

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

Monday, January 26, 1970

Senate called to order by the President.

Prayer by Brigadier Alfred Davey of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Appropriating Funds to the Department of the Attorney General." (H. P. 1364) (L. D. 1713)

In the Senate January 22, 1970. Passed to be Engrossed, in concurrence.

Comes from the House, Recommended to the Committee on Appropriations and Financial Affairs, in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a Bill allocating the proceeds of the sale of bonds for planning, construction and equipment of pollution abatement facilities. (H. P. 1438)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports**House**

Referred to the 105th Legislature The Committee on Judiciary on Bill, "An Act Relating to Easements in Lands." (H. P. 1336) (L. D. 1665)

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

Comes from the House, Recommended to the Committee on Judiciary.

Which was Read and Recommended to the Committee on Judiciary in concurrence.

Ought to Pass - As Amended

The Committee on Labor on Bill, "An Act Relating to Rules and

Regulations for the Protection of Health and Safety." (H. P. 1311) (L. D. 1625)

Reported that the same Ought to Pass as Amended by Committee Amendment. "A" (H-649).

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, was given its Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Relating to the Salary of the Executive Director of the State Board of Nursing." (H. P. 1355) (L. D. 1684)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1436) (L. D. 1809)

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 Bill, in New Draft, Read Once.

Thereupon, under suspension of the rules, the Bill, in New Draft, was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill "An Act Extending the Time for Licensing of Ambulance Service Vehicles and Personnel." (H. P. 1389) (L. D. 1738)

Reported that the same Ought to Pass In New Draft under New Title: "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (H. P. 1430) (L. D. 1800)

Signed:

Senators:

STUART of Cumberland
GREELEY of Waldo

Representatives:

NOYES of Limestone
SOULAS of Bangor

PAYSON of Falmouth
 WHITE of Guilford
 BINNETTE of Old Town
 CARRIER of Westbrook
 FRASER of Mexico

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

Signed:

Senator:

MINKOWSKY
 of Androskoggin

Comes from the House, the Majority Ought to Pass in New Draft Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence, and the Bill Read Once.

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

The Chair recognizes the Senator from Androskoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androskoggin: Mr. President, there is objection, as far as I am concerned, to the Second Reading. I possibly will have an amendment tomorrow.

Thereupon, the Bill was tomorrow assigned for Second Reading.

**Senate
 Ought to Pass in New Draft**

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Deductions and Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 554) (L. D. 1629)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 640) (L. D. 1811)

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once.

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I object to the second reading at this time.

Thereupon, the Bill was tomorrow assigned for Second Reading.

Mr. Wyman for the Committee on State Government on Bill, "An Act to Clarify and Amend the State Housing Authority Law." (Emergency) (S. P. 612) (L. D. 1790)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 642) (L. D. 1813)

Which report was Read and Accepted and the Bill, in New Draft, Read Once.

Under suspension of the rules, the Bill, in New Draft, was 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 State Government on Bill, "An Act to Promote Governmental Reorganization and Efficiency." (S. P. 615) (L. D. 1792)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 641) (L. D. 1812)

Signed:

Senators:

BELIVEAU of Oxford
 LETOURNEAU of York

Representatives:

DENNETT of Kittery
 GOODWIN of Bath
 MARSTALLER of Freeport
 STARBIRD of Kingman
 RIDEOUT of Manchester
 D'ALFONSO of Portland

The Minority of the same Committee on the same subject matter reported that the same be Referred to the 105th Legislature.

Signed:

Senator:

WYMAN of Washington

Representative:

DONAGHY of Lubec

Which reports were Read.

On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Death Benefit for Parents Under Workmen's Compensation Law." (S. P. 611) (L. D. 1787)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-391).

Signed:

Senators:

PEABODY of Aroostook
TANOUS of Penobscot
BELIVEAU of Oxford

Representatives:

HASKELL of Houlton
CASEY of Woodland
McTEAGUE of Brunswick
BEDARD of Saco

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

Signed:

Representatives:

HUBER of Rockland
DURGIN of Raymond

Which reports were Read.

Mr. Logan of York then moved Acceptance of the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending the motion by Mr. Logan of York to Accept the Minority Ought Not to Pass Report of the Committee.

Second Readers

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

Bill, "An Act Clarifying Laws Relating to the University of Maine." (S. P. 632) (L. D. 1804)

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

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

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

Mr. HOFFSES of Knox: Mr. President, may I approach the rostrum?

(Senate at Ease)

Called to order by the President.

Enactors

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

An Act Transferring Funds for Educational Subsidy. (H. P. 1323) (L. D. 1652)

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

An Act Relating to Place of Hearings on Post-Conviction Cases. (S. P. 572) (L. D. 1699)

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

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

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

An Act Extending the Term of the Maine State Sesquicentennial Commission. (H. P. 1391) (L. D. 1740)

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

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

Resolve, Appropriating Funds for Purchase of Equipment at Washington County Vocational-Technical Institute. (S. P. 587) (L. D. 1742)

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

Emergency

An Act Relating to Sentences for Assault on Officers of, or Escape From, the Men's Correctional Center. (H. P. 1332) (L. D. 1661)

This being an emergency measure and having received the affirmative votes of 24 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 Relating to Jurisdiction of Probate Courts in Adoption Cases. (H. P. 1334) (L. D. 1663)

This being an emergency measure and having received the affirmative votes of 23 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 Relating to Leases of Buildings. (H. P. 1366) (L. D. 1715)

This being an emergency measure and having received the affirmative votes of 24 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 Reclassifying Certain Inland and Tidal Waters of York County. (H. P. 1380) (L. D. 1729)

This being an emergency measure and having received the affirmative votes of 24 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 Relating to County Jail Detention of Juveniles Pending Redisposition Cases. (H. P. 1381) (L. D. 1730)

This being an emergency measure and having received the affirmative votes of 25 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.

Orders of the Day

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

Senate Reports — from the Committee on State Government on Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 588) (L. D. 1743) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—January 23, 1970 by Senator Beliveau of Oxford.

Pending—Motion by Senator Wyman of Washington to Accept the Minority Ought to Pass Report.

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

Mr. BELIVEAU of Oxford: Mr. President, there is a companion bill which should be appearing on the calendar of the other body within the next few days and, I think rather than debate this item at this time, I believe the matter should be tabled until such time as we have both bills before us, and then we can make a final determination at that time. So, I would suggest that the bill be tabled from day to day until we have both documents before us.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, retabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to Accept the Minority Ought to Pass Report of the Committee.

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

Joint Order—Relative to Proposed State Liquor Store in the Town of Lubec. (H. P. 1437)

Tabled—January 23, 1970 by Senator Hoffses of Knox.

Pending—Motion by Senator Katz of Kennebec to Indefinitely Postpone.

Thereupon, on motion by Mr. Hoffses of Knox, retabled until later in today's session, pending the motion by Mr. Katz of Kennebec that the Joint Order be Indefinitely Postponed.

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

House Report—Ought to Pass from 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)

Tabled—January 23, 1970 by Senator Hoffses of Knox.

Pending—Acceptance of Report.

Thereupon, on motion by Mr. Hanson of Kennebec, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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

Joint Order—Relative to State Government Committee Reporting a Bill to the Senate re State Revenue Funds. (S. P. 637)

Tabled—January 23, 1970 by Senator Hoffses of Knox.

Pending—Passage.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I introduced this order. I realize it is a little unusual but we do have a little unusual situation, in my humble opinion. Primarily I am concerned about the surplus which the Fish and Game Department has as operating capital, and the general funds have benefitted by the interest which these funds have accrued over the years. They have amounted, as I mentioned before I believe, to some \$30,000 a year. Now we are confronted with the necessity that the various departments pay rental for office space.

In one sense of the word, I believe, this is taking money out of one pocket and putting it in another, but that is a matter which can be debated to great length. However, the Fish and Game Department does have to operate on dedicated revenue. They are responsible for the search for lost persons, and over the years this department has incurred a great sum of money to search for people, many of which are not their responsibility in that they are people who are hikers, and things of that nature, and yet the Fish and Game Department is expected to search for those people and, as

I mentioned the other day, they have on many occasions not received remuneration from the general fund.

Now, of course, there is this question: If this order is passed, and if a bill is reported out that will, in essence, place the Fish and Game interest money in the same category which the Highway funds are, namely: that they shall revert to the department, the question comes up of how many more departments are going to come screaming for a refund of their interest which now goes to the general funds? It is impossible to answer that question. I have discussed the matter with those in authority, those who know, and they have informed me that it is impossible to tell exactly how much interest money is accrued to the general fund from these reserves in which the special revenues are set up.

However, if this order is not passed, the Fish and Game Department, I think, can probably live for a year. They might even live for two years and pay this rent. But I certainly believe that the Fish and Game Department would not feel obligated to do a great many of the things which they are now doing, such as those which I have just mentioned, and also those good deeds which have been introduced as bills here to grant free hunting and fishing licenses to our boys in the service, to our veterans and to our elderly. It has been debated many times that if we are going to grant those favors to our veterans, to our servicemen, that they should be favors granted by all of the people of the State and not just those who buy hunting and fishing licenses. So, I think perhaps that those who are closely associated with the Fish and Game Department may take a long look before they are granting any more complimentary licenses or reduced licenses.

I would say that I hope this order passes but, in the event that it does not pass, I think perhaps the department, as I say, can live for another year or two years, and if that is the case, that something will be done to correct this situation.

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

Mr. LOGAN of York: Mr. President, I would direct a question to Senator Hoffses through the Chair. Would the Senator please advise me if the Fish and Game Department has threatened to quit doing these so-called favors if this order is not passed?

The PRESIDENT: The Senator from York, Senator Logan, has posed a question through the Chair to the Senator from Knox, who may answer if he so desires.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: No, sir, the department is not making any such threats. I just simply in passing make the comment that the department might be a little bit confined in its activities if it has limited funds to work with.

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

Mr. BELIVEAU of Oxford: Mr. President, I would like to ask a further question through the Chair: What amount of monies is there in surplus in the Fish and Game Department? I understand they do have a surplus, and I understand it amounts to a substantial amount of money. I was wondering whether the Senator from Knox County, Senator Hoffses, has the figures available at this time.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair to the Senator from Knox, Senator Hoffses, which the Senator may answer if he desires.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: The available surplus in the Fish and Game Department varies from some \$350,000 to some \$800,000, depending upon the circumstances and depending upon the time of the year. At certain times of the year, when the money is coming in for licenses, the surplus is very substantial. At other times it is reduced.

As I mentioned the other day when we were discussing this order, it is quite necessary that

this department have a substantial surplus in order to cope with any emergency which it may have and, which I did mention, which we did have a few years ago. The surplus at that time was reduced to a bare minimum. And this department does not have the availability, when its funds are depleted, to go to some other source to replenish their available capital.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I just want to corroborate the remarks made by Senator Hoffses. I think it is very unfair to pay rent and also lose the interest on their money. I would hope that this order would receive passage.

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

My. WYMAN of Washington: Mr. President and Members of the Senate: It almost sounds as though it is a disgrace for a department to run and have a surplus. It just doesn't sound to me that it is that way, because they could find some way to spend the money. And if we want to grab every cent they have, then there is certainly no reason for them to run the department economically. After all, if they have got \$500,000, then the State has the interest on that money. It seems to me that side of it should be presented.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would request a division if one hasn't already been requested.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I must admit I felt a little rising anger during this debate. It seems clear to me that this is retaliation on the part of a department because we are charging them rent, so they are coming back to us now and saying, "All right, if you are going to charge us rent, we ought

to have the interest on our money." I think I will probably vote against this order, perhaps out of anger rather than logic, but I must admit I do resent this type of behavior, which seems to be becoming more and more typical in recent years. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage of Joint Order relative to the State Government Committee reporting a bill to the Senate in reference to State Revenue Funds. A division has been requested. As many Senators as are in favor of the passage of the order will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the Joint Order failed of Passage.

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

Senate Reports—from the Committee on Legal Affairs on Bill, "An Act to Implement the Powers of Municipal Home Rule." (S. P. 555) (L. D. 1630) Majority Report. Ought to Pass with Committee Amendment "A", Filing S-390; Minority Report, Refer to 105th Legislature for further study.

Tabled—January 23, 1970 by Senator Hoffses of Knox.

Pending—Acceptance of Either Report.

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

Mr. TANOUS of Penobscot: Mr. President, I move that the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I am quite concerned in providing home rule for our

municipalities and I was very pleased to see this measure and concept move along. However, I am very concerned with this particular document. I am not exactly sure that this document will do the job that we would like to have it do.

I, for one, believe that government should be placed in the hands of the people, and I am wondering if this document does just that. It provides for direct initiative, and we know that it is moderately easy to obtain signatures on petitions up to a certain point. Now, this document requires 30 per cent of the registered voters to sign petitions for direct initiative in referendum, and when we reach this figure, such a high per cent, I think it would be difficult and a hardship, particularly with our voter registration lists as they are in most communities, with a fairly high percentage of non-residents and deceased persons listed as perhaps they are today. I think the 30 per cent figure is quite unrealistic.

I notice again on charter amendments, Page 5 in this document, three-quarters of the way down, that municipal officers will determine and initiate charter amendments. Then shall we consider, when we look at the municipal officers, three, five, seven, nine — is this the correct way to initiate, considering perhaps the change of administration from one group of individuals to another? Is this the way to initiate charter amendments?

I also see in an amendment to this document that these same municipal officers may provide a referendum at any regular or special election. I wonder, gentlemen, just what we are doing. I seriously think that this document and this question needs more study. Therefore, I would ask you to vote against the motion and, hopefully, to vote for the Minority Report. I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

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

Senate: Perhaps when I made my motion I should have spoken to this bill and explained the contents of the same.

As all of you are familiar, during the regular session we enacted the concept of home rule. This was debated, passed, and the voters voted the matter on last November 5th, I guess — the 4th or 5th, at the election we had. Now, this bill, L. D. 1630, is only a vehicle which is to be used by towns as a guide line in order to enact home rule or to make home rule, in a sense, workable at the local level.

In many of the charters the Legal Affairs included a concept somewhat similar to these particular guide lines, as far as home rule is concerned, at the last session. We can have two, three or five or as many number of methods that we may desire, in so far as home rule is concerned. This is one proposal. Now, this is not to say that we can't come back at the next session and propose two or three other methods of carrying out the concept of home rule. This is just one method and this is a starter. I am sure that we will have other methods introduced in the future, and I know that Senators Conley and Kellam from Cumberland feel that we should have other methods at this present session. But I think this is a start, I think we should adopt it and, if it doesn't work out, we can always repeal it. I don't think it is a matter of life and death. It is more or less of a vehicle which tells us how to carry home rule out in the towns.

I am sure that Androscoggin County would be very receptive if we enacted this today and pass it over to them so they can use it in the coming year.

May I also add that this bill does not prevent individuals from coming to the Legislature any time they want to amend their charters. We are not precluding the people from doing this. They can come to the Legislature at any time to amend their charters, as they always have in the past. Perhaps they won't get the reception that they have had in the past, because of home rule at the local level, but the right still remains in the

people to come to the Legislature to seek charter amendments. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I hate to rise this morning and stand in disagreement with my good Chairman, the Senator from Penobscot, Senator Tanous, because during our regular session we sent out this constitutional amendment of home rule to the people, and I am sure there are many questions left in their minds as to just exactly what passing a constitutional amendment of home rule gave to them.

I have always been pretty much interested in the Committee on Legal Affairs, primarily because of the fact that we have been always dealing in the municipal charters of the towns and communities throughout the State. There is a great deal of variance in each of those charters, or at least in many of them.

When you get down to the basic concept of what home rule is, and what we are passing in this session of the Legislature now, it is just a drafted bill of unlimited home rule. Most of the states that have passed home rule to their people have come back and allowed several optional charters for their municipalities to adopt. Now, by adopting these charters, they can put Plan A, B, C to the public, after a charter commission has been formed, to get sort of a feeling of what people would like to incorporate within those model charters. But this bill here that we are passing today simply tells the municipal governments to do as they so well please — by formulating a commission, it is true— and it states that one member of the city officers can serve on the commission, can be appointed as a member of the commission. It doesn't say that the rest of them can't be elected, because they can run and be elected as members of the charter commission themselves.

But what disturbs me is the fact that once the charter proposal has been drafted and sent to the public,

that once again we have the apathy that is so very persistent today within our municipal governments, under the systems that are now serving our governments, and less and less— 17 per cent, 14 per cent, 15 per cent of the total electorate is what is going out to vote at these elections. That is what disturbs me. If we had 55, or 65 or 60 per cent of the people within the municipalities, I wouldn't have any fear whatsoever. But what disturbs me mostly is that the fact is today that there is such apathy within the people within the governments, the local governments of the towns and municipalities, that I have a great deal of fear as to what might be put into some of these charters such as with the freedom that we are giving the unlimited home rule that we are giving, so I am just hoping we can sort of strengthen this.

Primarily, it was the feeling, I think, of many people, and even with the good Mayor of Lewiston who, by the way I interpreted his statement, he would rather have an optional plan and would accept this plan. There really wasn't a great deal of difference. He favored the optional plan, but he would accept this one too. So, the thing is, I feel, that we have got to have a certain amount of security, we have got to have a certain amount of control, in the sense that we can look upon these things and feel that we do have a final say, in one sense, by at least adopting a plan that will put four or five optional plans to those municipalities who want to present new charters to their communities.

I am also a little bit disturbed at the fact that this bill is coming in at this special session, when we stop and think that it was only a few months ago that the home rule constitutional amendment was passed. And it is my understanding that as late as December of last year it was still the feeling of at least one member of the inter-governmental committee that served on this home rule charter commission that there wasn't going to be a bill presented to the special session of the Legislature, that it was going to be referred to the 105th Legislature. So, I am really

disturbed to think that something like this is coming in at this late date when, as with so many other important bills that have been before us, it is just going to be rail-roaded and passed through to give the people something— well, we say, "Well, we have given them home rule." Well, that is a catchy phrase, just like the "right to work" was a catchy phrase, and people think it is wonderful. But I think we ought to sit down, we ought to analyze, we ought to study, and we ought to look at very carefully what we are passing here this morning, and see if we can't pass back something that is going to have a little bit more meat and a little bit more potatoes in it. Thank you.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I sponsored this bill for the commission. As sponsor for them, I also believe what is in that bill.

Senator Conley just mentioned that he finds that only 14 or 15 per cent of the people are interested when election time comes along. I think that this is one way to give the people of the State of Maine reason for going to the polls. The bill, as amended, I fully support, and to take this and send it back to the 105th Legislature, I think, this is not what should be done. The people voted on this. They voted to bring the government closer to the people and I think it is our duty, as a body, to give them exactly what they are asking for, and that is a chance to govern themselves.

Do we realize, that we have almost five hundred communities, and only fifty, only fifty, of them are operating under charters? All of the other communities in this State are operating under the general laws. You cover the State of Maine, you go into all of these towns, and sometimes I feel sorry because there is nothing growing there, nothing is being developed. The youth is leaving the State. Why don't we give a chance to these people to govern themselves, to get the incentive in order to develop

their communities and make this a more liveable state and keep the youth here.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: This document before us, I believe, if established, will be used as a guideline. I think it behooves us to provide a proper guideline. I feel that these communities will accept this document at its face value. I don't buy the argument that we can provide another or an alternative. I think that we should do the job right the first time. If we can't do it now, then refer it to the 105th.

I personally believe that this has moved along at too rapid a pace. I think we can live; I don't think it is that much of an emergency. Massachusetts and several other states have excellent documents, and the good Senator from Androscoggin, Senator Boisvert, speaks of providing a document for the people; this document here is the farthest from the people. The Massachusetts document is excellent and, I think, places home rule right with the people. Now, when you provide direct initiative, and jack the petitions way up as high as they are in this document, away up to thirty per cent, I don't think you are talking about people; I think you are talking about municipal officers. And there you are having government by the municipal officers; not by the people. Particularly when these municipal officers can provide a referendum at special election, and this is just what they would do. I think that perhaps we can see changes in our municipal officers from time to time, and I shudder to think about what is going to happen within some of our communities. You are completely taking home rule right away from the people, and I think this would be a great mistake to implement this document here at this time. I think there is plenty of time to study it, and I again would urge you to vote against this motion on the floor. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have recommended that this bill be referred to the next session of the Legislature purely because of the fact that I don't believe there has been sufficient study done on this bill and there can't be during this session of the Legislature to come out with what the State really should have in relation to a home rule bill.

At the regular session the Legal Affairs Committee considered the home rule constitutional amendment and, as we are all aware, that amendment received very little difficulty, and was passed and ratified by the voters. I think it well establishes the fact that all of us have an interest in allowing a greater leeway with the municipalities and the type of charter they shall have. I don't think that that means we should just automatically abdicate our responsibilities to furnish guidance to the municipalities in establishing their charters. This bill here would merely remove the State completely from this guidance, and allow the municipal officers to establish a charter commission which would come back with another charter and that would eventually go to a vote. The difficulty is that, as I say, there is no particular guidance given to them.

It seems to me we should have model guidance charters available to the municipalities, and certainly we should have greater play with the public at large to be able to come in on the amendment of a charter. The bill calls for a thirty per cent of the last gubernatorial election signing petitions. There isn't probably any municipal charter in the State that has ever been passed with thirty per cent of the last gubernatorial election. I recall several changes which did not receive fifteen per cent, which is a common figure we use on referendum. I know a few years ago, when we had a particularly large gubernatorial vote, the Legal Affairs Committee put most of the referendum questions and with a ten per cent minimum vote. Well,

it just seems ridiculous to me to expect no more than ten per cent to vote on it, and yet want thirty per cent to sign a petition. It would seem to indicate that the whole matter is being left up to the municipal officers. I don't say it is necessarily bad but, on the other hand, we should allow all of the citizens a right to participate in these matters and, if we did have more time to study the bill, possibly the committee could come up with some model charter legislation and satisfy everybody.

I have had three terms on Legal Affairs Committee, and I have seen the type of ideas that many of our municipalities do have, and they certainly do require a lot of help from the committee. This particular bill really does nothing but just turn it over with no assistance whatever, and I would certainly hope that we could wait until next year to take care of this matter.

The PRESIDENT: 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 guess here what most everybody is saying, so far, is that everybody is for home rule but it just depends upon the way we are going to get at it, and this seems to be the nub of the question.

Certainly, I supported the home rule concept, and still do. I think in the initial vote I will vote for this bill, but I also recognize in this bill the fact that there are some very, very grave weaknesses in it that would perhaps create more chaos, and actually the final result being that perhaps, with the enactment of this bill as it is, our municipalities may well have more chaos than good benefit coming out of it. I really have problems with the final results of this of possibly fifteen, twenty, and twenty-five different municipal governmental systems finally evolving in our state, which will create very, very serious problems as a result of this.

I am going to vote for the initial passage of this bill to send it along but, unless there are some major amendments made in it, I probably

will not vote for it in the final enactment.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought to Pass, as Amended, Report of the Committee on Bill, "An Act to Implement the Powers of Municipal Home Rule." A division has been requested. As many Senators as are in favor of accepting the Majority Ought 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. Twenty - one Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed, and the Bill was Read Once.

Committee Amendment "A", Filing No. S-390, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

On motion by Mr. Hoffses of Knox,

Recessed until 3 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 Relating to Retirement Allowance for Widows of Governors." (S. P. 635) (L. D. 18-10)

In the Senate January 23, 1970, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-655), in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (S. P. 598) (L. D. 1769)

In the Senate January 22, 1970, the Majority Ought to Pass Report

Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-387).

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill to the House relating to appropriation for school subsidies. (H. P. 1443)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate that this Joint Order receive passage in concurrence?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, I think an explanation on the order and the purpose of it would help us so we could vote intelligently on this.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: My explanation will be very short because I am not too well versed in the educational formulae and other matters pertaining to this subsidy program. I was not the author of this order, however, I do know that this money, or the money called for in one of the appropriations bills, is in the order of \$950,000 and, rather than encumber a more or less routine appropriations measure with this amount of money, we felt that it should be separated out of the main bill and allowed to stand on its own feet for better or for worse. That is the origin of the order.

We are working with Mr. Gordon and other members of the Education Department, and we will have a bill, if this order is passed, that everyone, hopefully, will be able to understand and discuss when it comes upstairs.

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

Mr. BARNES of Aroostook: Mr. President, may I pose a question through the Chair to Senator Sewall? Is that the figure that was included in Legislative Document 1632?

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

Mr. SEWALL of Penobscot: Mr. President, I believe that is correct. The figure is \$943,000, I believe, if my memory is correct on it, and it is in one of the supplemental appropriations bills.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage of House Paper 1443 in concurrence. A division has been requested. As many Senators as are in favor of the passage of the order will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Joint Order received Passage in concurrence.

**Committee Reports
House**

Ought to Pass - As Amended

The Committee on Education on Bill, "An Act to Clarify the Education Laws and Subsidy Payments." (H. P. 1309) (L. D. 1623)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-654).

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.

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

Mr. KATZ of Kennebec: Mr. President, I guess you could call this an errors and inconsistencies bill because they have a bad record of containing hidden material sometimes. I think I would like to call the attention of the Senate to a substantive change in the law as it pertains to sending towns in tuition. The committee has a feeling that this change straightens out our intent at the regular session, but I would call the attention of those of you who are interested to the fact that this segment of the law is being changed by this bill.

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

Thereupon, Committee Amendment "A" was Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Authority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter." (H. P. 1422) (L. D. 1791)

Reports that the same Ought to Pass in New Draft under Same Title. (H. P. 1440) (L. D. 1815)

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

Which report was Read.

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

The Committee on Taxation on Bill, "An Act Amending the State Income Tax and Boat Registration Laws to Provide for Compatibility with Federal Laws." (H. P. 1394) (L. D. 1750)

Reports that the same Ought to Pass in New Draft under New Title

"An Act Relating to Compatibility of State Income Tax Law with Federal Laws." (H. P. 1442) (L. D. 1817)

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 Bill, in New Draft, Read Once.

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

Senate Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes because of Highway Construction. (S. P. 597) (L. D. 1768)

Reports that the same Ought Not to Pass.

(Signed)

Senators:

SEWALL of Penobscot
DUQUETTE of York
DUNN of Oxford

Representatives:

BRAGDON of Perham
BENSON of
Southwest Harbor
BIRT of E. Millinocket
SAHAGIAN of Belgrade
LUND of Augusta

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-392).

(Signed)

Representatives:

MARTIN of Eagle Lake
JALBERT of Lewiston

Which reports were Read.

On motion by Mr. Duquette of York, tabled until later in today session, pending Acceptance of Either Report.

Enactors

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

An Act Exempting Doctors, Psychologists and Certain Classes of Social Workers from the State Personnel System. (H. P. 1435) (L. D. 1808)

An Act Relating to Direct Billing of Property and Casualty Insurance. (H. P. 1434) (L. D. 1807)

An Act Relating to Permits for Dredging and Erection of Causeways, Docks, etc. in Tributaries of Great Ponds. (H. P. 1414) (L. D. 1781)

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

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 to Clarify the Interest Cost for Local Industrial Recreational Bonds. (H. P. 1307) (L. D. 1621)

This being an emergency measure and having received the affirmative votes of 25 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 Relating to Subpoena Power for State Employees Appeals Board. (S. P. 570) (L. D. 1697)

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

Mr. KATZ of Kennebec: Mr. President, this is an emergency enactor and it requires a two-thirds vote to pass. I have had some misgivings about this bill that haven't been completely answered. It is a departure, of course, from present procedure in the State Employees Appeal Board. I have been assured that there is need for it, but the need has not been made grave enough, as far as I am concerned. Rather than risk defeat of the bill today, it might be helpful if we had some further information on it at this time, or perhaps someone might

care to delay it until we do have the information necessary to show that this really is a grievous need of the Appeals Board.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and tomorrow assigned, pending Enactment.

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

JOINT ORDER — Relative to Proposed State Liquor Store in the Town of Lubec. (H. P. 1437)

Tabled—January 23, 1970 by Senator Hoffses of Knox.

Pending—Motion by Senator Katz of Kennebec to Indefinitely Postpone.

Thereupon, Mr. Katz of Kennebec withdrew his motion to Indefinitely Postpone, and the Joint Order received Passage in non-concurrence.

(See action later in today's session.)

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes because of Highway Construction (S. P. 597) (L. D. 1768).

Pending—Acceptance of Either Report.

Thereupon, on further motion by the same Senator, retabled and tomorrow assigned, pending Acceptance of Either Report.

On motion by Mr. Logan of York, the Senate voted to reconsider its action of earlier in today's session whereby Joint Order — Relative to Proposed Liquor Store in the Town of Lubec, (H. P. 1437), was Passed in non-concurrence.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. LOGAN: Mr. President, the Senator from Kennebec, Senator Katz, may have resolved his prob-

lems with this order, but I haven't. I still wonder if it is proper for the Legislature to directly intervene in department matters of this type. Perhaps it is; I don't know. But I would move that this order receive passage, and I request a division.

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

Mr. KATZ of Kennebec: Mr. President, may I ask for further identification of this order?

The PRESIDENT: The Chair would inform the Senator that this is the order dealing with the State Liquor Commission and a new liquor store in the Town of Lubec, Washington County, Maine.

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Passage.

On motion by Mr. Stuart of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby it Passed to be Engrossed Bill, "An Act to Clarify and Amend the State Housing Authority Law," (S. P. 642) (L. D. 1813)

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

Senate Amendment "A", Filing No. S-393, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: This amendment should have been ready this morning. It was requested by bond counsel, and it merely removes any reference to federal regulations which vary and change from time to time. It sets some sort of a ceiling on the size of the first mortgages that the State Housing Authority can purchase, and it does strengthen the legislation.

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

Thereupon, on motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of S. P. 632, L. D. 1804, Bill, "An Act Clarifying Laws Relating to the University of Maine."

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

Mr. KATZ: Mr. President, in my absence this morning, an amendment was prepared erroneously in the name of another Senator, and I hope I am in order if I at this time present Senate Amendment "A" under Filing No. S-394.

The PRESIDENT: The Chair would inform the Senator that this bill was Passed to be Engrossed.

Mr. KATZ: I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby S. P. 632, L. D. 1804, "An Act Clarifying Laws Relating to the University of Maine," was Passed to be Engrossed. As many Senators as are in favor that the Senate reconsider its action whereby L. D. 1804 was Passed to be Engrossed will say "Yes"; those opposed, "No".

A viva voce being taken, the motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, the Senate will recall that at the time we took up the University bill last week, I said that, subject to an agreement amongst some members of the Senate, that if the Senate would go along with the bill, with the exception of the ETV change, that an amendment would be prepared to remove this objectionable feature. I felt that I had an obligation to present, and I do now present Senate Amendment "A", Filing No. S-394, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-394, was Read.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.