

# 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

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, January 22, 1970  
Senate called to order by the President.

Prayer by the Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Taxation of Farm Machinery." (H. P. 1360) (L. D. 1689)

In the Senate January 16, 1970, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-642), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

On motion by Mr. Katz of Kennebec, recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

**Orders**

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

Mr. KATZ of Kennebec: Mr. President. I want to apologize to the Senate for the unseemly delay, but the gravity of the order dictated that it be in perfect and proper form.

Mr. President, I present this order and move its passage, and I ask that it be read by the Secretary in its entirety.

Thereupon, the Secretary read the following Joint Order:

**STATE OF MAINE**

In Senate January 22, 1970

WHEREAS, it is reported that many growers supplying Maine Sugar Industries and its affiliates have not been paid for their 1969 crop; and

WHEREAS, the town of Easton has refused to waive any more property taxes of the Maine Sugar Industries plant there; and

WHEREAS, five other Aroostook communities have also refused to grant abatements on Maine Sugar Industries loading stations; and have not received payments for taxes due; and

WHEREAS, THE Maine Industrial Building Authority, which has guaranteed \$10,000,000 in loans to said industry has been requested to extend the term for payments; and

WHEREAS, a moratorium for the payment of principal and interest has already been granted by the Economic Development Administration to said industry for outstanding obligations; and

WHEREAS, there are recorded against Maine Sugar Industries and - or Vahlsing, Inc. certain liens and attachments in connection with unpaid claims; and

WHEREAS, said industry is in arrears on rent due the Aroostook Development Corporation; and

WHEREAS, these facts combine to create grave concern lest the structure of government loans, state credit and local concessions involved in the operation of Maine Sugar Industries may be in serious jeopardy and raise the question of whether further legislative action is necessary to protect the credit, peace, health and safety of the State.

WHEREAS, the same is of immediate and vital interest to Maine taxpayers and the Maine legislature because of the guarantee of the Maine Industrial Building Authority supported by the full faith and credit of the State of Maine; now, therefore, be it

ORDERED, the House concurring, that a Special Interim Legislative Committee be created consisting of 3 members on the part of the Senate, appointed by the President of the Senate, and 6 members on the part of the House, appointed by the Speaker of the House. The Committee shall by a majority vote elect a chairman. The Committee is directed, in conjunction with the office of the Attorney General of the State of Maine, and with the full and complete cooperation of all state departments, to investigate fully and completely the facts surrounding the approval of said guarantees, the loans and the present financial problems, including but not limited to, the circumstances and facts of the applications, all assurances and representations connected therewith, the events and documents supporting said repre-

sentations upon which the Maine Industrial Building Authority acted relating to the sugar beet and potato-processing industry in the State, and all corporate entities involved; in order that the legislature may determine whether further legislative action is necessary to protect the credit, peace, health and safety of the State. The Chairman, or any member of the Committee designated by him, shall have the power to administer oath and to subpoena and require the attendance of witnesses and production of books, papers, records, and other evidence pertinent to such investigation. In case of the refusal of any person to reply to any subpoena issued hereunder, or to testify to any matter to which he may be examined, the Superior Court in any County on application may issue an order requiring such person to comply with such subpoena and to testify. Any failure to obey such order may be punished by the Court as a contempt thereof. The Committee shall report its findings together with any proposed recommendations for legislative action to the Legislative Research Committee or the next regular session of the Maine Legislature, and therefore hereby appropriate from the Legislative Appropriation for said purpose a sum not exceeding \$75,000.00.

(S. P. 633)

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 express my personal concern on the question of the guarantees of the Maine Industrial Building Authority. In previous sessions of the Legislature I have successfully sponsored three different constitutional amendments which have the same end purpose, to pledge the credit of the State. First, the Maine Recreational Authority. Second, a student loan guaranty program, a vote in which you participated. Third, a matter which just appeared on the ballot, the Maine School Building Authority. In each of these cases the credit of the State was pledged.

Now, with respect to the Maine Sugar Industries, the story really began with legislative involvement during the 102nd Legislature, when the Department of Agriculture of the United States waved in front of the noses of the people of this State the potential for a second exciting sugar beet crop in Aroostook County. And as a result of legislative action, this potential budding industry became a reality.

In the process we have poured a very substantial amount of Maine money behind the creation of this industry and the operation of the refinery, and I think I would briefly like to explain to the Senate the very grave concern and the reasons for the grave concern that we feel this morning.

Maine Sugar Industries occupies a building in Aroostook which was guaranteed by federal and state money. Presently the Maine Sugar Industry is supposed to pay \$40,000 a month in rent to the Aroostook Development Corporation which, in turn, is obligated to the First National Bank of Boston in the amount of \$40,000 monthly. In December and January of this year these payments are in default. These payments also must include an annual return, paid monthly, of \$158,000 to be paid by the Maine Sugar Industry to the First National Bank of Boston for local taxes, which are distributed by the First National of Boston. Also an amount of \$80,000 annually, which is one per cent of the loan, to be paid monthly to MIBA as a fee. These payments also are in default. Beginning on April 1st, these payments are to be increased at the rate of \$40,000 a month for retirement of principal.

Now the immediate concern is that if these payments are in default, ninety days after default the State of Maine's pledge of credit becomes effective, and the State will have to step in and pay these amounts out of State revenues. Where is the money going to come from? The Maine Industrial Building Authority has a 1.25 million dollar mortgage reserve, and they got this money in two ways. A half million dollars of this money was put into this fund by the Legislature originally in 1957, and the rest of it has been

earned through this one per cent investment fee and its interest, so that presently it is 1.25 million dollars.

Now, if these amounts to which the M.S.I. is obligated are not paid, this small reserve of 1.25 million dollars of mortgage insurance money is going to be tapped to make up the deficit, and it is not nearly a big enough fund to absorb the shock. When this fund is depleted, the law provides that we turn around to the Governor and Council, and it is obligatory on the Governor and Council to make up the obligations. The Governor and Council have two sources of funds. First, through a transfer from the contingent accounts, which are small and really not appropriately considered in this. Or, second, the issuance of bonds. And it would be incumbent upon the Governor and Council to issue bonds by the State of Maine, without any further reference to the Legislature, because the Legislature has authorized this up to an amount, as you will recall, of \$80,000,000.

Mr. President and Gentlemen: I think the situation is potentially a grievous one, and I strongly urge, because of the timeliness of the events which are transpiring before us, and because of the gravity of the situation, that the Legislature has an obligation to review those portions particularly that had some kind of legislative involvement, and to assure ourselves now whether anything further must be done by this or subsequent legislatures to insure the integrity of the tax dollar and also the status of Maine bonds.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Needless to say, the order before us is rather a startling document in that the first notice that we had that the Majority Leader was going to introduce this occurred a few minutes ago. He has outlined and presented to us a list of figures, facts and statistics regarding the state of the sugar industry in Aroostook County.

We share his concern, and my only feeling on this at this point

is that I hope that we are not going to take any witch hunt here, that the action of this body should not be premature, that maybe we are anticipating the demise of an industry, and I think that legislative fair play would require that this bill be tabled until at least tomorrow so that we might all have the opportunity to review the figures, facts, citations and claims made by the Majority Leader.

This document is a very substantive one. We are establishing here a precedent, however well-meaning it might be, which could lead the Legislature to intervening or inquiring into areas where we have no right to do so. Again, I share the concern of the Majority Leader, but I do believe that we are all entitled to be supplied with the facts and figures and allegations made by the Majority Leader, because this is a departure from existing practice as we are intervening, in effect, into the judicial sphere, we are going to be making judicial judgments here, we are going to be arming a subcommittee with very extensive and broad powers. Subpoena powers, gentlemen, as you know, today for the most part are limited to our courts, and only in very rare exceptions and very rare instances do we find that this right, authority or power has been delegated to an administrative agency.

So, I would hope that the Majority Party would extend to us the courtesy of permitting this document to be tabled an additional day so that we will all have an opportunity to study it at length. If we are going to pass judgment on this, if we are going to make logical decisions and have a rational vote, and try to devoid ourselves from too much partisan consideration here, I think that we should be permitted to table this at least until tomorrow. I hope that some member of the Senate will table this until tomorrow so that we can give this document the study that it deserves.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: During the regular session,

when I served as Chairman of the Industrial and Recreational Development Committee, I was much concerned in many meetings I had with Mr. O'Connor, who is Manager of the Maine Building Authority, on just what has come up today.

Now, in their monthly report — and I don't know whether I am the only one in the Senate who receives these or not, but I supposed that everyone did — I have a monthly report, and I would like to read you from the December report, which is sent to the Executive, regarding the situation at Maine Sugar Industries. I will quote.

"The situation at Maine Industries is, of course, extremely serious and involves some ten million dollars of loans insured by the Authority, as well as taxes due several towns in Aroostook County, many sugar beet growers and, in fact, the economy of all of Aroostook County to some degree. In addition, large sums are owed the federal government, institutional lenders in trade and capital improvement accounts outside the State. No easy solution to this problem can be expected. Efforts will be made to retain this potentially beneficial industry, while safeguarding the State's mortgage insurance."

I think that this order that is before us today is very pertinent and very important, and I feel that it should be passed.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I suppose, as a Senator representing constituents from Aroostook County where this plant is located, I should make a few remarks. I think the gravity of the situation probably requires or dictates that we do give it consideration.

Personally, as a State Senator from Aroostook County, I am going to take a completely impartial view of this, and I am going to try to keep an open mind on it. I personally can't see how any harm can come from a study of a situation that is as serious and

is in the limelight as much as this one is today. So I just want to state my position, as an Aroostook County Senator, that I hope and I expect to take a position of an open mind and a completely unbiased position.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I sort of agree with the Senator from Oxford, Senator Beliveau, in that I would like to see this particular item tabled and studied. The 102nd was mentioned here. I, along with the Senator from Kennebec, Senator Katz, was a member of that session. I feel that this goes back even further because even at that time, I think, the State had pledged its credit to the Vahlsing Enterprises. Up until that time, of course, it was not the sugar beet industry, but the potato processing industry.

I am concerned, and I think that we all should be, and yet I think the order possibly could be changed a little bit. I can remember reading the Gettysburg Address and flunking it because the teacher said I never paused. My only recourse was that I looked at one of the originals, it was supposed to be, and I don't think Lincoln ever put a period in the whole address. But this one here has got quite a sentence, and it says: "The Committee is directed, in conjunction with the office of the Attorney General of the State of Maine, and with the full and complete cooperation of all state departments, to investigate fully and completely the facts surrounding the approval of said guarantees, the loans and the present financial problems, including but not limited to, the circumstances and facts of the applications, all assurances and representations connected therewith, the events and documents supporting said representations upon which the Maine Industrial Building Authority acted relating to the sugar beet and potato - processing industry in the State, and all corporate entities involved; in order that the legislature may determine whether further legisla-

tive action is necessary to protect the credit, peace, health and safety of the State.”

Now, I would like to have a little chance to digest that. I particularly am interested in that last sentence. We see a lot on TV now that Washington is concerned about the pill, and so forth, but I question whether this is necessary to protect the credit, the peace — I mean, I don't think we are going to have a war here, so I question why that is involved. Health, I don't think it is really going to affect necessarily the health. And safety, I don't know that the safety of the State is going to be involved. In other words, I think there is a legitimate problem of the credit of the State, and the taxpayers of the State should be protected. That is our job but, I mean, to put in the credit, peace, health and safety of the State, I think again these are probably small matters, but I think some of that could be corrected and possibly something could be worked out.

I think that everyone is concerned. I know that I am and have always been. Certainly I am the first to admit that maybe the MIBA should have some more definite guidelines. Of course, “pollution” isn't mentioned here, but not only have we done it for the Vahlsing Enterprises, but we have loaned a considerable amount to a paper company, and we have loaned 1.5 million to Penobscot Poultry Company, and I know that they haven't, I don't think anyway, treated some of our natural resources the way that they should be treated. So, I feel that possibly there is a legitimate area for legislative investigation, and I feel as if it should be done and possibly reported to the next legislature.

Also, the fact that this is a special study committee, and I notice the recommendation in the last sentence, it says: “The Committee shall report its findings together with any proposed recommendations for legislative action to the Legislative Research Committee or the next regular session of the Maine Legislature.” I don't see how really the Research Committee can take any legislative action. I suppose they possibly

could overlook, but it seems to me that the proposal should go to the next regular or special session of the Legislature, but I have no real strong feelings about that. So, I would like to see it possibly tabled and maybe worked over a little bit, and possibly we could get something that would be more acceptable.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I rise to oppose any attempt to delay the passage of this order. Although it may come as a surprise to some today, certainly the problem is not new. I have heard about it ever since I entered this body. Certainly if these things are true, and if it is true what I read in the Portland Press Herald this morning, the article by Bill Caldwell, it is something we want to look into right now.

I would say there is a very grave problem here, and one wonders why a state agency has gambled so heavily on one industry. I support the passage and am against the tabling of this order now.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I move at this time that the order be tabled until the next legislative day.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that Joint Order, Senate Paper No. 633, be tabled and specially assigned for tomorrow, pending passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to give a

particular reason for the speed with which we are asking your cooperation this morning. By the way, this was not sprung in the last five or ten minutes, but it was discussed with the Minority Leadership some two hours ago.

On January 7th Mr. Vahlsing announced a proposal to have Vahlsing, Incorporated absorb Maine Sugar Industries and Texas Plastics, three different industries in which he has a substantial financial interest. Inasmuch as we have outstanding obligations concerned with two of them, and inasmuch as there has been a formal request for a consolidation of these three firms, I think time is really of the essence. As a matter of fact, everything about this indicates to me that time is of the essence and there is an awful lot at stake.

Last year the Texas Industry earned about \$200,000, and Vahlsing, Incorporated earned about \$900,000, but Maine Sugar Industries lost over 2.4 million dollars, and even the combination of the three industries shows a rather red fiscal posture. Mr. President and Gentlemen: I think the sense of urgency is my basic reason for opposing any delay, and I would hope that we could dispose of this this morning.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise in support of the suggestion that this order receive immediate attention.

As I sit here and I look around at the membership of this Senate here today, and I think back at the membership in the 102nd Legislature, of which I was a member, this particular industry was of prime concern to a great many people in the State, to a great many of the legislators and the Senators in this body. At that time I had some reservation as to the full financial responsibility of this particular industry, and one thing in particular, which I would only mention in passing, is the matter of pollution of one of the streams in the State of Maine.

Now, at that time I believe that I said I would reluctantly go along

with this new industry and that I hoped that Mr. Vahlsing would not disappoint me. Judging from what evidence we have to date, I feel that Mr. Vahlsing has disappointed me, as a member of this Senate in the 102nd Legislature.

Another thing which disturbs me no end is the fact that we notice in the second line that the "growers supplying Maine Sugar Industries and its affiliates have not been paid for their 1969 crop." This disturbs me no end. Mr. President and Members of the Senate: I have been a farmer in the past and I know the urgent need for payment for our crops at certain times of the year. It means a great deal to us; it means success or failure. This particular matter disturbs me no end. These farmers have worked long and hard to produce a crop. I believe that they have a right to demand payment for their crop, and I certainly hope that this order receives the proper dispatch and that these farmers can receive their remuneration which they are certainly more than entitled to receive.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: It is true — I would like to confirm what the Senator from Kennebec, Senator Katz, has said — this was shown to me briefly before the session, and I don't think it was news to the extent that the order was going to be presented. I think we have known it for some time. However, I did read it, but I admit that I am not that smart that I comprehended the thing really, and my reaction was, and I think many would confirm it, that I didn't see how really you could oppose the order, in one sense, because we are so concerned, everyone is. But one of my concerns is the haste; 24 hours we are talking about here. Really by the time the committee gets appointed and begins to function, probably it won't be until after this Legislature has adjourned, so as far as the time element is concerned here, I don't think that argument holds up.



Secondly, I really have no problem in opposing an order, as concerned as I am and as urgent as I think it may be, that cries for its passage to protect the credit, peace, health and safety, because I don't think that this order is to protect the taxpayers and the credit of the State, as I said, and I think that is what it should state. I suppose the health of the State and the peace of the State certainly means that we might go into a revolution. For that reason I would like to see it possibly held for a day, but I realize that if you have the horses you plow the field, and we evidently don't have them so I guess we will more or less have to abide, but I would ask for a division when the order is presented for passage.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a roll call.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am sure that whatever I am going to say will not change any votes one way or the other, but I do feel that those of us who have been so much concerned with this entire matter, and I suppose that means everyone, but those of us who have been perhaps more concerned because it has affected our own areas more than others, have feelings about this, and this may be the time when they ought to be expressed.

I personally have no objection to a proper order inquiring into the matters that are being discussed here. Certainly I think that the Legislature, which created the Maine Industrial Building Authority and has given it life, ought to be concerned with how the MIBA has proceeded with regards to some of its loans.

I do have grave reservations about the construction of this order because, let nobody kid themselves,

we may couch words here and terms, but we know what this order is aimed at. I think it is aimed at politically embarrassing some people in this State. I think it is aimed at individuals and not so much corporate structures. Anybody who is going to say otherwise here isn't telling the truth. That is all right if we recognize them in their proper context. Here again, whoever the individuals may be, or whatever the corporate entities may be, if they have not used the money that MIBA has put up with regard to these industries, we certainly have a right to inquire into them, and I would support such an order.

I am concerned, coming from Aroostook County, as to the eventual future of the Maine Sugar Industries, I am vitally concerned. And I have been concerned and I haven't been entirely happy over how the entire matter has progressed in my county, because it does very, very drastically affect the lifeblood of my county. This is an industry which many of us, not only in Aroostook but in Maine, had hoped would provide at least for the farmers of Aroostook County a second crop which could possibly be the salvation of the agricultural industry in Maine. Many of us, and I say many of us, but I am sure that all of us in Aroostook County, regardless of what our occupations were, gave our wholehearted support to the matter of securing sugar beet acreage and then seeing what could be done to acquire a refinery to process these beets.

The Secretary of Agriculture in Washington did not come to Augusta and wave beet acreage before us. That beet acreage was the result of years of hard labor on the part of all interests in Aroostook County, as well as many interests in the State of Maine, on the part of the Governor of the State of Maine, on the part of the congressional delegation in Maine, on the part of the financial and agricultural structure in Aroostook County, regardless of party affiliations, to secure this beet acreage allotment. After a lot of hard work, and after tremendous competition from other beet growing areas, we

succeeded in getting a sugar beet acreage allotment. I am not going to stand here and try to say, or even attempt to say, all that has been done down along the line. It is so much easier to look in retrospect and to say that this hasn't been done right or that hasn't been done right, but hopefully the steps that have been taken up to now have been taken with the proper intentions.

This is the perspective that I want this order to take. I am extremely hopeful that, despite the difficulties that this industry has in Maine, and in my county, I am extremely hopeful that some way or other it will survive, because it would be a tragedy were we to see this beautiful refinery which has cost close to twenty or twenty-five million dollars have its doors shut and to say that this has been a failure. I don't know what its future is, because I am just not in the position to tell what the finances are and what the prospects are for its future, but we do know it meets some tough sledding.

There is some basic concern really as to whether or not we can grow the beets. There is that concern, and certainly a lot of the hardships possibly — and here again let me say this, I have no idea what the finances are and what the problems are, but we know that there are problems. Certainly I am sure that if our farmers in Aroostook County at this point could all see the prospects of successfully growing beets, growing them profitably with a proper acreage that would provide them the revenue return that they hope to get, and that they have to get in order to grow them profitably, that certainly some of these problems that we see here today in this order, and which some have to be admitted, would not be before us.

So, I am not opposed to an order to inquire into the judiciousness, the propriety or the wisdom with which these loans have been made, and I think this is a proper inquiry for this Legislature to make. But the construction of this order, as far as I am concerned, does not aim this inquiry in that direction,

and this is the reason why I oppose it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage of Joint Order, Senate Paper No. 633, which has been reproduced and is on each Senator's desk. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one - fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please 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 passage of Joint Order, Senate Paper No. 633. A "Yes" vote will be in favor of passage of the order; a "no" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

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

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

ABSENT: Senators Conley and Levine.

Mr. Reed of Sagadahoc was granted permission to change his vote from "No" to "Yes".

A roll call was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with two Senators absent, the Joint Order received Passage.

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

Mr. BERRY of Cumberland: Mr. President, I move the Senate reconsider its action whereby this order received passage. I would urge everybody to vote against me, and I request a division.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider

its action whereby this order received passage and requests a division.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: A question has developed in my mind here in reviewing the last paragraph of the first page of this document, which authorizes the President of the Senate to appoint three members from the Senate to serve on this special committee, and six members on the part of the House. Do we have any assurance that the Democratic Party will be represented on this committee? If so, will that assurance be indicated to us today on the record so that the Republicans will not be accused of undertaking a political witch hunt?

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

Mr. KATZ of Kennebec: Mr. President, my absolute presumption in presenting this order is that it will indeed be a bipartisan committee. I can think of no possible justification for not having adequate representation of the Minority Party.

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

Mr. Berry of Cumberland was then granted leave to withdraw his motion for reconsideration.

Thereupon, the Joint Order, having received Passage, was sent down for concurrence.

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(Off Record Remarks)

**Committee Reports**

**House**

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to the Department of the Attorney General." (Emergency) (H. P. 1364) (L. D. 1713)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Af-

fairs on Bill, "An Act Appropriating Funds for Construction of Phase II of the Marine Research Laboratory at Boothbay Harbor." (H. P. 1388) (L. D. 1737)

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.

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**Ought to Pass - As Amended**

The Committee on Natural Resources on Bill, "An Act Reclassifying Certain Inland and Tidal Waters of York County." (Emergency) (H. P. 1380) (L. D. 1729)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-643).

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" 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.

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**Senate**

**Ought to Pass**

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Purchase of Equipment at Washington County Vocational - Technical Institute. (S. P. 587) (L. D. 1742)

Reported that the same Ought to Pass.

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

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

**Ought to Pass - As Amended**

Mr. Holman for the Committee of Judiciary on Bill, "An Act Relating to Place of Hearings on Post - Conviction Cases." (S. P. 572) (L. D. 1699)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-381).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Mr. Holman for the Committee on Judiciary on Bill, "An Act Relating to Subpoena Power for State Employees Appeals Board." (Emergency) (S. P. 570) (L. D. 1697)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-382).

Which report was Read and Accepted, and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Education on Bill, "An Act Clarifying Laws Relating to the University of Maine." (S. P. 559) (L. D. 1634)

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

(Signed)

Senator:

KELLAM of Cumberland  
Representatives:

RICHARDSON

of Stonington

CHICK of Monmouth

MILLET of Dixmont

KILROY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 632) (L. D. 1804)

(Signed)

Senators:

KATZ of Kennebec

STUART of Cumberland

Representatives:

CUMMINGS of Newport  
ALLEN of Caribou

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate accept the Minority Ought to Pass in New Draft Report. Mr. President, I would ask if the Senate is in possession of L. D. 1804?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. KATZ: Mr. President, I guess you can see that there is a substantial difference of opinion on the committee as to what we should do about the University of Maine's so - called clarification bill. The bill actually covers four areas, and I would like to go over the minority point of view with you, if I may.

Section one and two of the new draft covers the question of educational television. You will recall at the regular session that we had a little bit of a hassle here as to the proper use of ETV in the State of Maine, and how restrictive it is. The question was whether or not the Governor could even hold a news conference on ETV. Section one and two of this bill strikes out the portion of the law controlling ETV by statute, and puts ETV under the control of the Federal Communication Commission, which seems to operate very, very well in requiring a complete balance and impartial approach to exposure in educational television.

Section three of the bill concerns eminent domain, and we have a little lulu on our hands. Apparently there was a recent Supreme Court decision that startled everyone by saying, in effect that inasmuch as the legislature had never stated that the preservation of Atlantic Salmon or something of this kind was a public exigency, consequently, the legislature's silence in the matter indicated that eminent domain could not be used in this case. So, this is dictated by this recent Supreme Court decision and it says, in effect, that higher

education is involved in public exigency, and public exigency requires that the property may be taken under certain limited cases. The procedure is a very interesting and a very, very restrictive one. It says that if indeed the trustees determine that a piece of property must be taken they have got to go to the Governor and Council and they have to prove their case. Then the Governor and Council after public hearing — and this is unusual in Maine law, that it requires the Governor and Council to have a public hearing — and then, if they agree with the University trustees, then and only then may land be taken.

Section four of the bill has to do with the changing of names of the University and it says, in effect, that the propriety of naming various campuses, that this is the problem of the trustees and they, not the legislature, shall determine the names of campuses. Section four and five are about names. Section six is an assignment of duty, a delegation of authority from the trustees to the chancellor. It also says that the chancellor may delegate any such powers and responsibilities to a member of his staff.

I imagine that we are not in complete agreement, but the minority of the committee, including Senator Stuart and myself, felt that this was a reasonable approach to problems facing the University, that we could face them now and dispose of them now.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This particular bill is, in effect, several matters, as the good Senator has pointed out, all captioned under "An Act to Clarify the Laws Relating to the University of Maine." The caption itself is one of the more surprising aspects of the bill in that it does sort of take people by surprise, I think, when they find out what is actually in the bill.

I know I received a considerable response from my home district, when arriving home the week after the bill was heard, by all of the people who did not realize what was in it.

I believe it has enough substance to it to deserve a complete hearing by the legislature and complete airing, if you would, and further study before these steps are taken, because they are of considerable moment. That is the reason why, basically, the majority of the committee thought it ought to be referred to the next session of the legislature.

As you can see, there are a number of issues involved here, the eminent domain being one that engenders certainly a great deal of controversy. I personally feel that the bill was referred to the wrong committee. I felt that the Judiciary Committee ought to check into what is done about eminent domain, and possibly come up with some sort of a general codification to cover all instances where eminent domain is used. This is, I believe, the preferred practice, and it is used in other states, that all eminent domain procedures will follow a certain pattern, and that one particular agency will not be given one set of rules and another some others. Basically, the desire is to protect the public at large, so if a man is going to have his house taken, he certainly should be able to know that there is going to be a certain just procedure to be followed, and that he will ultimately receive fair compensation, and the determination as to the necessity of the taking of the house will be determined by some proper authority.

The first section, as the good Senator says, has to do with the educational television. This is something which we discussed and discussed over the last regular session of the legislature, and it did receive considerable comment, and people were concerned by what could be done with educational television, and whether any group or person could receive some substantial benefit over other people by appearing on the television or having television publicize his particular position over some

others. I felt that there is considerable merit to discussion of the ETV problem. I don't think that this particular bill really faces up to it just by wiping it out. As a matter of fact, I understand that the Attorney General had raised some question as to the reasonableness of taking out the law since this law, as I understood it, was passed together with a bond issue, or part of a bond issue, for the educational television. I had understood there was some communication from the Attorney General in that regard.

It seems to me that the university, if they did study this problem, as I know they have, it seems like they should be able to come up with some sort of a solution other than just removing all restraints upon them except for whatever the federal authority may impose.

The other items are: the change of the name, obviously, and then, of course, the chancellor having more assistants, or at least the chancellor being authorized to have assistants and delegating his duties. It almost seems as if, whatever needs to be done in this regard, could be done now by the trustees. So, I just would quibble a little bit about the necessity of the act. The changing of the name is not of any great moment to me; it might be to some. I understood that the students of the Portland and Gorham campuses did not like the idea of being called "Pogo". That is "Po" and "Go" run together, and that was the only objection I heard from anybody at the hearing because obviously there was nobody there except for the university personnel.

The crux of the matter is that the eminent domain provision should not be handled by the Education Committee. I have complete confidence in many respects with my brothers on the committee, but this is not an area in which I do have a great deal of confidence. I personally felt that it ought to be studied considerably longer. The case that was mentioned by the Senator from Augusta, of course, has no bearing on the University of Maine, as such, directly. It was a Fish and Game case, and I haven't heard anything

from the people that are concerned with the Sea and Shore Fisheries relative to their great problem in taking this land down in Washington County. The attorney for the University, Mr. Shur from Portland, raised this as being a potential problem to them but he didn't satisfy me, at least, that there was any great danger now, or any reason why we couldn't wait until the regular session.

I do believe that this bill is of great concern to a lot of people, and they would let their views be known if they were given an opportunity to do so. The eminent domain is one of the more difficult areas of government, and I would not question one bit that there is a need to take people's land at some times. It is necessary to the highway system, and with many other areas, but it is something that we should practice with the utmost of control, restrictions, and fairness to the people involved. I certainly see no reason why this bill should go through at this time, and I would hope that the pending motion would be reputed by the body so that we could refer the matter to the next session. Thank you.

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

Thereupon, on motion by Mr. Anderson of Hancock, tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec to Accept the Minority Ought to Pass in New Draft Report of the Committee.

#### Second Readers

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

#### Senate

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)

Which was Read a Second Time.

Mr. Logan of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-385, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

**Orders of the Day**

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

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

Tabled—January 21, 1970 by Senator Moore of Cumberland.

Pending—Enactment.

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

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

Senate Amendment "B", Filing No. S-383, was Read.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Perhaps I ought to explain this amendment. If you read the original bill itself and then check the amendment, you will find that the wording is substantially the same. There was a grave problem in my mind as to the insurance coverage under the original bill, and I requested the Attorney General's Office to review this in the light of the way that I felt about the insurance coverage on state use of automobiles. They felt that probably the original draft had a problem in that at times the liability insurance would not protect the public at large. So that a new draft, in essence, is what the Attorney General's Office prepared, and they feel, and I feel equally, that possibly this problem has been solved with the new amendment. Thank you.

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

Sent down for concurrence.

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

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation from 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)

Tabled — January 21, 1970 by Senator Sewall of Penobscot.

Pending—Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

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

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

Tabled—January 21, 1970 by Senator Hoffses of Knox.

Pending—Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. KATZ of Kennebec: Mr. President, I want to apologize for taking up time, but I suspect this must be disposed of in the morning session. Is the Senate in possession of Legislative Document 1759, pertaining to the Madawaska School District?

The PRESIDENT: The Chair would reply in the affirmative, the Senate is in possession of the paper, it having been held at the request of the Senator.

Mr. KATZ: Mr. President, there is some thought that the Committee on Education might be able to do something on a compromise basis, so I move that the Senate reconsider its action whereby the Ought Not to Pass Report of the Committee was accepted.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby the Senate accepted the Ought Not to Pass Report of the Committee on Bill, "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 1403)

(L. D. 1759). Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, the Bill was recommitted to the Committee on Education.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of yesterday whereby it passed to be engrossed Bill, "An Act Transferring Funds for Educational Subsidy" (H. P. 1323) (L. D. 1652).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President, our figures were wrong in the bill and the division of the money was wrong in the bill, so I offer Senate Amendment "A" and move its adoption.

Senate Amendment "A", Filing No. S-384, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of yesterday whereby it passed to be engrossed Resolve, Authorizing Baxter State Park Authority to Purchase Land in Penobscot County (H. P. 1431) (L. D. 1803).

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

Senate amendment "A", Filing No. S-386, was Read.

The PRESIDENT: The Chair would inform the Senator that the amendment is to the original legislative document, and not the new draft.

The Chair recognizes the Senator from York, Senator Logan.

Thereupon, on motion by Mr. Logan of York, tabled until later in today's session, pending Adoption of Senate Amendment "A".

On motion by Mr. Wyman of Washington, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the Ought Not to Pass Report of the Committee was accepted on Bill, "An Act Adjusting

Salaries of Certain Unclassified State Personnel" (S. P. 590) (L. D. 1745).

On further motion by the same Senator, the Bill was Substituted for the Report and the Bill Read Once.

Thereupon, under further suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Logan of York, the Senate voted to reconsider its action whereby it referred to the 105th Legislature Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 560) (L. D. 1635).

On further motion by the same Senator, tabled until later in today's session, pending Acceptance of the Report of the Committee on State Government that the Bill be Referred to the 105th Legislature.

There being no objection, all matters previously acted upon in today's session requiring concurrence, except Joint Order, Senate Paper 633, were sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox,

Recessed until 4 O'clock this afternoon.

(After Recess)

Called to order by the President.

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

#### Non - concurrent Matter

Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities." (H. P. 1424) (L. D. 1794)

In the Senate January 20, 1970. Failed of Enactment.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-365) and House Amendment "A" (H-650), in non - concurrence.

On motion by Mr. Martin of Piscataquis, tabled until later in today's session, pending Consideration.



**Joint Order**

WHEREAS, the State Liquor Commission has established state stores in the towns of Eastport, Machias, Milbridge and Woodland to serve the needs of the people; and

WHEREAS, the town of Lubec linked to Campobello Island, New Brunswick, by the Roosevelt Memorial Bridge, serves as a popular port of entry to the United States; and

WHEREAS, the Roosevelt International Park, Quoddy Head and Cobscook State Parks attracted more than 107,640 summer tourists into the Lubec area in 1969; and

WHEREAS, the service of a State Liquor Store at Lubec is necessary and vital to the economy and needs of this fast growing tourist area; now therefore be it

ORDERED, the Senate concurring, that the State Liquor Commission be directed to allocate a portion of its working capital to establish and maintain the continuous service of a State operated liquor store in the town of Lubec; and be it further

ORDERED, that a copy of the joint order be immediately transmitted to the Chairman of the State Liquor Commission as notice of our intent.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs.

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: Apparently by Joint Order the Maine Legislature is being asked to make a determination that we need a liquor store somewhere in the State. I have a great deal of confidence in the Maine Legislature, but I am not quite sure that this is a proper legislative action. I move that this Joint Order be Indefinitely Postponed.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec

to Indefinitely Postpone the Joint Order.

**Committee Reports  
House**

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

The Committee on Health and Institutional Services on Bill, "An Act Exempting Volunteer Fire Department Ambulance Service from Licensing Law." (H. P. 1329) (L. D. 1658)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought Not to Pass**

The Committee on Judiciary on Bill, "An Act Relating to the Detention of Juveniles." (Emergency) (H. P. 1383) (L. D. 1732)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought to Pass**

The Committee on State Government on Bill, "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court." (H. P. 1432) (L. D. 1805)

Reported pursuant to Joint Order (H. P. 1425) that the same Ought to Pass.

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

Which was Read.

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

**Ought to Pass — As Amended**

The Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of Probate Courts in Adoption Cases." (H. P. 1334) (L. D. 1663)

Reported that the Same Ought to Pass as Amended by Committee Amendment "A" (H-644).

The Committee on Judiciary on Bill, "An Act Relating to Sentences for Assault on Officers of, or Es-

cape from, the Men's Correctional Center." (Emergency) (H. P. 1332) (L. D. 1661).

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-645).

The Committee on Judiciary on Bill, "An Act Relating to Leases of Buildings." (H. P. 1366) (L. D. 1715)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-646).

The Committee on Judiciary on Bill, "An Act Relating to County Jail Detention of Juveniles Pending Redisposition Cases." (Emergency) (H. P. 1381) (L. D. 1730)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-647).

Come from the House, the reports Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and, under suspension of the rules, the Bills given their Second Reading and Passed to be Engrossed in concurrence.

**Senate  
Divided Report**

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (S. P. 598) (L. D. 1769)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-387).

Signed:  
Senators:

WYMAN of Washington  
LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:  
DENNETT of Kittery  
GOODWIN of Bath  
RIDEOUT of Manchester

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

Signed:  
Representatives:

DONAGHY of Lubec  
D'ALFONSO of Portland  
MARSTALLER

of Freeport  
STARBIRD of Kingman

Which reports were Read.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I move that we accept the Majority Ought to Pass Report of the Committee and in so doing, I might comment that I think this is an exercise in futility.

The PRESIDENT: The Senator from Washington, Senator Wyman 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 Resolve Read Once. Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the Resolve given its Second Reading and Passed to be Engrossed.

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

**Enactors**

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

An Act Relating to Enforcement by Sea and Shore Fisheries and the Maine Mining Bureau. (S. P. 556) (L. D. 1631)

An Act Relating to Election and Terms of Town Council of the Town of Lincoln (S. P. 569) (L. D. 1696)

An Act to Prohibit Protection for the Consumer Against Unfair Trade Practices. (S. P. 578) (L. D. 1705)

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

An Act Providing Additional Funds for Salaries in the Department of the Attorney General. (S. P. 594) (L. D. 1765)

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

An Act to Authorize Kennebec County to Raise Money for Capital Improvements. (H. P. 1363) (L. D. 1692)

An Act Ratifying Deed Given by the State to International Paper Company. (H. P. 1371) (L. D. 1720)

An Act Clarifying the Laws Relating to Parks, Squares and Playgrounds. (H. P. 1400) (L. D. 1756)

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

An Act Relating to Fee for Class A Restaurants Serving Malt Liquor. (H. P. 1379) (L. D. 1728)

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would urge the members of the Senate to vote against the enactment of this bill. I am not going to go through all the points that we brought out on both sides in the debate, but I do feel that the proponents of this legislation are, from a very selfish standpoint, playing with fire because I feel that there can be a public reaction to this relaxing of the Sunday Laws, until it's done after a statewide referendum which would express the opinion of the people on the matter of the sale of malt beverages on Sunday.

This could react in local elections, it could react in these small communities. We saw two in the past election where because of local circumstances there was a backfire against some of the licensees. Now, this could happen again, particularly in small communities where there is much emotion attached to the liquor question. I am afraid that these people are going to have to take their chances if they do this. I do feel that this is only a moral issue and that, until the people have a chance to express their opinion on it, we in the legislature should not enlarge by subterfuge on the Sunday liquor question. I would hope that you vote against enactment, and I request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the enactment of An Act Relating to Fee for Class A Restaurants Serving Malt Liquor.

As many Senators as are in favor of Passage of this Bill to be Enacted will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and thirteen Senators having voted 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.

#### Emergency

An Act Clarifying and Correcting an Omission in the Charter of the Town of Gorham, and the Town of Winslow. (H. P. 1345) (L. D. 1674)

This being an emergency measure and having received the affirmative votes of 29 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 Appropriating Funds to Combat the Drug Abuse. (H. P. 1365) (L. D. 1714)

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

#### Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 70. (S. P. 631) (L. D. 1802)

This being an emergency measure and having received the affirmative vote 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.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Berry of Cumberland:

WHEREAS, through the Maine Industrial Building Authority and the Maine Recreation Authority the State of Maine guarantees loans to industrial and recreational enterprises for the benefit of the State; and

WHEREAS, the State of Maine is concerned with the location and the effect of such enterprises upon the natural environment of the locality in which such enterprises may become located; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out a Bill to the House, requiring that prior to approving the guarantee of the State of Maine on loans for industrial or recreational projects, the Maine Industrial Building Authority and the Maine Recreation Authority shall consult with and receive the approval of the Environmental Improvement Commission with respect to the location, the nature and the effect of such projects on the natural environment of the locality in which such project is proposed to be located. (S. P. 636)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The purpose of this joint order is to bring legislation before the two bodies to combat a situation which I know has annoyed many people in and out of the Legislature. We have found that the MIBA and the MRA organizations have been processing applications, and then the Environmental Improvement Commission is under pressure to grant a permit for these applicants for state aid backing what is amounting to really polluting our air and water. This pressure is understandable; it generally originates in the desire to provide jobs which is really the reason for there being a Maine Industrial Building Authority and the Maine Recreation Authority. However, it is incongruous that one body of the State be fighting two bodies which are financially committed to help out industry and recreation in their expansion efforts in the State.

There is no relationship whatsoever between this and the order which was introduced this morning; it is purely coincidental because this problem has existed practically since the beginning of both of these authorities being in existence. It is a real problem and, if the State is going to lend its backing to industry and to recreation, they should comply, before they get into actual operation, with our Environmental Improvement Commission rules. This is the background on the need for this.

As I said, I would hope that, in accordance with our custom, somebody would table this until the next legislative day, unless there is debate on it now.

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

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

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

Resolve, Authorizing Baxter State Park Authority to Purchase Land in Penobscot County (H. P. 1431) (L. D. 1803).

Pending—Adoption of Senate Amendment "A".

Mr. Wyman of Washington was then granted leave to withdraw his motion to Adopt Senate Amendment "A", Filing No. S-386.

The same Senator then presented Senate Amendment "A", Filing No. S-388, and moved its adoption.

Senate Amendment "A", Filing No. S-388, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 560) (L. D. 1635)

Pending — Acceptance of the Committee Report.

Mr. Logan then moved the pending question.

Thereupon, the Report of the Committee was Accepted and the Bill Referred to the 105th Legislature.

Sent down for concurrence.

(Off Record Remarks)

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

Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities" (H. P. 1424) (L. D. 1794).

Pending—Consideration.

Mr. Tanous of Penobscot then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, 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.

Mr. BERRY of Cumberland: Mr. President, in the spirit of non-obstructionism, I would urge everybody vote on this.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

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 reconsider its action whereby we enacted Item 8-8, just a few minutes ago. I hope that everybody will vote against my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that the Senate reconsider its action whereby Item 8-8 An Act Relating to Fee for Class A Restaurants Serving Malt Liquor (H. P. 1379) (L. D. 1728), was Passed to be Enacted. As many Senators as are in favor of the motion to reconsider will say "Yes"; those opposed, "No".

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

### Joint Order

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

ORDERED, the House concurring, that the Joint Standing Committee on State Government report out to the Senate a Bill relating to interest earned on investments on special state revenue funds. (S. P. 637)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: The reason for introducing this Joint Order is quite clear. As you all know, there has been a directive requiring that departments which operate on dedicated revenue be charged rent for the office space. The one that I have particular interest in, naturally, is the Fish and Game Department, which operates strictly on dedicated revenue. The rent, as I understand it, is going to be some \$23,000 a year. Over the years the general funds have been enhanced by the interest which the Fish and Game Department's dedicated revenue money has provided in interest over the years, and it has amounted to roughly \$30,000 a year.

The department did not request this interest money returned to their dedicated funds. They have been willing that this money go into the general fund, and they have enjoyed the rental of the space in the office building. But in view of the fact that this department must operate on dedicated funds and this charge of \$23,000 is quite substantial, another point which I would bring out is the matter of search for lost persons, which this department is expected and is required to assist in, and over the past seven or eight years this amount of money has really been quite substantial. I believe it is \$1,500 that the general fund has reimbursed the Fish and Game Department for this particular service which it has provided to the State. We have on occasions put in a bill for some additional funds, and on occasions we have received it. On other occasions, one in particular when the department was

required to spend some \$35,000 for search of lost persons — and I might add that these lost persons had nothing to do whatsoever with fishing and hunting; they were people that were hiking on Mt. Katahdin, they were things of that nature — but the department did have to shoulder the expense of some \$35,000, and they received no remuneration whatsoever.

I believe, in the interest of fair play, that the State receiving the interest from these funds which are held by the department for emergency natures — now, you might say, “Well, this is quite a large sum of money.” Yes, it is a large sum of money, but think back a few years ago when we had the draught, and we did not sell anywhere near the number of licenses which the department expected to sell, and the department was really hurting for money, it is necessary that the department hold this money in reserve for just such an emergency. So, I believe it is only fair that if we are going to charge the department rent, that the department should in turn receive the interest on its money which it is holding in reserve. Those are briefly the reasons for introducing this Joint Order.

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

Mr. BELIVEAU of Oxford: Mr. President, I don't believe that we have a copy of the Joint Order, and I don't know exactly what the Joint Order provides. Could the good Senator read it to us?

The PRESIDENT: Would the Senator care to have the Joint Order read again by the Secretary?

Mr. BELIVEAU: Yes, I would.

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

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

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(Off Record Remarks)

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Out of respect to our very congenial page, Mrs. Lois Beauchaine, who passed away this noon, I now move the Senate stand adjourned until 11 o'clock tomorrow morning.

Thereupon, the motion prevailed.