

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, January 21, 1970
Senate called to order by the President.

President. Prayer by the Rev. Fr. Lucien G. Mckeone of Lewiston. Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Fee for and Facilities of Class A Restaurant Serving Malt Liqueur." (H. P. 1379) (L. D. 1728)

In the House January 13, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-626).

In the Senate January 15, 1970, Committee Amendment "A" (H-626) and Senate Amendment "A" (S-367) Adopted and the Bill subsequently Failed of Passage to be Engrossed, in non-concurrence.

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

Which was Read.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We seem to be faced more frequently these days with repeating our actions after lengthy debate on them. However, at this particular stage, on this particular bill, which the members will recall as setting up the Sunday sales of malt liquor, and call it what you will, that is the bill, we now have had the benefit of intensive attention from one of the more capable lobbyists in the group who has been absent during the previous debate and consideration of the bill. It would be, I am sure, the hope of all of us who feel that this is an item for the people to

decide, and not for the legislature to decide, that such intensive care from the third house will not sway our opinion on this moral issue.

I would urge you very strongly to maintain your position and vote against the motion to recede and concur.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Boisvert, that the Senate recede and concur with the House on Bill, "An Act Relating to Fee for and Facilities of Class A Restaurant Serving Malt Liqueur." As many Senators as are in favor of receding and concurring with the House will say "Yes." Those opposed will say "No."

A viva voce vote was taken and the Chair, being in doubt, ordered a division. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to insist?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, a parliamentary inquiry: This measure failed of passage to be engrossed previously, so would the issue not be the same?

The PRESIDENT: The Senate is in non-concurrence with the House. It is not in the same status as it was previously. The House passed it to be engrossed. A motion to insist would be in order and a motion to adhere would be in order.

Is it now the pleasure of the Senate that the Senate insist?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I move that the Senate adhere.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I move that the Senate insist.

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

Mr. BERRY of Cumberland: Mr. President, I would urge everybody to vote against this motion, and then to vote for the motion of Senator Logan.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I have served on the Liquor Control Committee under the chairmanship of my good friend, Senator Berry. He said just a few minutes ago that this was a moral issue; I disagree with that.

This bill has been before the two branches for quite a few days, and I appreciate the strength of members of this Senate. I would ask at this time that we support the motion by the Majority Leader of this Senate that we insist.

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 Insist on Bill, "An Act Relating to Fee for and Facilities of Class A Restaurant Serving Malt Liquor." As many Senators as are in favor of the motion to insist 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.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate adhere?

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 to adhere 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 af-

firmative, and fourteen Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Consideration.

Committee Reports House Ought Not to Pass

The Committee on Education on Bill, "An Act to Create a School Administrative District in the Town of Madawaska." (H. P. 1403) (L. D. 1759)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Submitted for the Report, and the Bill subsequently Indefinitely Postponed. Which report was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move that the Senate substitute the bill for the report.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate substitute the bill for the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I would be very interested in hearing any debate that give any credibility to this move whatsoever. Within the committee we listened very patiently, looking for some logical reason as to why this bill should pass. Our committee unanimously found absolutely no reason at all, so if there is any information that might be presented to the Senate to overturn a unanimous committee report, I would be very anxious to hear it. Otherwise, I would oppose the motion and ask for a division.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate. Not having had the benefit of the knowledge or information that was imparted to the committee, perhaps the Chairman

of the Committee itself would indicate to us the reasons for opposing this bill.

Let me say that Madawaska requests formation of a single community district, which is not original and which this Legislature has done in prior sessions. In the last Legislature we had the approval of the Sanford single community district, had the approval of the City of Portland as a single district although, I understand, that Portland eventually lost out on the Appropriations Table, but the concept was adopted by the Senate and by this Legislature.

I think Madawaska would like to become a district and, at least from the discussions that I have had with their officials, this is not sought as a financial advantage which would be, perhaps, the basic reason why most communities would seek to be brought within the purview of the SAD law. The school officials and the municipal officials in Madawaska feel that creation of a district would allow consideration by the people of Madawaska, an opportunity for far greater discussion and consideration of their educational needs in the community to a greater extent than they now do.

As we well know, under our present town meeting form of government and under which Madawaska operates, the educational budget is one of twenty-five, thirty, or thirty-five articles that are considered at the annual town meeting. Most of the time, and because of the pressing time that there is for this town meeting and the vast number of articles to be considered, why, the voters spend half their time arguing over a five hundred dollar appropriation and then finally lack the sufficient amount of time to consider a budget, which in Madawaska amounts now to almost a million dollars. So, there is a feeling that if there was an SAD that they could consider the educational needs at a separate meeting and do a far better job in familiarizing the people of Madawaska and have the people in Madawaska consider the educational needs of the community. This is the one reason, and what they tell me is the most important

reason, why they would like to be in a separate administrative district.

It is my understanding that Madawaska budget is now about \$950,000, and that the benefits that would accrue to Madawaska by being an SAD is somewhere around \$18,000. The financial advantage is just not that big, but they would like to have the opportunity to be in a district. I think eventually most of our communities will have to be brought into the purview of the SAD law. All of the communities in the area are now in districts, and Madawaska is left by itself. Now, I don't know what happened previously as to why it is not now in a district; that I can't tell you.

There is a referendum to this which requires the people of Madawaska to accept this. It has to go to a vote of the voters of Madawaska for acceptance. So, I would hope that the Legislature here would allow the people in Madawaska the opportunity to decide whether they want to be in a district or by themselves, first of all, because there are no other communities with which to go into a district at this time. I hope you would support the bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator from Aroostook did a very good job in repeating the information that was given to us. To recap it, the people of Madawaska, or rather the school people in Madawaska, want a single-town district so they can better inform their people at budget time, and this adds it up completely. This seems to be a rather expensive way for the State, which will have additional financial responsibilities, to go along, hopefully, to get people in Madawaska better informed at school budget time. I think that this is improper.

Madawaska is situated so that it can certainly join a school district. It is not easy sometimes when your neighbors are already in districts, but there is no reason to believe that Madawaska couldn't very naturally and easily fit into one of the existing districts. If

there is any purpose to the Sinclair Law, it is to improve educational opportunities.

I do recall that the Senate took some positions on single-town districts: Portland was defeated. Sanford got through here because primarily of a coalition, if you will recall, I find it interesting that the Sanford voters subsequently turned down the district that the Senate, I think, erroneously authorized. I think the principle is very near and dear that we should not authorize single-town districts when there are viable alternatives, and Madawaska has plenty.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Violette, that the bill be substituted for the Ought Not to Pass Report of the Committee on Bill, "An Act to Create a School Administrative District in the town of Madawaska."

The Chair recognizes the Senator from Aroostook, Senator Violette.

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

The PRESIDENT: A division has been requested. As many Senators as are in favor of substituting the bill for the Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Ought Not to Pass Report of the Committee was Accepted.

Mr. Minkowsky of Androscoggin was granted unanimous consent to address the Senate:

Mr. MINKOWSKY: Mr. President and Members of the Senate: This morning I have two guests here that I would like to introduce to the Senate. They are Adderrazak Thraya from the University of Massachusetts, who is studying Public Health and Education—he is from Tunisia—and Steven Brown, also from the University of Massachusetts, and studying Regional Planning. They are both

visiting the State of Maine as part of their curriculum.

The PRESIDENT: The Senate is very pleased to welcome you men to the Senate. The reason why Senator Minkowsky introduced you, rather than I from the rostrum, was that I knew I could not pronounce your name, the gentleman from Tunisia. (Applause)

Ought to Pass

The Committee on State Government on Resolve, Authorizing Conveyance of Land to International Paper Company. (H. P. 1371) (L. D. 1720)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed as Amended by House Amendment "A" (H-640).

Which report was read and Accepted and the Resolve Read Once. House Amendment "A" was Read and Adopted, in concurrence.

Under suspension of the rules, the Resolve, as Amended, was then given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

Ought to Pass — As Amended

The Committee on Towns and Counties on Bill, "An Act to Authorize Kennebec County to Raise Money for Capital Improvements." (H. P. 1363) (L. D. 1692)

Reported that the same Ought to Pass as Amended by Committee Amendment "A".

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-639).

Which report was read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

Under suspension of the rules, the Bill, as Amended, was then given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forth-

with to the Engrossing Department.

Divided Report

Five members of the Committee on Taxation on Bill, "An Act Relating to Property Tax Exemption for Nature Conservancy." (H. P. 1372) (L. D. 1721)

Reported in Report "A" that the same Ought to Pass.

Signed

Senator: WYMAN of Washington Representatives:

SUSI of Pittsfield
HARRIMAN of Hollis
COTTRELL of Portland
WHITE of Guilford

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed

Senators: HANSON of Kennebec
MARTIN of Piscataquis Representatives:

ROSS of Bath
FORTIER of Rumford
DRIGOTAS of Auburn

Comes from the House, Report "B" Ought Not to Pass, Read and Accepted.

Which reports were Read.

On motion by Mr. Hanson of Kennebec, the Ought Not to Pass Report "B" of the Committee was Accepted in concurrence.

Senate

Change of Reference

Mr. Peabody for the Committee on Highways on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction. (S. P. 597) (L. D. 1768)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Which report was Read and Accepted. Under suspension of the rules, sent down forthwith for concurrence.

Referred to 105th Legislature

Mr. Letourneau for the Committee on State Government on Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code." (S. P. 560) (L. D. 1635)

Reported that the same be referred to the 105th Legislature.

Which report was Read and Accepted.

Sent down for concurrence.

Leave to Withdraw — Covered by Other Legislation

Mr. Dunn for the Committee on Appropriations and Financial Affairs on

Bill, "An Act Appropriating Funds for Construction of a Library Wing at the University of Maine at Augusta." (S. P. 595) (L. D. 1766)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Acceptance of the Committee Report.

Ought to Pass

Mr. Kellam for the Committee on Legal Affairs on Bill, "An Act Relating to Election and Terms of Town Council of the Town of Lincoln." (S. P. 569) (L. D. 1696)

Reported that the same Ought to Pass.

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Relating to Grants and Interest-free Loans for Preliminary Planning of Pollution Abatement Facilities." (S. P. 584) (L. D. 1711)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Natural Resources on Bill, "An Act Relating to Enforcement by Sea and Shore Fisheries and the Maine Mining Bureau." (S. P. 556) (L. D. 1631)

Reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills Read Once.

Under suspension of the rules, the Bills were given their Second Reading and Passed to be Engrossed.

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

Mr. Stuart for the Committee on Education on Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes

by School Administrative District No. 70.” (S. P. 631) (L. D. 1802)

Reported pursuant to Joint Order S. P. 629 that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once.

Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on Highways on Bill, “An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways.” (S. P. 551) (L. D. 1626)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 626) (L. D. 1801)

Signed:

Senators:

GREELEY of Waldo
PEABODY of Aroostook
CIANCHETTE
of Somerset

Representatives:

WOOD of Brooks
McNALLY of Ellsworth
LEE of Albion
HALL of Windham
NADEAU of Biddeford
BURNHAM of Naples

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

DUDLEY of Enfield

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to say that this bond issue sets up \$6,000,000 for the first year of the biennium, and \$15,500,000 for the second year of the biennium. We have also set up a referendum date on March 16 of this year. I now move that we accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be engrossed and, under suspension of the rules, sent down forthwith to the House for concurrence?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We now are at a stage in this bill where it seems to me that some debate is in order. I had hoped that it would come before this point, but when we are about to engross a bill and send it forthwith, and we are trying to bring this session to a quick termination, I think that the thinking of the Senate is important. Perhaps this is the time now to discuss the problem of the highway bond issue.

I note that the redraft says that this bond issue shall go out by itself on March 16 of this year. In November of last year the people of the State defeated a bond issue for \$2,000,000 more, and it seems to me that the matter of how much we are going to ask the people to vote on again, and when we are going to ask them, is an important consideration.

I question the political advisability of going back to the same people with practically the same bond issue a little over four months after they turned a similar one down. I hope that this is not being done in a spirit by those interested in our highways of a do or die, a quick death decision, by the people of the State. I would think that the people of the State did express an opinion. I think the news media comment, by people far more versed in interpreting votes than I am, indicated, subsequently to the defeat of this

bond issue, that the people had expressed some thinking on the relation of bond construction in the amounts that we voted on to other matters. Now, an interpretation of how the people of the State of Maine think on any issue is probably impossible of correct divination, but I think there was a message there. I, for one, feel that it is not too advisable, if we want to continue a highway construction program on a bonding basis, to go right back to the same people with the same issue practically. I don't think, as legislators, we are doing our just deserts by them.

It has been pointed out by the proponents of highway bond issue financing that we finally have in the State of Maine a construction industry geared to constructing highways, and that it would be a deathly blow to this industry if we do not keep our construction at the same pace it has been. I think this is begging the issue. I think these people are asking to participate in a game of Russian Roulette. If the people vote down these bonds on March 16th, a little less than two months away, this same construction industry is going to find itself without any money to build roads.

I am not overly familiar with the method of the Highway Commission in the way they set about determining construction priorities around the State. I do recall having seen a fairly recent list of construction projects and, from my limited knowledge, I can, in two projects alone totaling a million dollars, not ninety — ten construction, assert with full knowledge that no one is going to be hurt by the postponement of the construction of these two projects to at least beyond next July 1st and put it into the following biennium. If I, from my rather layman's viewpoint, know of two projects that fall in this category that total a million dollars, I wonder if it is impossible for those who are conversant with these affairs to cut down this construction project to some figure that would permit the people of the State of Maine to vote on the issue after they can be assured that these figures have

been pruned to a real minimum. At the present stage of the game, we have taken off a token face-saving two million dollars and said "Vote again." I think far more than this can be taken off. I think the people of the State voted that they want to put money in certain priorities. It would seem to me that the Highway Commission is going to have to do something a little bit different to lift itself up from the cellar, which is about where the people of the State of Maine put it. And, if we are going back to the same people with the same issue, they are going to keep the State Highway Commission in the cellar and they are going to nail the cellar door shut. I think that this matter should receive the careful attention of this body, as do all important issues, and that the matter should be thrashed out before it gets into the process of engrossment, amendment, and so forth.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I think it behooves every member of this honorable body, when they go back home, to explain to their constituents what we would stand to lose if we didn't pass this measure. This certainly should have been done, the people should have been informed, before the last election and I don't think we would have lost the bill. So, I urge you all, when you go back home, to explain to your constituents what we could lose. I think it is around seventy million dollars in federal money. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: When we had our hearing, we had one person who appeared before our committee that said that there was so many bond issues, so many referendum questions, and so forth, to vote on that he was so confused he almost voted dry.

To get back to the highway program, this biennium there is around \$70,000,000 worth of federal highway funds to be matched. Two years ago, there were \$46,000,000 of federal highway funds available, so this year we had to come up with \$8,000,000 more for the biennium to match federal funds than we did two years ago. It took \$25,098,000 to match the federal funds available, which was around \$70,000,000. Besides that, we set up \$7,900,000 of state projects, which made \$32,998,000. We divided that into equal parts each year of the biennium, which is \$16,499,000. For the first year of the biennium we set up \$8,000,000 of bonds, \$4,518,931 in money, and \$3,980,069 of the balance of the \$12,800,000 bond issue, which hadn't been allocated, which the people approved in 1967.

For the second year of the biennium we set up \$13,500,000 and \$2,999,000 in money, which makes \$16,499,000. When we lost the bond issue in November, for the first year we had \$8,499,000 left to match funds, and only \$2,999,000 the second year of the biennium. So, if you are going to continue the federal primary, secondary and the interstate programs, you have got to have a bond issue to match these funds. If you wait, you are going to pile a lot of construction into the next biennium or the second year of this biennium.

I think that the right thing to do is to try to come up with this money and if the people don't want it, why, that is up to the people, but I think if it is explained that they will go along with this next bond issue.

I would like to say that there is over \$60,000,000 of construction going down in Cumberland, York, and Sagadahoc Counties these two years of the biennium.

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

Thereupon, the Bill was Passed to be Engrossed and, under suspension of the rules, sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on State Government on Bill, "An

Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature." (S. P. 604) (L. D. 1784)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
BELIVEAU of Oxford

Representatives:

RIDEOUT of Manchester
MARSTALLER

of Freeport

D'ALFONSO of Portland
GOODWIN of Bath

STARBIRD of Kingman

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

LETOURNEAU of York

Representatives:

DENNETT of Kittery
DONAGHY of Lubec

Which reports were Read.

On motion by Mr. Logan of York, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be given its second reading at this time, by title only, under suspension of the rules?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, perhaps in my intention to slow this down I find a phrase in here that is disturbing to me. I would hope that we would defer reading until the next legislative day.

Thereupon, the Bill was tomorrow assigned for Second Reading.

Orders of the Day

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

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1317) (L. D. 1646)

Tabled — January 20, 1970 by Senator Violette of Aroostook.

Pending—Enactment.

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

Mr. MARTIN of Piscataquis: Mr. President, I move that under suspension of the rules the Senate reconsider its action whereby this bill was passed to be engrossed, and I would like to speak on my motion.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that under suspension of the rules the Senate reconsider its action whereby Legislative Document 1646 was passed to be engrossed.

The Senator has the floor.

Mr. MARTIN: Mr. President and Members of the Senate: Yesterday, as you will recall, I mentioned an opinion from the Attorney General that was forthcoming and that I was waiting for. This opinion was regarding the constitutionality of the uniform tax rate in unorganized territory. Well, the opinion is long, so I will cut it short and just relate the last phrase or the last sentence. "We must therefore conclude that the probabilities of such a tax would be unconstitutional, basing our conclusion on the 1951 advisory opinion of the Maine Supreme Judicial Court."

Now, I want everyone in this room to understand that I am not against the spruce budworm bill. If this body chooses not to reconsider, I shall vote for the bill. However, I would like to present an amendment, Senate Amendment 379, that would authorize the owners of lands in unorganized territory to assess themselves one mill. This is in L.D. 1646. My amendment would only increase the one mill to one and a half mills, and would delete "all property." "Such tax shall be increased by one mill on the dollar assessed only for the year 1970 upon all the property in the unorganized territory." My amendment would increase the one mill to one and a half mills, and would apply only to forest lands.

The reason for this is that I feel that the cottage owners and the owners of other property, other than forest land in unorganized territories, are not interested in this tax, and I don't think it is fair to insist that they pay a tax for a

purpose that they are not receiving any service for.

Now, I was asked a while ago if the amount of money involved would be minimum. Well, in checking the application of spruce budworm control projects since 1954, which totalled \$1.4 million, and figuring the six per cent minority owners of property in unorganized lands, owners of cottages and other properties in forest lands, I find that this totals over \$80,000 that these people have paid in taxes for services that do not involve them. I would therefore hope that the Senate reconsider its action and accept this amendment. I assure the group that I will vote for the bill, whether it be reconsidered or not. Thank you.

The PRESIDENT: Is the Senate ready for the question? Is it the pleasure of the Senate that, under suspension of the rules, the Senate reconsider its action whereby this bill was passed to be engrossed?

The Chair recognizes the Senator from Kennebec, Senator Katz.

On motion by Mr. Katz of Kennebec, a division was had. Eleven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, this being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Relating to State-owned Motor Vehicles." (H. P. 1356) (L. D. 1685)

Tabled — January 20, 1970 by Senator Tanous of Penobscot.

Pending — Enactment.

Thereupon, on motion by Mr. Moore of Cumberland, retabled and tomorrow assigned, pending Enactment.

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

Non-concurrent Matter

Bill, "An Act Relating to Fee for and Facilities of Class A Restaurant Serving Malt Liquor." (H. P. 1379) (L. D. 1728)

Pending Consideration.

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

Mr. KATZ of Kennebec: Mr. President, pressing my memory, we had a motion before us to recede and concur with the House earlier today. I would presume that such a motion is now in order again.

The PRESIDENT: The Senator is correct. Such a motion would be in order since subsequent motions have been made.

Mr. KATZ: I so move, Mr. President.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of Cumberland, a division was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed.

(Off Record Remarks)

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Grants and Interest-free Loans for Preliminary Planning of Pollution Abatement Facilities," (S. P. 584) (L. D. 1711), was Passed to be Engrossed.

Thereupon, on motion by Mr. Hoffses of Knox, tabled 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. Katz of Kennebec:

Leave to Withdraw —**Covered by Other Legislation**

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Construction of a Library Wing at the University of

Maine at Augusta," (S. P. 595) (L. D. 1766), reports that the same be granted Leave to Withdraw, Covered by Other Legislation.

Pending — Acceptance of the Committee Report.

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the first tabled and unassigned matter: House Report — Ought Not to Pass from the Committee on Education on Bill, "An Act to Authorize Town of Winterport to Form a School Administrative District." (H. P. 1398) (L. D. 1754)

Tabled — January 12, 1970 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

On further motion by the same Senator, Recommended to the Committee on Education in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the second tabled and unassigned matter: Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. (H. P. 1310) (L. D. 1624)

Tabled — January 20, 1970 by Senator Katz of Kennebec.

Pending — Consideration.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, it is my recollection that this bill came to us having failed of enactment in the other body, and has been passed to be engrossed by the Senate. I now move that the Senate insist.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate insist on Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: Is it the pleasure of the Senate that, under

suspension of the rules, this be sent down forthwith for concurrence?

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I would ask the Senate that this paper pursue the normal speed of our course.

Thereupon, the Resolve was sent down for concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities," (H. P. 1424) (L. D. 1794), failed of Enactment.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President, I now move enactment on this, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: Yesterday we turned this down on a vote of a very narrow margin. As I recall, it was twenty to ten, and we missed the enactment by two votes because of the emergency feature of the bill. Now, I suppose, being a proponent of this bill, we could put in an amendment and take the emergency off this bill and probably have enough votes to pass it. I feel that probably we could do this, but it would mean reshuffling this bill back and forth between both houses, and again taking up more time.

Now, there are valid reasons why the uniform fiscal year should be repealed. I didn't speak on this yesterday, and perhaps I should have. But there are valid reasons other than the fact that the municipal officers and selectmen are in favor of it. I think there are very serious reasons for considering the repealing of this bill.

Perhaps you are not aware at this time that the federal government now has a study considering changing their fiscal year to January 1st. I think we should certainly take this into consideration, because if we change our uniform fiscal year for the

towns to July 1st, as the federal government is now participating under, and next year the federal government suddenly decides that they are going to make their fiscal year January 1st to December 31st, what do we do then? We again reshuffle the towns around.

Also, if you will study the bill, you will note that your counties and your quasi-municipal corporations are not under the bill itself, the original bill for the uniform fiscal year. Also, we have heard the argument that if you are going to mail out a 15-months' tax bill or an 18-months' tax bill to people that you are going to cause much hardship on our overburdened taxpayers at the local level.

There was an alternative presented to this which would, in effect, suggest to the municipalities that they could borrow money to finance their municipal government for a period of six months. In checking into this, we have some 492 townships and municipalities in the State, and I understand that it would be impossible to borrow enough money for all of these towns to carry on their town governments for a period of three to six months. We just couldn't afford to bond enough borrowing to carry these towns through.

I sincerely feel that we should repeal this bill. I ask for your support in doing so, and I move the pending question. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: As a young boy in the sixth grade of the Christopher Gibson School, I remember reading in Government that the Congress of the United States was considering changing the electoral college system. That was a few years back, and I am not very impressed with the fact that they are also considering changing their fiscal year.

I think the arguments that were valid yesterday are valid today. Those of us who believe in principle that a uniform fiscal year is right should not be asked to make life more convenient for the

others to go along because they can remove the emergency preamble and presumably beat us anyway. I hope that our troops hold firm and we defeat this as an emergency measure.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It is a rare occasion that I differ with my friend and colleague, the Majority Floor Leader. It is a rare occasion, however, I must disagree with the good Senator at this time.

Back in my area we have had a great deal of support for the repealing of this measure. Now, we say that the town officials are the only ones who are concerned and interested in regards to this matter. Who are the town officials? They are the representatives of the people just the same as we are the representatives of the people. Now, I believe that these town officials are representative of the people. The people are not interested in the change of this legislation which we implemented at the regular session and want the repeal of this measure. I certainly hope that we will abide by the wishes of our local municipal officers in the repeal of this measure and in support of this bill.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I rise in support of the positions of Senator Tanous and Senator Hoffses. I feel just as they do on this bill, that the town officials want it. But barring that, supposing we defeat the two-thirds emergency preamble on this bill today, then what happens? Then we have to take it and take the emergency preamble from it. Undoubtedly it will pass without an emergency preamble, so why don't we get rid of it with a two-thirds vote and have one more thing out of the way.

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

Mr. QUINN of Penobscot: Mr. President and Members of the

Senate: The statement has been made that the people are not concerned; it is merely the municipal officers. The people are concerned. If you don't kill this bill the people are going to have so much more added to their tax bills to make up the difference in time that it is going to be a terrific burden on many of our constituents. I hope you will support the position of Senator Tanous and Senator Hoffses.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities."

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I probably am not qualified to debate this bill myself, but I have been contacted—in fact, I was last night—by some municipal officers from some of the towns I represent, and I have received letters. They are opposed to this, but I have here voted in support of it.

It seems to me that the people are pretty concerned also about the inequities and the mess, as they refer to it, that is generated here in Augusta, and it seems to me that this is a logical step forward to try to solve that problem.

I know in our town we used to close our books in March, and then they decided that they couldn't get ready for the town meeting so they moved it back to a month later, and so on, so now we close our books, I think, the end of September. Now, the townspeople did that on their own, and the municipal officers were all for it because they wanted to close the books earlier and get ready for town meeting so there wouldn't be the rush problem that they had before.

Now, again it seems logical that our two biggest expenditures usually are education and snow, and it seems to me that the June 30th closing would be logical. Again the argument from the Senator from Penobscot, Senator Quinn, I suppose, is a valid one, but in the

long run it seems to me that everything is going to come out in the wash here. I feel that it is a tough step forward, and maybe it isn't a wise one, but I personally feel, and I talked with one municipal officer, and he said well, if the federal government wasn't going back to December 31st for their fiscal year then he would support it; he felt that it made sense. Now, I feel as if this argument on the federal government moving back should have more support than just rumor. I think maybe our congressional delegation, or some evidence from the federal government to substantiate this argument that they are trying to make every effort to go back to this December 31st, fiscal year should be brought forward to substantiate this argument, because this seems to me to be the prime argument being used to repeal this legislation.

This bill was put in to the Committee of the Senator from Penobscot, Senator Tanous, to correct some of the inefficiencies that took place and which he argues as a reason for defeating it now. Therefore, I guess maybe I am not representing the people that elected me, but I feel as if they elected me to come up here to do what I thought was right, and it seems logical to me that changing the fiscal year to coincide with the State's is a proper move.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: There are times when once you have had a few hours to think things over, you have a change of mind. Yesterday I supported that bill, not the repeal; I voted against the repeal. Now, since yesterday, I believe really in theory the uniform fiscal year would be the right thing to do, but I recall that we had a change of the fiscal year in the City of Lewiston a few years ago. We had a 9-months' year, with the same tax bill, and there was a surplus of three-quarters of a million dollars. The following administration just used that money and, of course, it came out of the pockets of the taxpayers.

Now, if we vote against repeal today, the same thing will happen again. The taxpayers will have to go deeper into their pockets to pay for a 15-months' year. I do believe that eventually we will have to come to that. The federal government, the state and local governments should be on a uniform fiscal year. So at this time I will change my vote of yesterday and vote for the repeal.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I hesitate to speak on this, but I think, of all the debate I have heard this morning, the best point I have heard made was the one made by my good friend, Senator Wyman. We are going to pass this anyway, we are going to repeal this. If we don't do it with the two-thirds, we are going to amend it, we are going to take more time, and we are going to be here probably a few more days. I can't see the reasoning behind it. I can't see that it is feasible for us to vote against the repeal this morning on the two-thirds basis and then take three or four more days to pass it. Let's get it over with this morning, let's dispose of it this morning.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am somewhat moved by the statements of the proponents of this repeal legislation in that it is in unworkable form. I think these comments should not go unanswered.

The time given to the municipalities to adapt to this June 30th fiscal year provides that, if they start this year, they could do it in increments of two months additional each year. Now, if it is done in increments of two months, the next fiscal year for the municipality that did it would be a 14-months' fiscal year. All dates affecting the payment and the due dates would be set ahead two months. The taxpayer would have an additional two months to pay

his taxes, and the deadline for the payment of these taxes would be set ahead. Most people assemble their money on a monthly basis for their mortgage payments, and they would have an additional two months on their tax bill but they would have an additional two months to pay it.

Now, the objections to this bill, in spite of the very cogent arguments of the proponents of this particular legislation, the objections come from the selectmen and municipal officials who feel that it is much easier to draw out from the drawer, from the files, last year's budget, take a pencil and change the figures, and not have to go through the work or worry, the problems arising from facing a new situation. I am sympathetic with this; it isn't easy. Our municipal officials are underpaid and overworked, this has technicalities in it that they have got to look into, they have got to give it some thought, and this is a frustrating situation for many of our people. However, is this a different situation from everything new that does come up? It isn't.

The benefits to be obtained by arriving at a uniform fiscal year in 1972 do require and do merit the work and effort that our municipal officials have to put into this. No one is going to get hurt, so certainly let's do it. It seems to me that this recommendation of the Governor's Task Force on Real Estate Reform was considered by members of both parties, by experts, it has no dollar sign as far as we are concerned, and I would hope that we would repeat our performance of yesterday.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I simply would like to reiterate the statement I made in this body a few days ago, that my people would like to see this repealed. Mr. President, when the vote is taken, I move it be taken by the "Yeas" and "Nays."

The PRESIDENT: Is the Senate ready for the question? The pend-

ing question before the Senate is the enactment of Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities." This being an emergency measure, it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. A roll call has been requested and, 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 enactment of Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities." A "Yes" vote will be in favor of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Boisvert, Dunn, Greeley, Hanson, Hoffses, Holman, Kellam, Letourneau, Logan, Martin, Minowsky, Moore, Peabody, Quinn, Stuart, Tanous, Violette and Wyman.

NAYS: Senators Beliveau, Bernard, Berry, Cianchette, Gordon, Katz, Reed, Sewall and President MacLeod.

ABSENT: Senators Conley, Duquette and Levine.

A roll call was had. Twenty Senators having voted in the affirmative, and nine Senators having voted in the negative, with three Senators absent, twenty being less than the required two-thirds vote of the entire membership, the bill failed of Enactment in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Moore of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Extending the Term of the Maine State Sesquicentennial Commission," (H. P.

1391) (L. D. 1740), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-378, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed, in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

Enactors

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

An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education. (S. P. 565) (L. D. 1640)

An Act Authorizing the Commissioner of Mental Health and Corrections to Convey Interest in Real Estate Devised to the Pineland Hospital and Training Center by the Will of Henrietta K. Allen, Late of Portland. (H. P. 1386) (L. D. 1735)

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

Resolve, Authorizing Henry Perley to Bring Civil Action Against the State of Maine. (S. P. 571) (L. D. 1698)

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

Emergency

An Act Relating to Annual Reports of Counties. (H. P. 1429) (L. D. 1799)

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

Emergency

An Act Authorizing Knox County to Raise Money for Airport and Industrial - Commercial Improvement and Development. (S. P. 573) (L. D. 1700)

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

Bond Issue

An Act to Amend Bond Issue Act as to Limitation of Interest on Bonds for York County Regional Vocational Education Center or Centers. (S. P. 627) (L. D. 1798)

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

Committee Reports Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Combat the Drug Abuse." (Emergency) (H. P. 1365) (L. D. 1714)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Transferring Funds for Educational Subsidy." (H. P. 1323) (L. D. 1652)

Reported that the same Ought to Pass.

The Committee on Natural Resources on Bill, "An Act Relating to Permits for Dredging and Erection of Causeways, Docks in Tributaries of Great Ponds." (H. P. 1414) (L. D. 1781)

Reported that the Same Ought to Pass.

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

Which reports were Read and Accepted in concurrence and the Bills Read Once. Under suspension of the rules, the Bills were given their Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

Ought to Pass—as Amended

The Committee on Natural Resources on Bill, "An Act Clarifying the Laws Relating to Parks, Squares and Playgrounds." (H. P. 1400) (L. D. 1756)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-641).

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-641, was Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

Ought to Pass in New Draft Under New Title

The Committee on State Government on Resolve, Authorizing Forest Commissioner to Purchase Land in Penobscot County. Emergency) (H. P. 1404) (L. D. 1760)

Reported that the same Ought to Pass in New Draft Under New Title: Resolve Authorizing Baxter State Park Authority to Purchase Land in Penobscot County. (H. P. 1431) (L. D. 1803)

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

Which report was Read and Accepted in concurrence and the Resolve, in New Draft, Read Once. Under suspension of the rules, the Resolve was then given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.