference report, the ultimate then will be that we will accept actually the bill in its form as reported out by the Committee on Appropriations, unfortunately without the Houlton improvement, unfortunately without the Rumford Airport, unfortunately without the \$500,000 loan to Portland but, fortunately for the State of Maine, with all the other projects that are needed.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I hope the members of this body will not agree with the Senator from Kennebec and reject the committee of conference report, but will vote against his motion and then vote to accept the report. I believe that if this report is accepted in non-concurrence with the House that this matter can be worked out. We have a situation here where for the last two weeks I have been trying to get this thing to a head, trying to have a meaningful discussion with the opponents to the amendments on this bill, and try to come out with a bill that we could all discuss and in the proper season. I have been unsuccessful, I have rewritten the amendment we have on here, I think, three or four times to secure the consent of the other body, and it has all been without fruition.

I think that we should stand fast and go for the bill as it left here and have the House consider the matter again. The vote was very close in the House and certainly the vote in the House indicates

in no way that this bill could not be enacted in the House. I would like to point out that this bill started out as \$11,140,000 and was pared down to \$1,900,000. So, if you want to look at all those goodies that the good Senator from Kennebec wants to give you, you ought to take a little bit of a look at all the \$9,000,000 worth that he doesn't want to give you.

I believe that we have discussed this matter, considered it at length, and the merits of the three amendments which are trying to be killed off here are, without question, very meritorious. I would like to point out to this body that in 1953 \$1,000,000 was appropriated from the unappropriated surplus for the use of a terminal at Bar Harbor. That is \$1,000,000 with no strings attached, no bond issues, no nothing, as far as getting the million dollars. That million dollars went to the Port Authority to build a terminal for a lease arrangement with the Canadian Government. The Canadian Government agreed to pay back within thirty years the million dollars without interest, and as time has gone on for the last fifteen or sixteen years they have been paying regularly on this in the nature of rental charges for the use of this pier. After it is all paid back we have agreed to convey the pier to the Canadian Government. All I have asked is that we give an interest free loan to the Maine Port Authority for the erection of a pier in the City of Portland for a new ferry service.

It seems to me very hard to understand the objections of the opponents of this bill unless it is just a pure parochial viewpoint that nothing will be done that doesn't directly benefit them. I know that this body was pleased to put \$1,000,000 into the Bar Harbor facility, and I should think certainly the Portland area, the area in Southern Maine, and in fact the whole state, is going to receive considerable benefit from this ferry service, but certainly this area down here ought to be on a par with Canada.

All the sales tax receipts that are going to be received by virtue of this venture are going to be transmitted to Augusta for the

general fund and I think that the profit that is made by the Canadian Government under the Bar Harbor facility, I am sure, doesn't come down to Augusta. That is about the nub of it. It is really, I feel, very unreasonable for the people to object to this loan. I am just hard put to understand the reason for it, other than the fact that what has been said and it doesn't seem to lend itself very much to the actual reasoning involved.

This facility is going to produce income for the whole State. The estimates are that it will produce \$300,000 a year in sales tax receipts. I know in my discussion with people, the first thing the ferry service plans to spend \$200,000 in advertising alone to promote the facility. The ferry boat itself cost \$8,000,000, and it is very, very considerable venture. The State should not lose out on it and I am sure they will not. They should be willing to make this loan. The purchase of the property involved the railroad is half a million dollars in itself, and there is indication that there would be at least half a million for the facilities involved. That is the main reason why the request is made that the Maine Port Authority undertake up to the extent of \$500,000 for the erection of the terminal facility.

I just reiterate that the motion is to reject the conference committee report. I don't think it is particularly wise to have these conference committees and then continuously reject their reports. If we accept it, I am sure that this matter can be worked out.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise in support of Senator Katz's motion, and I certainly hope that it will prevail for the best interest, of the State and these projects that have been hanging by a thread here. I think it has become abundantly clear that it is an exercise in futility for us in this body to insist on these amendments which we certainly did go along with. We backed up the proponents of these amendments and sent this bill down to the other branch where they have made it

extremely clear that these are not acceptable. I think that, in good faith, we should withdraw from this position and allow this bond issue to go out to the people.

One point that Senator Katz did not make was that the amount of money in the airport funds, and there is a fair amount of it, triggers off substantial federal funds, so that the impact is far greater than the numbers that are on this bond issue to the various communities.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I was a little disturbed to learn that this bill had been pre-engrossed and all three amendments were excluded from the new document. As I recall the debate in the other body, and I am not stating this at this time in an attempt to influence the members of the Senate, and after reviewing this document at length, I note that practically every other district and county in the State benefits from some of the appropriations, to which I have no objections certainly, but I do object to the procedure that has been resorted to here in attempting to enact this final document. I think that each of these amendments should be considered independently of one another and if we have to take this bill back to the other body piecemeal, with one amendment at a time, it should be approached in that manner. If the other body wants to reject the amendment one at a time, then that is the approach that should be resorted to. I strongly object to the suggestion that all three are unacceptable to the other body.

Now, this is a \$2,000,000 bond issue, something that approaches that figure. For that matter, I find many items in this bill which are objectionable to me because, if I had my way, I wouldn't give the Adjutant General an additional nickel, but that is the price that you have to pay; that there are portions of this document that are acceptable to some of us and others that are not.

The Aeronautics Commission, again, we recognize that moneys

must be appropriated in various sections of the State to encourage or to improve our facilities and the Senate recognized this by adopting my amendment to provide for a \$55,000 appropriation for northern Oxford County. Now, there is something here that I believe we should all remember and be aware of and that is that there is \$25,000 that was appropriated by the 103rd through a bond issue, which is presently being held in escrow, which by itself is of no value to us. It is insufficient to construct anything, for that matter and, if we do not supplement it with \$55,000, this \$25,000 will remain in escrow for an indefinite period, because there is a provision in the aeronautics statute which states that this money will only be returned to the general fund with the consent of the community, and certainly the Town of Rumford will never consent to returning \$25,000 to the State of Maine.

If we are going to make a logical investment here to follow up, at least put some good money after good money, then the amendment which I have offered, and which has been accepted by both branches, should remain on this document. I am going to support the good Senator from Cumberland, Senator Kellam, in his effort here today because of the approach that is being used here. I object strongly and, if it means the defeat of the bond issue, then that is the price we have to pay, but I am hoping that possibly leadership will consider changing its approach to this matter and permitting both branches to act on this document on each amendment separately, and not in the aggregate.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would try to dissuade the Senator from Oxford, Senator Beliveau, from discussing the merits of the individual bond issues because I have a feeling that we are beyond that point. It is a fact that this was pre-engrossed without the three amendments on it, but it also was pre-engrossed with the three amendments on it, and within the conference com-

mittee I made the suggestion that the Senator just made, that we might very well consider these one at a time, but time is of the essence and the alternatives or the possible combinations were really too many to consider. It was the consensus of the conference committee that it come out in this form and that the legislature have the opportunity to say all three or none of the three, or not the bond issue at all.

I call to the Senate's attention that a two-thirds of those present was needed and not even a majority was available in the other body. So, if indeed you are going to vote against the procedure that I have outlined to you, I want to make it absolutely clear that you are undertaking the responsibility, and not indirectly but very directly, by pushing your local interests, of jeopardizing and defeating the entire bond issue that is necessary for the State.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would pose a question through the Chair to anyone who cares to answer. If this committee of conference report is rejected, do I understand correctly that the Chair will then appoint a third committee of conference to bring in a conference report that has already been accepted to them?

The PRESIDENT: If the Senate rejects the report of committee of conference, and a motion is made that the Senate insist and appoint a third committee of conference, that will be done. Then the report of the committee of conference will eventually come before this body for disposition.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President and Members of the Senate: I am very much disturbed at the way that this matter is being handled at this late hour. Earlier this afternoon I heard one of the good Senators state that he had been here until 2 a.m. one morning discussing ETV, and I see nothing sacred about this document that can't be taken care of and done in a correct and proper way.

Last Saturday morning we were running around here in 95-degree temperature trying to sweat out a vote for a bill that was going to take care of the revenue services for the State for the Part II of the biennium, and it is no secret to anyone here in this body or the other body that one vote would have given you practically the dome of the capitol to take home with you. I would submit to the members of this Senate that I had, with many other Senators from my area, had faced up to the responsibility that they felt that the best way to provide services for the State over the next biennium was to adopt that tax package that was before us. Neither the members of that delegation from Portland or from South Portland quivered one way or the other and went in and voted. They didn't hold any gun to anyone's head. They didn't ask for any promises. They didn't ask for any commitments from the leadership.

We have had this bill here, this amendment, before us, and it has been before this body now for a period of roughly three weeks. It has been stuck in somebody's back pocket up until the last couple of days. Now, the Majority Floor Leader has got up and is attempting to blackmail us into voting for the rejection of this committee of conference report, and he states quite clearly and emphatically that if we do reject the report he will usher in another report, once the motion has been made, that has been agreeable and acceptable to the already elected members from the other body to a third committee of conference.

I have always been of the feeling that when we went out on a committee of conference report we went out in good faith that we would come in with a compromise package that would be acceptable to all, and I am looking right now at the conference report that is before us, the one that the Majority Floor Leader signed and apparently has stated that he was willing to accept. Apparently, because of the action that is taking place down the corridor, he feels that to accept this report now would mean the defeat of the total

bond issue. In fact, he has gone so far as to request that when the vote is taken it be taken by a roll call, further advertising the fact of putting us on notice of the importance of this document.

Well, I came up here to do a job for my constituents, and I don't think that what we have proposed to this branch of the legislature or to the other body is asking that much where we can't gamble. There was a half of million dollar paid back loan that everybody knows about, but I think even far more the fact is that the City of Portland, or the businessmen within the City of Portland, have committed themselves to well over a million dollars to guarantee the success of that ferry terminal for the next two years, and I think if the businessmen in that area can take it upon their shoulders to have faith in Maine and faith in that community, then I think that this legislature should help them out. I believe somewhere the figure of \$6,000,000 has been mentioned that it would generate in new business and, on a five per cent sales tax, would generate over \$300,000 to the State itself just in the results of those businesses.

I urge every member of this Senate today to join with me and the good Senator from Oxford, Senator Beliveau, and my good seatmate every morning coming up from Portland, to in accepting this committee report and vote against the motion of the Senator from Kennebec, Senator Katz. I don't think there is anything sacred about what time we have to get out of here today; that if they can pre-engage a third committee of conference report we can also pre-engage a fourth and a fifth one if it is necessary. I am willing to gamble with the \$54,000 that is here relative to the runway at Portland Airport.

As I look this document over, I kind of see that there are some of the flowery items in here that are kind of nice: extension of a storm sewer to Western Avenue in Augusta for \$10,000, install heat in a garage in Bangor for \$5,000. Well, I think these probably all are vital items, but I think that the tourist information building at

Houlton and I think that the Airport and Northern Oxford County are equally well important. I think if we are going to see this State grow that the State itself has to meet up to its responsibilities and, in an act of good faith, I see no reason why we can't have another committee of conference and come back with a report that would be acceptable to this branch.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to oppose the motion of Senator Katz. I find considerable interest in the bipartisan line-up on this vote. The fact that we have sixty per cent of the population of the State within an hour's drive of the proposed ferry terminal would indicate that anybody who has political aspirations may not be running on the right side of a popularity poll if they are attempting to scuttle this pier proposition.

I haven't been around here too long, but I do know that compromise is one of the secrets of success in the political field if you want to stay alive, and I don't think that quarter of four in the afternoon is too late for this body and the other body to give a matter as important as this its proper legislative intention. I feel sure that we will come out of this with a proper bond issue, and I would hope that this body would maintain its position, dig in and work hard to see that this occurs.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would just like to mention one other thought that comes to mind. I think that this bond issue is important, I mean important to everybody that does have something here. I think it is going to be important when it comes to Portland and I think it is going to be important to those people in southern Maine, particularly Cumberland and York County.

I am well aware that back in my days of being around a rail-

road station that many people commuted from Montreal, Canada to Portland via the Canadian National Railroad, and that trains used to arrive two and three daily, and when those trains arrived there were many buses down in Southern Maine or Portland. A great majority of those people headed into Old Orchard Beach, many of them for the summer, and many of them for two or three weeks at a time, and they all had the habit of bringing their money with them and always left a great deal of it here. They came down in trains, and I imagine they will be coming down on this boat which makes a daily run, and I am sure that the State would not only be a great benefactor from it, but I think the merchants of that area will also benefit from it.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to make it clear that I supported this \$500,000 loan program for Portland. I told the sponsors I favored it. I supported it within the committee of conference and I support it now, and if it comes up to us in the special session I will support it then. This has nothing to do with a choice between us, and I would ask all members to think very, very carefully before they voted against the motion and jeopardized the entire package.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I merely want to remind the members of the body here that I think the quickest way of disposing of this matter is to accept the committee report, and that is to vote against the pending motion of Senator Katz because, if the report is accepted, then we can discuss with the other body the disagreeing action, see if the other body will recede and concur with the Senate, and the matter will be terminated right there.

I think the idea that the Committee of Conference No. 2, so-called, has already pre-engrossed a bill for Committee of Conference

No. 3 seems to me to smack a little bit of abuse of authority, or at least a certain amount of smugness on their part. I certainly think that, if there is to be another committee of conference, it ought to be a legitimate one that would make its own decision. I think, myself, that would result in a great deal of time being wasted. It is a very clear cut issue here. It is just simply a matter, insofar as the Portland bond issue is concerned, of whether this committee is willing to loan to the Port Authority for the use of a terminal \$500,000 which will in turn be repaid; it is as simple as that. I see no reason for the objection to it. I really believe that if they have a sincere interest in this bond issue they should be quite pleased to have this particular item on the bond issue since I am sure it is going to generate a very popular feeling among the people, particularly in the southern part of the State, and insure its passage. I don't know how all the individual members here do feel about the bond issue but certainly you voted for it and it ought to indicate some approval. When you think of the great number that we have, it would appear to me that we ought to do what we can to insure the passage of this one, and probably the best thing you can do to insure the passage is to leave this ferry terminal aspect on the bill.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have nothing to gain or lose as far as this bond issue is concerned, it has nothing to do with Sagadahoc or Lincoln Counties. I just feel personally that it is time to fish or cut bait here. I think we are just paying a number game. I don't see how, if you knock off these three, Oxford, Cumberland and Aroostook, that the bond issue is going to pass this Senate, and it doesn't look as if it is going to pass the House if they are on.

I somewhat disagree with the Senator from Kennebec, Senator Katz, in that I don't know if this body is any more responsible for the defeat of the bond issue if it

is defeated, than the other body. The committee of conference report has been presented in both bodies. If it is accepted by this body, and defeated by the other body, it seems to me the responsibility of the bond issue and the defeat of it is on their shoulders and not ours. Those are my feelings on this particular issue. I think it is unfortunate at this late hour that it has come up, and I don't know if we can solve it here, but I think we should get on with the business at hand and see what the outcome is.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reject the report of the committee of conference. 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 Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reject the report of the committee of conference on H. P. 307, L. D. 394. A "Yes" vote will be in favor of rejecting the committee of conference report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Dunn, Hanson, Hoffses, Katz, Logan, Sewall and President MacLeod.

NAYS: Senators Beliveau, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Kellam, Letourneau, Levine, Mills, Minkowsky, Moore, Peabody, Quinn, Reed and Violette.

ABSENT: Senators Barnes, Bernard, Martin, Stuart, Tanous and Wyman.

A roll call was had. Eight Senators having voted in the affirmative, and eighteen Senators hav-

ing voted in the negative, with six Senators absent, the motion did not prevail.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I have listened to the debate on this particular L. D. for some time. I do not believe that it affects my district, which is the second largest one in the State of Maine, but judging from the discussions which have been taking place, from the remarks that there are very worthwhile projects in this bill, and that there are these amendments which seem to be very parochial and which the supporters seem to be very determined in, I cannot vouch for the sentiments or the attitude of the other body but, in the interest of adjourning this Senate, I move that this L. D. 394 be indefinitely postponed and all accompanying papers.

The PRESIDENT: The Chair would inform the Senator that the motion is out of order. The Senate has just rejected the report of the committee of conference, and the pending question before the Senate is the acceptance of the report of the committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Conley.

On motion by Mr. Conley of Cumberland, the Report of the Committee of Conference was Accepted in non-concurrence. Subsequently, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed, and further voted to Recede from its action whereby Committee Amendment "A", as Amended by Senate Amendments "B" and "D" thereto, and Conference Committee "A" thereto, was Adopted.

The Senate then voted to Recede from its action whereby Conference Committee Amendment "A" to Committee Amendment "A" was Adopted and, subsequently, Conference Committee Amendment "A" to Committee Amendment "A" was Indefinitely Postponed.

Conference Committee Amendment "B" to Committee Amend-

ment "A" then was Adopted and Committee Amendment "A", as Amended, was Adopted in non-concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Orders

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

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed the Secretary to deliver the message.

Subsequently the Secretary returned and reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Mr. Richardson, Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

Out of order and under suspension of the rules, on motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 550)

Which was Read and Passed.

The President appointed as Senate members of such committee Senator Quinn of Penobscot, Senator Letourneau of York, and Senator Moore of Cumberland.

Sent forthwith to the House for concurrence.

Subsequently the order was returned from the House Read and Passed in concurrence.

Subsequently the committee returned and reported that the committee had attended to the duties assigned to it and the Governor was pleased to say that he would attend the session forthwith.

At this time His Excellency, Governor Kenneth M. Curtis, entered the Senate Chambers and addressed the Senate as follows:

GOVERNOR KENNETH M. CURTIS: Mr. President and Members of the Senate:

This Legislative Session has been a long one, and I certainly don't intend to prolong it.

I don't think that I need to tell you that your task has been a most difficult one, for you have met at a time when the State of Maine and states and municipalities all across this country have been faced with the most difficult problems of financing government in our history.

As always, time and history will be the ultimate judge of the actions of this 104th Legislature.

However, at a time of great national growth, with rapidly diminishing resources, we can say now that significant conservation legislation has been enacted.

And, at a time the national spotlight is on youth, you have lowered the legal age of voting and adulthood.

Although, as always, there are matters that are left undone, certainly we can safely say that progress has been made.

Above all, I think it must be noted that the Members of this Legislature have labored long and hard with great sacrifices to their families and to their vocations.

So, in the name of the people of the State of Maine, let me thank you for your service. And, until we meet in an all probable Special Session, I wish you and your families a most pleasant summer. Thank you very much.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I suppose, of course, it is an honor to be the oldest member in this august body and make the final motion of adjournment, but you know it would be awful nice to be as young, as handsome and as full of ego as the youngest member, Senator Beliveau. Again, I feel that forty is a pretty good age; the women are still interested in you and the army isn't.

Again, growing old has its compensations. I have sixteen wonderful grandchildren, and an incident occurred in my home three or four weeks ago which was quite amusing to me. My wife, Marion, and my daughter were discussing a neighbor who has been obliged to put her grandfather in a nursing home, and a ten year old grand-daughter listened to the conver-

sation and she had a worried look on her face. Finally she said, "Well, mama, I don't think we will ever have to put grandpa in a nursing home; he is too frisky."

Now, I think you will all agree with me that if we had scoured the State of Maine with a fine-toothed comb we couldn't have found a more compatible Senate staff than these wonderful people who have served us so faithfully during the last six months. I wish you all Godspeed to your homes.

Mr. President, I now move we adjourn sine die.

Thereupon, at 5:16 P.M. on Wednesday, July 2, 1969 the Honorable Kenneth P. MacLeod, President of the Senate, declared the Senate of the 104th Legislature adjourned without day.