

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, January 27, 1970
Senate called to order by the President.

Prayer by the Rev. Fr. Derek L. Bugler of Hallowell.

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." (Emergency) (H. P. 1364) (L. D. 1713)

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

In the House January 23, 1970, Recommended to the Committee on Appropriations and Financial Affairs in non - concurrence.

In the Senate January 26, 1970, the Senate voted to Insist.

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

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators:

SEWALL of Penobscot
BERRY of Cumberland
DUQUETTE of York

Non-concurrent Matter

Bill, "An Act to Provide for Black Fly Control." (Emergency) (H. P. 1433) (L. D. 1806)

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

Comes from the House, Passed to be Engrossed, as Amended by House Amendment "A" (H-658), in non - concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

**Committee Reports
House
Leave to Withdraw**

The Committee on State Government on Bill, "An Act Relating to Operation of Snowmobiles and Registration by Bureau of Water-

craft Registration and Safety." (H. P. 1357) (L. D. 1686)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Clarification of Release and Discharge from Commitment after a Finding of Not Guilty by Reason of Mental Disease or Mental Defect." (H. P. 1384) (L. D. 1733)

Reported that the same Ought to Pass.

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

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

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

Under suspension of the rules, sent forthwith to the Engrossing Department.

Ought to Pass - As Amended

The Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of District Court in Divorce Actions." (H. P. 1337) (L. D. 1666)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-660).

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

Which was Read.

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

The Committee on Judiciary on Bill, "An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations." (H. P. 1375) L. D. 1724)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-659).

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.

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

The Committee on Labor on Bill, "An Act Amending the Municipal Public Employees Labor Relations Law." (H. P. 1410) (L. D. 1776)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-656).

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.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Before I move to accept the Committee Report on this matter, I would like to explain the bill and the amendment to this body. L. D. 1776 seeks to amend some of the technical problems which we had with the bill in the few short months that it was being utilized.

If you will refer to the bill itself, L.D. 1776, you will also notice a new section in there Section 7 — not a new section; an amendment to Section 7 — whereby the amendment called for public employee organizations given the opportunity to bargain for security agreements or security employment. This created quite a controversy in the Labor Committee hearing. You will notice that our amendment leaves this section out. The reason that we are leaving that section out is not because the Labor Committee felt that public employees should not be able to bargain on security agreements; the belief of the Labor Committee was last year, when we enacted this law, and it is this year, that union security agreements are now a proper sub-

ject for collective bargaining under the existing law. It was our intent, when we initially enacted this at the 104th Legislature, that union security agreements were a proper subject for collective bargaining, and it was never our intent to deprive them of that fact. It is not the intent to preclude them to bargain in reference to security agreements. We felt this way last year and we still do now.

There are two communities in this State that do not recognize this, and I feel that the Legislature should not try to interpret every single section of this law for the people, that if they don't want to abide by this, then they have their proper avenue to seek redress in a court of law. It was for this reason that the Labor Committee amended that bill by refusing to permit Section 7 to be enacted into law in this fashion. Thank you. I move that the Committee Report be accepted.

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

The motion prevailed and the Bill was Read Once. Committee Amendment "A", Filing No. H-656, was Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed in concurrence.

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

(Off Record Remarks)

Senate

Ought to Pass - As Amended

Mr. Holman for the Committee on Judiciary on Bill, "An Act Relating to Judicial Divisions of the District Court." (S. P. 585) (L. D. 1712)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-395).

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

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 Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, there is objection to a second reading.

Thereupon, the Bill, as Amended, was tomorrow assigned for Second Reading.

Ought to Pass in New Draft

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for Necessary Non - recurring Items for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 557) (L. D. 1632)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 643) (L. D. 1818)

Which report was Read and Accepted and the Bill, in New Draft and under New Title, Read Once. Under suspension of the rules, the Bill, in New Draft and under New Title, was then given its Second Reading.

Mr. Hoffses of Knox presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-399, was Read.

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

Mr. Martin for the Committee on Taxation on Bill, "An Act Relating to Property Tax Administration." (S. P. 591) (L. D. 1746)

Reported that the same Ought to Pass in New Draft under Same Title: (S. P. 644) (L. D. 1819)

Which report was Read and Accepted 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.

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases." (S. P. 583) (L. D. 1710)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

VIOLETTE of Aroostook
QUINN of Penobscot

Representatives:

BRENNAN of Portland
BERMAN of Houlton
MORESHEAD of Augusta
HESELTON of Gardiner
DANTON

Of Old Orchard Beach The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-396).

(Signed)

Senator:

HOLMAN of Franklin

Representatives:

FOSTER

Of Mechanic Falls
HEWES of Cape Elizabeth

Which reports were Read.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I move we accept the Ought Not to Pass Report of the Committee, which is a seven - to - three vote.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Franklin, Senator Holman.

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: This is a bill that was introduced by me at this session because I believe that it is very important to the economy of the State of Maine. It was introduced as an emergency because this is

right in the middle of the ski season.

Just to give you a small note of the importance of the ski patrol to ski men in this vacationland, I would like to read to you at this time a recent report from Sugarloaf Mountain, which is our largest ski area, relating to this exact bill, or at least relating to the people that we intend to protect by this bill.

"Sugarloaf. Peter Fish of Randolph will be able to ski again following a near fatal accident on the slopes — thanks to Sugarloaf's ski patrolman Michael Lampert of Lewiston.

"Recently Fish was skiing down the new chair lift trail at Sugarloaf when he took a spill and slid, headfirst, into a ditch. The skier didn't move.

"Lampert, a patrolman at Sugarloaf for the past five years, had just begun his ride up the mountain on the chair lift when he spotted the downed skier. The patrolman, still near the ground level, got off the lift and went to the skier's aid. Fish was not breathing. It was later determined, when Fish was hospitalized, that he had suffered a skull fracture and was, in effect, 'drowning in his own blood'.

"Lampert, using a resuscitation tube, began mouth - to - mouth breathing procedures on the downed skier.

"Lampert was assisted at the scene by Jane Fenwick, a Registered Nurse, who was skiing on the mountain and whose address is not known to the Sugarloaf personnel. Lampert reported some difficulty in getting the skier's mouth opened to apply the resuscitation measures.

"Fish was later transported from the mountain to an Augusta hospital is reported to be doing fine. His parents were at the mountain later to express their appreciation to Lampert.

"The patrolman works on the ski patrol troop weekends and during vacations at the present time as he is attending a watch repairing school, North Bennett, in Boston and is residing in Brookline, Mass. while attending school.

"Robert 'Stub' Taylor of Kingfield, director of the Ski Patrol at

Sugarloaf, and Jimmy Jones, regional director of the National Ski Patrol System, Inc." — which is mentioned in this bill — "are making application to the National Ski Patrol for an appropriate award for Lampert, for his successful application of first aid treatment to an accident victim, while serving on the National Ski Patrol System."

I thank you for the time you have given me to read that. The reason I do it is this: that there has been some argument in the Judiciary Committee that this bill is not necessary, that we have insurance on these ski patrolmen and that if one of our citizens in this State or a visitor gets injured that he should be covered by insurance. The point is that, to my knowledge and to the knowledge of any member of the committee, there has not been one single suit brought against a ski patrolman in Maine.

So then the next step, Mr. President and Members of the Senate, is why do you bother with your bill? The point is that if we have this bill, because of the absence of suits, no one will have lost any remedy because there is no great need of it, and the incidence of a possible set of facts whereby you could sue a ski patrolman would be very scarce indeed, because you might have to prove that he slipped on the ice, or something like that, and lost the toboggan. But the very point is this: that it is hard to get enough ski patrolmen to work on our mountains in Maine unless you go out and pay a huge price. I think it is better, gentlemen, if one of our children, or the children of some guest in Maine, falls down on the mountain and sprains their ankle or breaks their leg, or something like that, I think it is better to have a lot of ski patrolmen on the mountain and get them down off the mountain so they don't lie there and moan and groan for half an hour, as many of us have seen, than it is to avoid this bill.

Now, if we have a ski immunity bill as presented here, and it goes through, if this motion is denied — the motion that we accept the Ought Not to Pass Report — I would like to see this voted down

— so if this is voted down, and a motion is made to accept the Minority Ought to Pass, as Amended, Report of the Committee, then this can be debated further here in the Senate, and I believe it should go through.

Now, there is a dividend report which means that at least three members on the Judiciary Committee, after listening to it very carefully, feel that it is a good bill. The only reason I heard presented by the majority's arguments was that "We don't like immunity in Maine because it is establishing a dangerous precedent." My answer to that, gentlemen, is that you cannot compare giving a ski patrolman immunity to the people who run the mountains and the gondolas, for example. Those people should not have immunity. They should have the duty to check those huge wheels every morning and make sure those chair lifts are straight and that they are working properly. The burden should be on them, and they should be insured. But the volunteer ski patrolman who comes weekends to the State of Maine and helps, without pay, he should have immunity.

It is no different than the doctors on our highways. If they are driving along and they see a bad accident, it used to be that if he stopped he was afraid that he might be sued if infection set in, or osteomyelitis, or something like that, so we passed the "Good Samaritan Act" for doctors. That is all we are asking here.

Now, there has been no incident of suits against ski patrolmen, and all we ask is that this go through, like it is in about twenty other states, so that these ski patrolmen will not be afraid to volunteer, so that they will protect you, our children and our guests.

This is a very important bill to the ski industry in Maine, and there have been no real strong arguments, that I can apprehend, against it. Thank you for your time, and I hope that you will vote against the motion to accept the Majority Report.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: There is no question that this ski patrol organization is doing a very fine job, but when they come here with a bill, asking to be exempt from their responsibility for their acts, we feel that they should not be given that exemption.

Now, this is in the same category as a bill we had before the regular session in which members of the Civilian Defense Organization came before us and asked to be exempt from their actions doing the functions that they were doing in civil defense. We took the position that they should not be exempt; that they should be held responsible for their acts and, consequently, we voted down that bill. We are taking the same position on this bill, and I hope you will go along and support us.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: In response to the Senator from Penobscot, Senator Quinn, this act does not exempt the ski patrolmen from their acts. It does not exempt them from willful acts. If they get in an argument with someone during the process of helping them, as a volunteer, and they commit some willful act, such as assault and battery, disorderly conduct, or something like that, they are not exempted. And they are not exempted from willful conduct, which means that if they have been drinking on duty, and they lose the toboggan, or something like that, they are not exempted, because at the Judiciary Committee hearing an amendment was made, and it said that we will only go along with this, those that did go along with it, so long as you put in that they are not exempted from willful or wanton conduct or gross negligence. Now, that means that if they are going too fast down the mountain with the toboggan, and someone sees them, they could still be sued for gross negligence. This is merely that if they should happen to slip or catch their heel on a stump, and the toboggan should get away, or something like that, and then some

wise guy—if I might use that expression in these halls—wants to hold them up, that means that they would have to go hire a lawyer to defend their case, and it would be a nuisance case. They are not exempted from their acts only those which are not gross negligence or willful. Thank you.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: As a signer of the Majority Ought Not to Pass Report, I should say that it is somewhat difficult to oppose this type of a bill because it has a very high-sounding appeal, and I personally think it does appeal to me also to a certain degree. But I really question the wisdom of piecemeal exempting various groups of our society from their negligent acts.

This Legislature, and particularly those of us sitting on the Judiciary Committee, always every session here have several bills from various segments of our society who come in and ask to be relieved of responsibility for their negligent acts in certain categories, particularly when they may come within the purview of coming to somebody's assistance. Now, we have had, as the Chairman of the Committee has indicated, last time the Civil Defense, we have had nurses come before the Legislature, we have had firemen come before the Legislature, and we have, I think, in the past two or three sessions six or seven groups come before the Legislature and request exemption from the ordinary standards and care that you and I are held in all of our actions. So, I think that all of these people who come before the Legislature and ask for this type of exemption have very high motives. I fully understand their motives and I go along with them but, nevertheless, I don't think it is a good precedent to exempt most of our groups from this degree of conduct that all of us in society are required to have to exercise. Today we exempt the men on the ski slope, and tomorrow we exempt another group that also may be

in the position of doing some good for someone.

Experience shows, particularly in this area — and if I may use some of the presentation of my good friend, Senator Holman — there has been shown no need for this bill up to date because no one has ever been sued. Incidentally, Senator Holman and I were classmates in law school and extremely close friends, so it was with some hesitancy that I arose to oppose him this morning — I am very glad to see him in the Senate. But I don't think that the ski patrolmen ought to be exempt from the ordinary degree of care that all of us are required to exercise in all walks of life.

Now, my seven year old son, two years ago, the first time that he went up on the ski slope, he has only one concept of skiing, and that is the very fastest way that he can get from the top to the bottom. Now, in the process of trying that out, he suffered a very, very bad fracture of the leg. The first thing that I knew about it is that he had been picked up on the slope by the so - called volunteer patrol, and had been taken to the hospital. Let me tell you that I was extremely grateful for what had been done for him, and certainly the furthest thing from my mind would have been to try to hold responsible the reasonable attention that these people gave to my son on the ski slope, because they were solicitous to him, they did the best they could to take him from the slope to the hospital, and I was only grateful to them. I think that this has been the attitude of our society with regards to these acts.

Nevertheless, if someone does at any certain point go beyond the degree of reasonableness and care that ought to be paid to anyone on the slope, then certainly they ought to be held responsible. Certainly there is a very, very uncertain aspect in this bill as to whether or not all people who render this assistance may be covered by negligence insurance policies carried by these ski resorts, whether they could be held responsible. If these operators — and in most instances the major

ones do — carry liability insurance for all of the people who take part in their operations, why, I think it would not be a sound idea to let the liability angle of it slip out because somebody who has been negligent may ease out of it because we have given him an exemption in this area.

As I say, I do hate to debate it but, nevertheless, I do not go along with the concept because, I think, if we give it to this group, then another time somebody else will be in, and another time then another time somebody else will be in, and another time somebody else, and eventually we will have half of our society exempt from their negligent conduct, which I don't think is a good direction to follow. So, I would support the motion of the Senator from Penobscot, Senator Quinn, for the acceptance of the Majority Report.

Incidentally, doctors, under our Maine law, are held to the ordinary degree of care, in rendering assistance to people, to the degree of competence and reasonableness that a physician in their capacity would ordinarily render, so they are not exempt from any negligent conduct on their part. They are held to the ordinary degree of care that a doctor in their capacity would be required to maintain.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: I will be very brief in my final statement. Senator Violette indicates that nurses have asked for immunity and firemen have asked for immunity. They are paid. This bill indicates that only volunteers who do not expect economic remuneration would be exempted.

Finally, the National Ski Patrol is a very closely inspected group of skilled skiers who have to pass a very strict course in first aid. I request a division, Mr. President. Thank you.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the majority Ought Not to Pass Report of the Committee on

Bill, "An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases." As many Senators as are in favor of accepting the Ought Not to Pass report of the Committee will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Committee Amendment "A", Filing No. S-396, was Read and Adopted and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed.

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

(Off Record Remarks)

Second Readers

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

House

Bill, "An Act Extending the Time for Licensing of Ambulance Service, Vehicles and Personnel." (H. P. 1430) (L. D. 1800)

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

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

Senate - As Amended

Bill, "An Act to Implement the Powers of Municipal Home Rule." (S. P. 555) (L. D. 1630)

Which was Read a Second Time.

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

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 640) (L. D. 1811)

Which was Read A Second Time.
The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I thing this matter should not pass without a little attention. This bill, as far as I have been able to determine from talking with people who have been around the State House a great many years, this is the first time that a money bill has been passed through here which does not appropriate money; it returns money to the general fund. I would like to say that this is a result of the efforts of the Senator from Oxford, S e n a t o r Dunn, in the regular session to have an order passed directing the Appropriations Committee to study the various departments and programs here in state government. It does result in a saving of roughly \$1,400,000. I think Senator Dunn should be congratulated for his tenacity in getting this order passed and for his subsequent work on the committee. (Applause)

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

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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

Enactors

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

Resolve, to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. (H. P. 1310) (L. D. 1624)

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Before my distinguished colleague from Penobscot, Senator Sewall, has the final word in this matter, I would like the record to show that I am not in favor of this move. I have a distinct feeling that we are coming into this session now, we have a little surplus, which is exactly the way it should be in state government or any other

well - run organization, and I also have the distinct feeling that we are going to be nibbling into this money pretty heavily before this session is over.

There was a million dollars for medical aid that went through the other body yesterday by a staggering margin, and I can see where the Appropriations Table is going to be loaded up and we are going to go right through it again.

I would hope, perhaps vainly, that at least the Senate would exercise restraint during this session. I don't feel that the public, at least my people, are interested in continued unbridled spending, and I would hope that the Senate would live up to its responsibilities, if perhaps the other body doesn't, and would pass only those measures which are truly crucial in nature to the welfare of the State. Thank you, Mr. President.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In view of the fact that my good friend and colleague from York County, Senator Logan, has taken some issue with this matter, I feel that, coming from the coastal area, that I should likewise make some comments in regard to this particular piece of legislation.

There has been a great deal of discussion about this matter. I will not bore this august body with repeating some of the things. I would only call your attention to the very many items of extremely worthwhile consideration, and I would like to make note of L.D. 1703. "An Act Repealing the Law Requiring A s s e s s m e n t of Municipalities for Aid to Dependent Children." I believe that this is a far more important issue, that we should provide aid to our dependent children rather than to give an outright grant to the City of Portland.

Now, the City of Rockland, which is in my senatorial district, has for a great many years endeavored to promote a ferry service from the State to the Maritime Provinces and, if you will pardon the expression, we have been "short -

changed," and I believe that we are being short-changed in this particular matter. I believe that we should take our money which we have in surplus and devote it to more worthy causes such as I have just mentioned in the ADC program. I know, and you know, that there are other programs just as worthwhile. I want to go on record as being opposed to this particular piece of legislation.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have been quite moved by the logical arguments of my good colleague, Senator Hoffses, this morning. He almost tempts me to throw all caution to the wind and review my stand on the Portland Pier, but in contemplating such a change I came across Senate Filing S-399. This says "Proposed by Senator Hoffses of Knox," and it appears to appropriate \$117,000 for an airport in Knox County.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel compelled that I must rise in defense of this accusation. This particular amendment which I proposed was a matter which was under consideration by the Aeronautics Commission and, through some error and omission, this amount of money was not included in the Airport Appropriations Bill. For that reason, I am hopeful that this body will at least give it some consideration. It does have the blessings of other branches of our system here in Augusta and, therefore, I am hopeful that this airport improvement will receive consideration.

I would point out that it is some 25 per cent of what the Portland Terminal matter is. I would further point out that this airport improvement is quite necessary, because we are rather limited down in the mid-coast area; we do not have any rail transportation. We have been struggling desperately for road improvements down there, without a great deal of success.

I do not know that the good Senator from Cumberland comes down into the coastal area frequently to purchase merchandise in our very good stores that we have along the coastal area, and perhaps he might want to come down to buy another sweater that I could deliver to him back in Augusta. And a lot of his friends might be interested in coming down and buying some of our merchandise in the coastal stores.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I move that L. D. 1624, Resolve, to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal, be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that Item 8-1, Resolve, to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am glad to see that the wind has kind of changed a little bit here in this chamber. I don't know if I will do this bill any good or harm, but I see that people are waking up and they have found out that money doesn't grow on trees.

I feel that both bills should be killed, the bill that the good Senator from Knox introduced, and this ferry bill. We should come to our senses and see what we can do to save the people a little money.

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

Mr. CONLEY of Cumberland: Mr. President, I request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I move we have a "Yea" and "Nay" vote.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: No one has spoken here this morning in favor of this bill. Probably the die is cast as to how the vote is going to go, and probably I can't influence any vote, but we spend hundreds of thousands of dollars each year advertising the State of Maine, we guarantee loans through the Maine Recreation Authority for millions of dollars of loans to build ski lifts, restaurants and motels. Now, if and when this ferry boat is operating, they have in their budget \$200,000 a year for advertising. I feel that is probably the best advertising the State of Maine could have for their recreational business, and I feel that we would be making a mistake if we go along with this motion to indefinitely postpone.

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 tell the Senate that I think it would be completely inappropriate for the Senate to have attempted to enact this bill this morning. Whether we had the votes to enact it or not, it would have been wrong. I think it would be equally wrong to indefinitely postpone the bill this morning. We do not yet have a clear notion of our available funds. We haven't established clearly a sense of priorities. I think this bill should be kept alive and put on the Appropriations Table, pending the time when that day comes.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I read an article in the Portland Paper the other day pertaining to this bill that I was very impressed with. They brought to my attention that this piece of legislation will hurt the State of Maine instead of doing it good. The people that are traveling now to Canada are using the State, from one end of the State to the other.

What you are going to do now, you are going to take away business from the State of Maine instead of bringing it in. Instead of people traveling to Canada going through the State of Maine, stopping at our motels and stopping at our restaurants, they will stop in at Portland and they won't go any further. It will bring in less money to the State of Maine instead of more, and it will hurt the State economically.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am not going to devote much time to this this morning. I hope the members of the Senate will join me in killing this bill.

Now, mention has been made of letting this go along on the Appropriations Table. I think we are all smart enough here this morning to know that we are going to have more bills on the Appropriations Table than we can possibly finance as it is. I agree with the good Senator from York, Senator Logan, that I don't think we are down here to spend all the taxpayers' dollars, every last cent of this surplus. I think we have got to make some priorities, and I think this is one place we can start right now.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I don't think there is any question about your knowing of my feelings on this particular measure, but I agree with the Majority Floor Leader that we must establish a sense of priorities, and it is only through the Appropriations Table that we can do this adequately to know exactly how many pieces of legislation there are, the amount of monies involved and the amount of money available. So, I feel that I would have to vote against the motion of the good Senator from Aroostook, Senator Barnes, to indefinitely postpone, but I certainly hope and feel certain that you will vote to place it on the Appropriations Table so that it can receive

its proper consideration at the time the table is cleared.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that Item 8-1, Resolve, to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one - fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that Resolve, to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Dunn, Greeley, Levine, Logan, Martin, Peabody, Quinn, Wyman and President MacLeod.

NAYS: Senators Beliveau, Bernard, Berry, Cianchette, Conley, Duquette, Gordon, Hoffses, Holman, Katz, Kellam, Letourneau, Minkowsky, Moore, Reed, Sewall, Stuart, Tanous and Violette.

ABSENT: Senators Boisvert and Hanson.

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

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

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 to Promote

Governmental Reorganization and Efficiency." (S. P. 615) (L. D. 1792) Majority Report, Ought to Pass in New Draft under same title (S. P. 641) (L. D. 1812); Minority Report, be referred to the 105th Legislature.

Tabled—January 26, 1970 by Senator Hoffses of Knox.

Pending—Acceptance of Either Report.

On motion by Mr. Beliveau of Oxford, the Majority Ought to Pass in New Draft under Same Title Report of the Committee was Accepted 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.

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

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

SENATE REPORTS — from 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) Majority Report, Ought to Pass with Committee Amendment "A" Filing S-391; Minority Report, Ought Not to Pass.

Tabled—January 26, 1970 by Senator Beliveau of Oxford.

Pending—Motion by Senator Logan of York to Accept the Minority Ought Not to Pass Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I now believe that this Workmen's Compensation Bill does need adjustment, but certainly not in the manner which Senator Tanous intends. I, therefore, withdraw my motion.

The PRESIDENT: The Senator from York, Senator Logan, withdraws his motion to accept the Minority Ought Not to Pass Report of the Committee.

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

Committee Amendment "A", Filing No. S-391, was Read.

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

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I move that Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Logan, moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, for those of us who are not intimately involved with this, I think an explanation might be in order at this time. I would ask for an explanation of the controversial amendment before us.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: My apologies — I was speaking with somebody outside and I didn't think the second reading was coming up.

L. D. 1787, "An Act Relating to Death Benefit for Parents Under Workmen's Compensation Law," needless to say, this is a very controversial bill. It has become controversial because apparently the insurance industry is opposed to this bill. The simple reason that the insurance industry is opposed to it is because it is a new concept in Workmen's Compensation Law.

If I can briefly explain to you what our Workmen's Compensation Law in the State of Maine is about, perhaps I can better explain this bill. The whole concept of our Workmen's Compensation Law in the State of Maine involves industrial accidents. If an individual is involved in an industrial accident, and the employer employs more than three people, he is subject to the Workmen's Compensation Law. In other words, they have to carry insurance which would pay an injured employee a certain amount of money per week for his injury while he is laid up, as well

as his medical expenses. Now, this is the whole concept of the law.

Now, an employee, when he is employed by an employer who is covered under the Workmen's Compensation Law, he waives his right to bring a suit against his employer for the negligence, if there is any negligence, involved in an accident. So, an individual, by the statute, by the Workmen's Compensation Law, waives his right at common law to bring a suit against an employer for the negligence of an employer in an accident. Now he gives up something, he gives up a right for which an employee receives a benefit, and this benefit is in the line of compensation if he is hurt, payment of medical bills.

I will go further and say that if an employee dies as a result of an industrial accident his wife and children are also permitted to receive benefits as a result of his death, weekly compensation, or parents if he is supporting the parents at the time of his decease. But what about the employee that dies as a result of an industrial accident who has no dependents, no wife, no children, or no parents at the time of his decease that he is contributing to or assisting in their dependency? This life is permitted to be taken for the small sum of \$450 paid toward his funeral expenses. That is the sole amount that our Workmen's Compensation Law provides for, \$450 towards funeral expenses.

Now, who is to say that an employee of the youthful age of 19, 20, 21 or 22 years old, who dies as a result of an industrial accident, who has no wife and children or parents at this particular time dependent upon him — he is giving up his right under the common law, as well as everybody else, and yet no benefits are derived from this. I feel that when an individual gives up a right that there should be a benefit attached to it. He has the benefit of dying, if you want to call it that, and getting \$450 towards his funeral bill paid.

I feel this way: I feel that because an individual is of youthful age, and at this particular time in life is not able to contribute to the

support of his parents, and I am sure that all of you will agree with me that there is always a presumption that this child some day would contribute to the dependency of his parents — or at least any individual who feels morally obligated to help his parents in their elder years would — but his life is taken at a time in life when perhaps we hold it more dear, and yet we tell his survivors, his parents, "Sorry, there is nothing in the law that covers this." So he has given up a benefit, he has given up a life, and there is nothing in return. I don't mean to measure life with money; believe me, this is not the case, but it seems that our whole society is based on remuneration for acts of this type.

This bill merely says that when a situation arises of any individual under the age of thirty years old, whose life is taken as the result of an industrial accident, a payment of \$10,000 will be made to the parents of the deceased child, and that the Industrial Accident Commission shall determine who the parents are and the method of payment. This is not to say that this money would go to his natural parents or his blood parents. It could be his step parents, it could be his foster parents, it could be anyone that supported that child from the time he was born until the time of his decease.

They may say this is more in the line of life insurance — this is what the insurance companies are arguing — that this is building up a life insurance system in our Workmen's Compensation Law. They can call it any name they want to. My feeling is: is it right or is it wrong? Is it right to enact legislation of this type? I feel it is. And why there is so much clamor regarding this bill is beyond me, because last year we had two such incidents in the State of Maine. Both of these incidents occurred in my home town of East Millinocket, and it was the last day of the legislative session when it happened. I am sure you are all familiar with this. In 1968 there were four incidents that occurred of this nature, and in 1967 there were five.

Now, it doesn't involve such a great deal of money that such a tremendous lobby should be instituted against a bill like this, and I personally and deeply feel that it is right that we should enact legislation of this type, only because of the presumption of dependency that may arise in the future, and because an individual has given up a right under our Workmen's Compensation Law, the right to bring a suit if he had lived, or his heirs could bring a suit, but because of our law this right is taken away from him. I ask your support in the passage of this legislation. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: We have before us what my distinguished colleague from Penobscot, Senator Tanous, has quite accurately described as a life insurance bill in the framework of the Workmen's Compensation Act. As he very accurately described it, it provides a \$10,000 lump sum death payment, not to the deceased's spouse or children, but rather to the deceased's parents, be they residents of the State of Maine or be they living outside of the State of Maine.

Now, this bill — I have been talked to by a number of people about this—and contrary to what you may have been led to believe by the debate thus far, this bill does not have the support of labor, it does not have the support of Maine business, but it does, of course, have a certain emotional appeal. After all, how can you measure dollars against life? How can you measure dollars against tears? How can you measure dollars against an emotional speech?

The facts of the matter are that what you will be doing, if we enact this bill, you will be requiring each and every employer in the State of Maine to buy a \$10,000 life insurance policy on each and every employee covered by Workmen's Compensation. In some cases, with some companies who are in a profitable situation, they have, of course, fringe benefits and life

insurance policies on their employees. Life insurance policies, incidentally, that are far more favorable than this. Frequently, they carry a double indemnity provision in case they suffer an accidental death, either in or out of the plant; they are payable to the people that need it, the person's widow, and for the support of the children. I would submit to you that this act that we have before us does not benefit those that require it. As a matter of fact, if the employee is over thirty, nothing is paid, under the committee proposal, which would seem to me to be a perversion of this heart-rending play that you have taken something away from a potentially dependent parent.

The cost of this act would be enormous, at least from the information and percentage figures that have been given to me by the insurance people.

I would submit to the Senator from Penobscot, Senator Tanous, that if he wants the employers in the State of Maine to write a \$10,000 life insurance policy on each and every individual in the State, that he should do so.

I have information here from the Insurance Department in which they recommend—as usual, they do not pass judgment on this matter—but they make the statement that perhaps an adjustment in the death benefit is in order. I feel that very definitely it is in order. This, of course, is why I didn't fight this bill right from the onset. If a man is killed on the job, his widow is paid \$425 to bury him. This hasn't changed in years, and this should be adjusted.

I have correspondence here from the Industrial Accident Commission in which they point out that nowhere in the United States or in Canada is such a measure in effect. They also suggest that a reasonable approach to this would be to increase the lump sum death payment to the widow, the person who needs this money, from the present \$400 level up to the \$1,000 level.

Now, of course, if this act as it stands is passed, the cost of this is going to have to be borne by someone, and it is going to be

many, many times what the present cost of the Workmen's Compensation is. Who do you think is going to pay it? Of course, the public is going to pay it.

Now, when we have a business that is thinking about coming into the State of Maine, and somebody tells them that they are required under law to buy a \$10,000 life insurance policy, how are you going to explain that to them.

I wouldn't call this legislation pernicious. I think it is very well-meaning, and I know it comes from the heart because certainly his words came from the heart. But I would submit that this chamber, while not without heart, is basically a body of reason, and may I suggest that calm judgment and sweet reason apply in this matter. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Logan, that Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I move that this bill and all its accompanying papers be indefinitely postponed. The more I read this bill the more I am conscious of the fact that it requires an arbitrary payment of \$10,000 for parents who may or may not have need, who may or may not have any relationship with the child, who may live in a foreign country, and it is a mandatory payment of \$10,000, without any yardstick whatsoever. I have read the amendment, and it indicates that a payment of \$10,000 should be paid to the living parent or parents, I request a division.

The PRESIDENT: The Chair would inform the Senator that the motion of the Senator from York, Senator Logan, will have to be disposed of before the Senator can make his motion.

A division has been requested.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: This bill in its original draft disturbed me as, I believe,

it disturbed the sponsor. The concept, I believe, that the sponsor had for this measure, I truly and honestly believe in. I do believe that the committee amendments need perhaps some further amendments to even bring it in line with the concept of the sponsor.

I do hope that the motion on the floor does not prevail, that this matter may be adopted at this time, given its first reading, and then further amendments, I am sure, could be offered in its second reading that will clarify it further and bring it to the true concept of the bill. I hope the motion does not prevail.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would just indicate my support for the concept of the bill as proposed by Mr. Tanous. I think there is some confusion by some members of the Senate in that the bill, I don't believe, would result in a great deal of cost to employers. It just provides for an area in which there is no law now present.

It does happen occasionally that a person is killed on the job, and when the surviving relatives check the law or inquire of the employer, they find that there are no benefits available to anyone by virtue of this death. Obviously, if the person had lived he would have received benefits possibly over a great period of time and in a considerable amount.

It just seems that at the present time, as to some employees, those who do not have or cannot prove that they are dependents of them then receiving support from him, it seems that there is sort of an open season on this particular person. It just isn't right, and I think that any attorney who has come across this particular case will agree that it is a little bit of a shock the first time you see it. This is a step to take care of that. I would say that the wording is subject to scrutiny, but certainly the idea is one of the most meritorious we have had here. I certainly think the bill ought to be kept alive, and those who have some

legitimate quarrel with it could present their quarrel, other than the fact that they think it might cost someone a little bit more money. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: It is going to cost somebody quite a bit more money, as a matter of fact. The estimates are that there will be an increase in Workmen's Compensation rates in excess of 4%, 4.3% as a matter of fact, if this legislation goes through.

Let me interject at this point, if I may, that if it were made payable only to dependent parents, the increase would be somewhat less than one-half of 1 %.

Because the debate comes at this particular parliamentary juncture, my purpose in moving to indefinitely postpone this amendment was so that a Senate amendment may be offered. This Senate amendment would, in fact, increase the lump sum death benefits to \$1,000, which I think should be done and which, of course, is not provided under the committee amendment. I would, therefore, hope that you would vote to indefinitely postpone Committee Amendment "A" so that we may adopt Senate Amendment "A". Mr. President, thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Logan, that Committee Amendment "A" on Bill, "An Act Relating to Death Benefit for Parents Under Workmen's Compensation Law," be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion of the Senator from York, Senator Logan, that Committee Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

having voted in the negative, the motion prevailed.

Thereupon, the Bill was given its Second Reading.

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

Senate Amendment "A", Filing No. S-398, was Read.

On motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Adoption of Senate Amendment "A".

The President laid before the Senate the third 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 26, 1970 by Senator Minkowsky of Androscoggin.

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 and Members of the Senate: Once again, I think we should defer debate on this item until we have the companion document before us. I note that it is not on the House Calendar. It has been in the Research Office for several days and I had hoped that it would be before us today or tomorrow.

This is a bill dealing with a very serious issue. I think that we ought to consider it in its full context, and discuss both documents at the same time, so that our frame of reference would be the same. Once again, I would ask that someone table this until this afternoon to see what is developing in the other body, in the hope that we can resolve both the issues at the same time.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope that we can take some action on the bill this morning. The bill is very, very clear. It

meets a proven need for an overhaul of our law enforcement procedures in the State, and I think the issue is clear enough for us to take preliminary voting this morning.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document purports to correct what some people claim to be a real problem in our prosecution system. It provides for an appropriation of \$264,000 to subsidize a full-time states attorney system. This would give the authority to the Attorney General to hire, I believe, some twenty-two additional attorneys to represent the State in our criminal prosecutions. It would replace our present elected county attorney system with full-time prosecutors.

The companion bill, which will be before us shortly, I believe, corrects the problem and approaches it in its proper light.

You will recall that last year we enacted legislation which provided for full-time prosecutors in our five largest counties. At the same time we also provided for additional salaries for certain other county attorneys. Following this the county attorneys who were affected by this document complained that it was not necessary to have full-time prosecutors in our counties and that the present system was adequate. We debated this at great length during the regular session. It was the opinion of both bodies of the legislature that, first of all, there was no need for full-time prosecution statewide; secondly, that the state could not afford it at this time.

The problem with law enforcement, particularly with prosecution, is not that we do not possess or do not have full-time prosecutors, but it is that they are not available to the police when they are needed. The presence of a

prosecutor in court on a full-time basis will not solve the problem. The problem is to have them available to the local police when they are needed.

It is my opinion that if this document were passed that we would be doing nothing more than creating our own poverty program for attorneys; that we would be hiring, I assume, young lawyers, because I don't believe that the salary scale would be high enough to attract the competent, qualified, trained trial lawyer to represent the State in criminal prosecutions.

I cannot deny that in certain counties, such as Cumberland, Androscoggin, York, possibly Kennebec and Penobscot, there is need for full-time prosecutors, but we cannot justify full-time prosecutors in counties like Lincoln, Sagadahoc, Waldo, Washington, Franklin, Somerset, and even in my county of Oxford. There just isn't the business to warrant it.

At the hearing there were no statistics supplied to us that indicated that the full-time prosecuting system was any better than the system that we have today. The county attorneys did not appear before us demanding that this law be enacted. We didn't have a series of concerned, disgruntled or disturbed citizens who felt that full-time prosecution was the only salvation for whatever problems we have in the State. Maine is the fourth lowest State, as far as criminal activities are concerned. While most states have experienced a rise in criminal activity, Maine, generally, has held its own, and in many counties there has been a substantial decrease in the number of criminal complaints and indictments. Of course, there has been an increase in motor vehicle violations, because there has been an increase in the number of operators and motor vehicles on our highways.

I think that the only solution to the problem lies with the other document that will be before us today. That document would simply eliminate the prosecutors in our five largest counties as full-time prosecutors, give them additional assistants, additional personnel, to prosecute.

So the pending motion, as I understand it, is that we accept the Majority Ought to Pass Report. I would submit and urge the members of the Senate to reject the pending motion so that this document will be defeated, and we can consider the other document, that has a clear Majority Ought to Pass Report, when it is before us. There is no need for this document at this time. The County Attorney's Association is opposed to this document, the people who are familiar with the needs of the State are opposed to this document, and I do believe that it needs much more study because there is a real philosophical problem here of whether or not we want to have four-year prosecutors, whether or not we want our prosecutors to remain on a local level, whether they should be centralized here in Augusta, whether the prosecutors should be appointed by the Governor or the Attorney General. Now, this is something that should be debated at great length. It was considered at length during the Regular Session and it was rejected at that time. I believe that it should be rejected now. There is no emergency, and the shortcomings, if any, can be corrected and rectified by the other document. I urge all of you to reject the pending motion so that the bill will receive an Ought Not to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Well as I know the good Senator from Oxford, sometimes he really does amaze me. To think that the architect of the fiasco in which law enforcement finds itself at the present time can stand up and tell us what we have just been listening to is a source of amazement to me. We are in this particular situation primarily because Senator Believeau, at the regular session, was the architect of the legislation which is on the books now and, as a result directly that it went on the books, we received the resignations of several county attorneys.

To say that the salvation of the present situation is to await his

additional legislation makes me think that perhaps we could get into a worse situation than we find ourselves now. This incidentally was a bill which Senator Beliveau, with some of his associates, was quite successful in keeping from even being admitted to the 104th Legislature, something which never occurred before in the history of the State of Maine, but it is here. It almost seems redundant to tell this body composed of intelligent men, who know what is going on, the present hodgepodge, the frustration, the mess, in which our prosecuting system in the State of Maine finds itself. It was bad a year ago, and it is a lot worse right now. To give you the facts, Mr. President and Members of the Senate, would open up to everybody in the State a horrible picture and throw our court system, our judicial system, our prosecution system, in worse repute than it is now, and that would be saying something. County after county, law enforcement officer after law enforcement officer, can well be witness to poorly prepared cases, cases that go by default, cases that are thrown out of court. The traffic violator doesn't bother us, but the criminal does. The accused represented by very, very capable defense lawyers, and there is certainly at least one in this body, are able to circumvent the law. They are able to completely frustrate honest-to-goodness law enforcement.

Now, Senator Beliveau has intimated that we are considering a fantastically expensive piece of legislation here. The present total bill for personnel services of the county attorney set-up, including their clerical help, is in the vicinity of \$206,000. Now, this would be a credit against a new charge. Now, the new charge in this bill for personnel services is less than this. It is \$198,000. Along with capital expenditures, and all other appropriations it amounts to \$264,000, so we are talking a net increase of less than \$60,000 in this bill right before us today. So, let's not attempt to throw out this proposal on the grounds that we don't have money to spend, and this is an extremely expensive piece of legislation.

We can't balance \$60,000 against the problems which I have cited to you; certainly I can't. I think that the institution of law enforcement in the State of Maine is years overdue, and I think that the price of \$60,000 is a minute sum to pay for it.

I have regretted all through this that politics has unfortunately been very, very rampant. Is it too much to hope that we can forget politics for a minute? If we need to, can Senator Beliveau forget that the present Attorney General will not be the Attorney General a year from now? Could Senator Beliveau perhaps support this legislation with the full knowledge that the present Attorney General will not be the one to appoint the full-time district attorneys? I hope so. This is a significantly needed, overdue step in this direction. I would certainly hope that we would support it, casting politics all aside. I would ask for a roll call, Mr. President, when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: As the Senate may recall, I had sponsored a bill at the regular session of the Legislature calling for a full-time district attorney system. At that time I believe, I stated that I had been interested in the problem for a long time, ever since we passed the original district court system into law, and I felt that the district attorney system would be eventually forthcoming.

It was my misfortune to have sponsored the bill, I suppose, at a time when we had some of our members so incensed at the creation of a hierarchy for some other people as to make opposition to my bill, when probably in normal times these people might have seen the wisdom of an appointive district attorney system and have supported me in that endeavor.

When I was notified of the Special Session coming in this January, I labored under the misapprehension that we were going to deal with emergency legislation

and, consequently, I did not, of course, pursue any further my district attorneys' bill for this session, although I believe I will have it back for the next regular session.

The legislation involving the attorneys system in the State of Maine received probably as much debate and attention at the last session as any individual item. I felt it was certainly well debated, and I felt disappointed that something couldn't be done. But, in any event, the matter did receive considerable attention, and focusing our attention on that bill, I believe, that probably in the next session we will be able to accomplish something. I do not believe that this is the time to try to undertake a considerable change such as this.

I was quite amused, if that is the proper word, when I first saw this particular bill because it only runs about three pages, and the original legislation, I believe, probably ran twenty-odd pages. It was a very long document, and it makes me wonder how this turning of our prosecuting system over to the Attorney General can be done so quickly, when it would take so much legislation in the original session.

I would just say that I do oppose the consideration of this bill at this time. If it happens that when we discuss the pending county attorney bill, which I believe will be forthcoming, possibly then we can take another look at this particular aspect of the prosecuting proposal, but I would certainly hope that at this time we would not pass this bill. And, of course, I think Mr. Beliveau has made a very reasonable request when he asked that the matter be tabled until we did receive the other bill.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: When I opened the flood gates on the Portland Ferry matter with my plea for conservatives among the part of the Senate, I was fully aware that I was going to be speaking on an additional

expense by the State of some \$60,000. Primarily because I believe that this is indeed of crucial importance to the State, I will try to offer, if I may, substantial arguments concerning this matter.

Presently we have, as you well know, county attorneys in every county. Some of them are grossly overworked, to the point where they simply cannot perform their functions. In other counties we have county attorneys that are grossly underworked. It seems very difficult, under the present county attorney system, to get a uniformity of work load of quality among the county attorneys. Furthermore, with each county attorney operating in his own little bailiwick, there is no uniformity of prosecution across the State. There is no communication, or little communication, between these guys. If a county attorney in one of our northern counties runs into a problem, a constitutional problem perhaps, or some other problem of law, his colleagues in the southern part of the State may not know a thing about it.

By going to this system, we are providing what amounts to a pool of prosecution for the State, and these prosecutors would be sent into those areas on the basis of need. Now, as I understand it, there is very little employment for the county attorney in Washington County, and in this case they would get the amount of help out there in Washington County that they in fact need, whereas, in those Counties where the men are pushed against the wall, they would get the help that they need.

When you have a pool system like this, you're going to have training for these men. It's not going to be a catch-as-catch-can set-up where a fellow comes out of the law business, perhaps successful, perhaps not, and runs for county attorney and does things his own way. These men will be trained, they will understand the law, and they will also help them with this very real problem, which prosecutors and attorneys everywhere have, of knowing what is new, what is happening now, what is recent, not only in the State de-

decisions, but in Supreme Court decisions. This, of course is an enormous burden, as every legal counsel can tell you. I am trying to think somewhat of the differences between the attitudes of our railroads and our airlines. In the aerospace industry if something is old, it is suspect. In the railroad business if something is old, then it has status. Our county attorney system is old and it is creaking under the times, and it is creaking under the type of work that is being thrust upon it. It's a fact that if a person is in trouble he can shop around to get the best defense that he can afford. Frequently, if he cannot afford any, he gets better yet. Whereas, in our counties, the police have to go with what they've got, good, bad or indifferent. And I tell you that the quality of law enforcement in this State, particularly in some areas, is deteriorating to the point where your police departments are demoralized, where the criminal and semi-criminal element, who are fully aware of this, are assuming an arrogance, and where our public is truly suffering. My people, the people that I know, are alarmed and they want something done.

Now this matter has been talked to death, it has been studied to death. We know all about it, we know the problems, and I say now is the time to go. If we don't do it now, we're going to have another county attorney election, and we're right back in the same spot again. If we do it now, then this law will go into effect January 5, 1971. Present county attorneys will get a six-months extension and they will be phased out, as it were. In other words, you're not going to have a blanket overthrow of the entire set-up.

I would submit to you that the prosecution on behalf of the people of this State should be conducted on the basis of ability, and not on the basis of popularity or party affiliation. Mr. President, thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by the Senator from Washington, Senator Wyman, to Accept the Minority Ought to Pass Report of the Committee.

The President laid before the Senate the fourth 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 26, 1970 by Senator Hanson of Kennebec.

Pending — Acceptance of Report.

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

Mr. Holman of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A" was Read.

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

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

SENATE REPORTS — from 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) Majority Report, Ought to Pass with Committee Amendment "A" Filing S-387; Minority Report, Ought Not to Pass.

Tabled — January 26, 1970 by Senator Katz of Kennebec.

Pending — Consideration.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Consideration.

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1440) (L. D. 1815) from 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)

Tabled — January 26, 1970 by Senator Cianchette of Somerset.

Pending—Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was 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.

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

Senate Amendment "A", Filing No. S-397, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

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

Bill, "An Act Relating to Subpoena Power for State Employees Appeals Board." (S. P. 570) (L. D. 1697)

Tabled — January 26, 1970 by Senator Violette of Aroostook.

Pending—Enactment.

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

Mr. VIOLETTE of Aroostook: Mr. President, might I inquire through the chair of the Senator from Kennebec, Senator Katz, whether anyone has imparted to him the information that he felt he would like to have regarding this bill and its necessity. I don't know if anyone has talked to him or if he has talked to anyone since this matter was tabled.

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to the Senator from Kenne-

bec, Senator Katz, who may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I guess the most persuasive answer I can give is to move the pending question.

Thereupon, this being an emergency measure and having received the affirmative votes of 25 members of the Senate, with four Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

SENATE REPORTS — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-392.

Tabled — January 26, 1970 by Senator Duquette of York.

Pending — Acceptance of Either Report.

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

Mr. SEWALL of Penobscot: Mr. President, would the Chair refresh my memory as to the signers of these reports?

The PRESIDENT: The Secretary will read the reports.

The SECRETARY: The Ought Not to Pass Report was signed by Senators Sewall, Duquette and Dunn, Representatives Bragdon, Benson, Birt, Sahagian and Lund. The Ought to Pass Report was signed by Representatives Martin and Jalbert.

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

Mr. SEWALL of Penobscot: Mr. President, thank you. I now move acceptance of the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, now moves acceptance of the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document experienced a rather unusual course prior to its arrival here today. I introduced this bill at the request of the Board of Trustees of the Canton Water District and the Board of Selectmen of the Town of Canton.

Last year the State Highway Commission expended approximately \$800,000 to rebuild Route 108, or at least 1.8 miles of Route 108 which passes through the Village of Canton. Prior to the reconstruction and relocation of the portion of Route 108, the Canton Water District had its water pipes, lines and so forth, running parallel to the old Route 108 and, as a result of the reconstruction they were forced to expend approximately \$15,000 to relocate their water lines.

Prior to the beginning of construction a public hearing was held in Canton, and the highway engineers did confer with the trustees of the Water District to determine exactly where the water lines were. Now, I think it is important for us all to remember that we are dealing here with the Canton Water District; not with Bangor Hydro Electric, not with Central Maine Power, and not with any of the other larger utilities in the State of Maine. Canton is a town of approximately 700 people, located in the rural area of Oxford County. The Canton Water District serves 107 customers. They employ no full-time personnel. Last year their total income, from hydrant rental and residential and commercial, amounted to \$8,800.

It appeared, as construction progressed, that certain of the water lines had to be removed. This was not anticipated at the time that the construction was begun, but apparently there was some dispute as to exactly where the water lines were located. In any event, as a

result of the highway construction, the Water District had to relocate the lines, had to purchase several hundred additional feet of pipe, and so forth, and incurred an expenditure in excess of \$15,000.

Under our present law, the State Highway Commission is not required to reimburse utilities for costs incurred in relocating these utilities as a result of intrastate construction. There is a provision, however, to reimburse all utilities for damage done in interstate construction. This means that if Route 108 was a federally funded interstate highway then this bill would not be before us. Because of this anomaly in our laws, where we do reimburse utilities for relocation costs and other expenditures related to highway construction in interstate, we must necessarily appear before you today.

The alternative is that if we do not succeed in acquiring the monies we are requesting here today — the bill asked for \$13,000, but the actual out-of-pocket expense exceeds \$15,000 — the consumers or the subscribers to the Water District would be faced with a 30% increase for residential, commercial and hydrant use. This would require the Water District to petition the Public Utilities Commission for a substantial rate increase, a 30% rate increase.

Incidentally, this bill initially was referred to the Committee on Highways, at which time I had the members of the Board of Trustees of the Canton Water District in attendance. They testified at length as to what the historical course of this project was, that if they had known that they would have been exposed to this additional expenditure they would not have consented to the reconstruction of the highway. This is another example where the highway dissected the village. There was some suggestion that they could easily have circumvented the village and avoided this additional expense. But the question before us, the issue before us, is whether or not, after expending in excess of \$800,000 for highway construction of 1.8 miles of road, whether we should reimburse the Town of Canton for expenses incurred as a result of highway construction. It cannot be denied that

there is a moral obligation here. It cannot be denied, but for the highway construction, the Canton Water District would not have been exposed to this expenditure.

Also, incidentally, I think it is fair for me to say that this received a favorable report from the Committee on Highways, but because of the constitutional prohibition which would prevent this money coming from the highway fund, out of courtesy to the Appropriations Committee, it was in turn referred to them. I was asked to appear before the Committee and I did appear. I did not have with me any of the witnesses that I had at the time of the initial hearing because I thought that this was going to be more or less of a pro forma hearing. The Highway Commission was represented by its Assistant Attorney General, engineers, and so forth.

The contrary argument raised by the opponents is that this establishes a very dangerous precedent. I don't believe it does. I say that if other small utilities are in this position, if they are damaged by highway construction, then they should be compensated. They should appear here before us and be entitled to be reimbursed for their expenses. We spend millions upon millions of dollars for highway construction during the course of which, as reflected by the vote last year on the referendum, the highway bond issue, the Highway Commission and the State have successfully alienated and antagonized many of our citizens.

It would be absolutely impossible for me to return to Canton and tell the Trustees of the Water District and the Board of Selectmen that the Legislature sympathized with their plight, that if the money came from the highway fund we would certainly give it to them, but since it must come from the general fund, there is something sacred about this approach and, therefore, they should not be compensated. It would be impossible for me to distinguish for them so subtle a legal difference between the highway fund and the general fund.

The Canton Water District has been damaged and hurt by the acts

of the Highway Commission, and they should be compensated for it. As I said earlier, we are concerned here with a utility, a very small utility that serves approximately 110 or 115 customers — 107 to be exact. We are not confronted here with a problem where one of our large utilities is exposing the State to a substantial expenditure. I say that morally they are entitled to be reimbursed, they are entitled to be compensated. I urge the members of the Senate to reject the pending motion to accept the Ought Not to Pass Report so that this bill will receive favorable consideration by this body.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I don't think I committed myself as to which way I would vote on this matter. As I remember it, we had a lot of sympathy, but no executive session. We didn't make a decision on this bill. The only thing we did do was refer it to the Appropriations Committee after we found out that we couldn't pay for the damage to the Canton Water District.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I hesitate to debate an emotional issue such as this with my good friend, Senator Beliveau, and I can certainly appreciate his concern for the people in Canton, but I would refer to his statement that there is a precedent here, and we on the Appropriations Committee, at least eight on the Committee, felt that this was an extremely dangerous precedent which could involve thousands upon thousands of dollars over the years to come with the type of highway programs that we have here in the State.

Now, these facilities were built in the right - of - way, not outside the right - of - way, but in the right - of - way of the road. And if we start to reimburse on the intrastate program any utility, be it large or small, and I don't think

it is our purpose here to distinguish between the Canton Water District and Central Maine Power Company — I don't think that we can possibly make these judgments on a balance sheet as is—and I think the precedent is dangerous, if you think about relocating utility poles, if you think about gas lines, if you think about water lines. This is the reason, even though we were very sympathetic with the good Senator's cause, and with the good people in Canton, we did vote, the majority of us on the Appropriations Committee, Ought Not to Pass on this measure, and I hope you would support us.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I have just one final comment on the precedent that we may be establishing here. I have reviewed the L.D.'s that are on the Appropriations Table, and I supported many of them, but to say that this would be establishing a precedent would be an understatement, because we are establishing precedents every passing hour that we are in session here. I didn't object to good Senator Sewall's bill to appropriate funds for providing shade trees to the Forestry Department. I think probably it had a lot of merit, but whether or not this is precedent setting is another issue. I supported a bill which would have provided an outright grant to the City of Portland for the new ferry, and certainly this is precedent setting. We could review every document that is on the Appropriations Table, and I think most of them are establishing a precedent, so I don't think that argument is very convincing, and hope that you will defeat the pending motion.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I guess my only comment would be that some precedents you like, and some you don't.

The PRESIDENT: The Chair recognizes the Senator from York,

Senator Logan.

Mr. LOGAN of York: Mr. President, I would direct a question through the Chair to the Senator from Oxford, Senator Beliveau. Do I understand that these water pipes were laid within the right-of-way at the time that they were put into place?

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: There is statutory authority which permits utilities to locate within the right-of-way. Our law today presently permits all utilities, particularly water utilities — I assume this would apply equally to sewer districts and others — to locate within a right-of-way, so they are there by right of law, not by sufferance by the Highway Commission. They are there because they are entitled to be there.

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

Mr. BERRY of Cumberland: Mr. President, I apologize, knowing the Chair's desire to recess at the moment, but I find myself, as usual, walking arm in arm with my good colleague, Senator Beliveau, sharing his same viewpoints.

The matter of Canton — I take exception to the statement of Senator Sewall — is properly an exception and not a precedent. It happened to be sitting in my chair here inadvertently overhearing a conversation between the Senator from Waldo, Senator Greeley, and a member of the other body who was a member of this committee when the bill had not been heard. The good Representative said "\$13,000, you could buy the town for \$13,000." I immediately interjected myself into the conversation, and I said "No one could put more plainly the merit of the bill. Yes, you can buy the Town of Canton for \$13,000. How is the Town of Canton

going to pay the \$13,000 bill? This is the problem.

Here are 107 people — and I think when the system was built in 1956 — and I was intimately associated with that — I think there were about 100 people, who bonded themselves over \$100,000 to construct this little system. This was done, I recall very vividly, in a spirit of community betterment, a spirit that "We have a lovely town, and we want a water system." It is, to my knowledge, the smallest, newest water system in the State of Maine, and I know the economic situation in Canton, as faced by these people, is probably no better today than it was 13 years ago when the system was built.

I see no dangerous precedent here. I have inspected the area since the highway did the work, and it is the typical broad swath through the center of a lovely town of asphalt pavement. To some of our viewpoints, it might be a little excessively wide, a little excessively over-engineered, certainly an excessively large number of trees cut in a beautiful Maine community, I know that, by the Highway Commission. The pipes were installed properly and legally, as Senator Beliveau has said, but the Highway Commission found it necessary to do their work in such a way that this small town was put to a tremendous financial expense.

It would seem to me to be highly in order to pass this appropriation to the Appropriations Table and, as was intimated by Senator Beliveau, initiate action to correct this anomalous situation. If this were a federal highway, an interstate highway, we would get ninety per cent of the cost of just exactly what we are asking for today. And, as has been stated, if it was Portland, if it were Augusta, or even Rumford, or something like this, \$13,000 or \$15,000 could be absorbed with no trouble whatsoever. But here is a little community of 107 customers that have been really put upon. I don't think we are asking too much to appropriate or try to appropriate, if we have it left at the end of the session, this small amount of money.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, to accept the Majority Ought Not to Pass Report of the Committee on Resolve, to Reimburse Canton Water District for Costs of Relocating Pipes because of Highway Construction. A division has been requested.

As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Sewall, to accept the Majority Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Minority Ought to Pass, as Amended, Report of the Committee was Accepted and the Resolve Read Once.

Committee Amendment "A", Filing No. S-392, was Read and Adopted and the Resolve, as Amended, tomorrow assigned for Second Reading.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Recessed until 3 o'clock this afternoon.

(After Recess)

Called to order by the President. The President laid before the Senate the ninth tabled and specially assigned matter:

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

Tabled — January 26, 1970 by Senator Wyman of Washington.

Pending — Passage.

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

Mr. KATZ of Kennebec: Mr. President, it is my understanding that the proponents of this store are meeting directly with the Liquor Commission. On that basis, I see no useful purpose for this

order, and I move it be indefinitely postponed.

Thereupon, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Clarify and Amend the State Housing Authority Law" (S. P. 642) (L. D. 1813)

Tabled — January 26, 1970 by Senator Moore of Cumberland.

Pending — Adoption of Senate Amendment "A" S-393.

Thereupon, Senate Amendment "A" was Adopted, and the Bill, as Amended, Passed to be Engrossed.

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

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

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

Tabled—January 26, 1970 by Senator Violette of Aroostook.

Pending—Adoption of Senate Amendment "A", Filing S-394.

Mr. Katz of Kennebec then moved the pending question.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I was just detained outside — if the Senate will give me the benefit of one moment's notice to recollect my papers here — With regards to this bill, Mr. President and Members of the Senate: We are here primarily concerned with Section 2 of the new draft, which is 1804. You have the amendment, which is under Filing S-394, introduced by Senator Katz, which has the effect of striking out all of the second part of Section 2 of the bill, which has to deal with the ability of the ETV station network in Maine with regards to the dissemination or carrying of political programs. Under Senator Katz's amendment, this would leave the law as it is which, I think, in my judgment, creates a rather unrealistic situation with

regards to what this station can carry in the matter of programs or news.

Now, I hope that this amendment will not prevail, and I have prepared another amendment in lieu thereof, which is under listing 400, and which I would like to read at this time. "The Maine ETV network shall neither accept advertising nor engage in editorializing, nor support or oppose any candidate for political office, and shall in all respects operate under the rules and regulations of the Communications Act of 1934, and the Federal Communications Commission." This is what I would like to have inserted in lieu of the present provision.

I personally was not in the legislature at the time that this provision, as it now stands in the law, was implemented into our statutes, but it is my judgment that it is not realistic. If information that is given me is correct — and if it is not correct I will bear correcting — the ETV network today finds itself in great difficulty in interpreting what it can show or what it cannot show in the line of political programs. I am told that it did not carry, and could not under the present law, carry the President's message of last evening whereby he gave his reasons for vetoing one of the congressional bills in regard to the Health and Welfare Bill. They could not have shown this, and they were unable to show it, because there were political implications in it. I am also told that they have been told by legal opinion that even a program that we saw last week, where Governor Curtis, Senator Katz, Representative Richardson and Representative Levesque appeared on an hour's program, to give their views and discussion of general matters before the Legislature, that even this type of a program, which is more informative than actually trying to convince anyone that this type of legislation or that kind of legislation should or should not pass, cannot legally be presented over ETV. When they do present these programs they get continual threats or questions that they are acting outside of the law. I am

also informed that many, many very good and politically informational programs that don't represent one position or another, and carried by the National Educational Television Network, cannot be shown on our own network because of this restriction.

I personally am not interested in advocating that our educational television network become available for this candidate or that candidate or to the advantage of anyone in advancing candidacies or things of that nature, but I think that realistically, and in a mature way, I think we ought to allow this very, very valuable television network, which I think nationally has become recognized as perhaps one of the leading, very far ahead of our actual other networks in impartially and very candid, and non-partisan manner, presenting political views before the people of the nation for their consideration. It is in this nature that I oppose the amendment presented by Senator Katz, and I hope this Senate would defeat it. If this amendment is defeated, then I would like to have adopted the amendment which I propose. I think the amendment which I have proposed is the law that applies today with regards to political action, to every TV nation and every network in the country and it seems to have worked out well in all of those areas. I think that this would be the more mature way, in my judgment, of approaching this subject. For that reason, I hope that the motion by the Senator from Kennebec, Senator Katz, the adoption of the amendment, under Filing S-394, will not prevail.

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

Mr. KATZ of Kennebec: Mr. President, I think you are aware of the fact that, frankly, I don't like the amendment that I have proposed, but I am more anxious in the integrity of the whole bill than I am in just one phase of it, and I am absolutely convinced that this bill cannot receive favorable passage in this Senate unless this amendment passes.

I noticed that the Senator from Aroostook, Senator Violette, has a proposed amendment, Filing S-400, and I would urge the Senate to adopt mine, which strikes out all reference to ETV, and then face the situation as it comes up with Filing S-400. On that basis, I ask you to support my amendment, and I request a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was in the 99th Legislature when this was passed. And the reason that it did get passed eventually in the special session is because these rules and guide lines were inserted in it. It never would have been passed without these rules and guide lines to keep politics out of ETV. This was strictly for education for the schools, and not for politicians. I would certainly support the motion of the Senator from Kennebec, Senator Katz.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A" to Bill, "An Act Clarifying the Laws Relating to the University of Maine." As many Senators as are in favor of adopting Senate Amendment "A" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and ten Senators having voted in the negative, Senate Amendment "A" was Adopted.

Mr. Violette of Aroostook then presented Senate Amendment "B" and moved its Adoption.

The PRESIDENT: The Senate will be at ease for a moment. The Chair wants to see if there is any conflict between the two amendments.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair believes the Senate should be informed that the adoption of

Senate Amendment "B" nullified completely Senate Amendment "A" and adds new language. The Secretary will read Senate Amendment "B".

Senate Amendment "B", Filing S-400 was Read.

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

Mr. KATZ of Kennebec: Mr. President, what this amendment does is put the Maine Educational Television Network under the FCC. It is presently under the FCC, and I approve of this. It actually broadens their powers to get into public events programs, and I approve of this. I approved of the bill as the Senator originally wrote it, but my responsibility is to get the whole bill passed, and I think that for our purposes here today, that this amendment is a burden on the bill. Reluctantly, I shall vote against this amendment and, hopefully, we will pass this bill to be engrossed without it, and send it down to the other end of the corridor for a reading down there. So, I urge you to vote against this amendment today, and I would ask for a division.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: If the amendment is a good one it ought to be adopted by the Senate, and this is what the Senate here today ought to decide, whether it is a good amendment and whether it feels that it ought to be adopted. If it is adopted, then the bill comes out of this branch, as amended, whole with this amendment, and then goes to the other branch. Then I expect that they are free to do there with it as they so desire. If they there feel that any part of it, this Section 2, or any other part, is not acceptable to them, then it is up to them to determine whether or not they want or like this amendment, or any other amendment, if it is in the bill when it reaches them. I think what this Senate here has to do is to decide whether this is a good rational reasonable amendment to the bill and, if it is, it ought to be adopted

and then see what happens in the other branch.

The PRESIDENT: As many Senators as are in favor of the adoption of the Senate Amendment "B" will please 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 fifteen Senators having voted in the negative, Senate Amendment "B" was not Adopted.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, is the Senate in possession of Senate Paper 637, Joint Order, relative to the Investment of State Revenue Funds?

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

Mr. MINKOWSKY: Mr. President, I now move that the Senate reconsider its action whereby this order failed of passage and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate reconsider its action whereby this Joint Order failed of passage. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Very briefly, I would just like to reiterate on four points that were discussed yesterday, but possibly need a little further clarification.

Presently the dedicated funds from Fish and Game are generating approximately \$30,000 in interest, which by law reverts to the general fund in the State of Maine. The second point I would like to clarify is that over the last six years a large amount of Fish and Game dedicated funds have been spent in the area of search

of lost persons in the State of Maine. A small amount of this has been returned to Fish and Game. There is an estimated balance still due Fish and Game of approximately \$60,000. Now, according to the third point, the administration wants to ask rental from the Department of Fish and Game of approximately \$23,000 for office space. The final point I would like to reiterate on is that meanwhile, if we have a peculiar or dry season here in the State of Maine, and licenses are not sold to the expectation of the Department, you have to bear in mind that the expenses of the department still go on.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is Passage of Senate Paper 637.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its previous action whereby it passed to be engrossed Bill, "An Act Amending the Municipal Public Employees Labor Relations Law" (H. P. 1410) (L. D. 1776).

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

Senate Amendment "A", Filing No. S-404, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Ought to Pass - As Amended

Bill, "An Act Relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1666).

Pending—Acceptance of the Committee Report.

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

Mr. TANOUS of Penobscot: Mr. President, it is my understanding that the bill was tabled for someone to prepare an amendment on this bill. Apparently it hasn't been

done, so I would appreciate it if somebody would table this until tomorrow. The reason I say this is because apparently the law is in conflict, and I would appreciate it if somebody would table it until we iron it out.

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

Mr. KATZ of Kennebec: Mr. President, if the law is not in proper form it should be tabled, but I felt that we had some ground rules and that amendments would be prepared in between sessions. I hope that the amendment in question is in the process of preparation. I would presume we have at least another half hour here today, and if this can be disposed of by being tabled until later in this afternoon, I hope that somebody would do that instead of losing a whole day on it.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled until later in today's session, pending Acceptance of the Committee Report.

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

Ought to Pass in New Draft

Bill, "An Act to Appropriate Moneys for Necessary Non-recurring Items for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 557) (L. D. 1632).

Pending—The Adoption of Senate Amendment "A".

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would like to inquire from members of the Appropriations Committee here whether or not Senator Hoffses this morning indicated that by error, somehow or other, this had been left out of the Governor's call with regard to the money requested for airport construction? I would like to know from the members of the Appropriations Committee if they have had any conversation or if

they have any information on this particular score. I would not want to jeopardize the bill now in Appropriations by the additions of airport money for construction that have not received hearings and that we get to see here for the first time today, but I would like to know whether or not any information has come to them that there was any inadvertence or this was otherwise left out of the appropriations bill, that was heard by the committee, by mistake or error on somebody's part.

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

Mr. SEWALL of Penobscot: Mr. President, in answer to Senator Violette's question, we did not hold a public hearing on this airport matter, but from all the written information we have got since this was called to our attention, it seems quite apparent that it was a matter of one hand not knowing what the other hand was doing. Apparently everybody thought that somebody was submitting this item, and nobody did, so it sort of got lost in the shuffle. The information that we have is that this money is essential to getting EDA loans and federal loans of other types, and that the project is a worthy one and right up on the same order of priority and necessity as the other three or four airport items on the appropriations bill.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I suppose, in between, I should have possibly done more work on this, but I would like to direct another question to the Senator from Penobscot, Senator Sewall. It was my understanding that the one airport which had federal funds was the Presque Isle Airport, that the federal government had, I think, postponed the withdrawal of these funds until sometime in February. Now, I didn't have a chance to look this up, but I assume from what he said that there are other airports included in this L. D. I would also ask the question, or the question

that I would like to ask, whether or not there are federal funds involved as far as this particular airport is concerned.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, has posed a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, on airport construction the federal agency that is usually involved is the FAA. It is my understanding — and this is the first time that I have run into this but that the EDA, the Economics Development Administration, has some \$400,000 that they have pledged to this project. It is an unusual project, and it is quite apart from the usual projects of runway lengthening and improvement. It is my understanding also that there is a substantial amount of local money and county money involved in this project.

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

Mr. BELIVEAU of Oxford: Mr. President, as I understand it, the amendment would provide for a substantial appropriation for the Knox County Airport. We haven't received any representation, so are we to understand that there are federal monies that are dependent upon this appropriation, whether it be EDA, or FAA, or CAB or anything else? Or are we going to pass upon an appropriation here that has not received a public hearing? Too frequently in the past few days we all have been accused of circumventing the various orders, of using other means, to get items before the legislature. Now, this is a substantial expenditure, and unless someone can tell me today that there is federal monies, or state monies, or county or municipal monies that will be available, I don't see how we can in good faith support this amendment at this time.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In answer to the good Senator's question, I can definitely

answer in the affirmative, there is federal monies that are involved. The expiration date is June 30 of this year so, therefore, we are very much concerned. I would call your attention to the matter that was very recently passed, and signed by the Governor, authorizing the county to borrow some \$125,000 in conjunction with this project. I can proudly say that we are willing to contribute our own money to this cause, and we therefore have asked for this \$125,000 which is not going to burden anyone outside of Knox County in this matter. Again, I answer in the affirmative the question of whether there is federal monies involved, a substantial sum.

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

Mr. SEWALL of Penobscot: Mr. President, I move this item lay on the table until later in today's session, which will give me a chance to go downstairs and get the figures for the good Senator from Oxford, Senator Beliveau.

The PRESIDENT: The Senator is out of order; he is debating a tabling motion.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A".

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

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

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

Bill, "An Act to Implement the Powers of Municipal Home Rule" (S. P. 555) (L. D. 1630).

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Yesterday, there was quite a bit of debate on L. D. 1630 relative to the number of signatures required to bring about a change in a charter.

Now, I have prepared two amendments, which I am going to offer, which will give the Senate an option as to what method of approach they want to adopt to home rule. In one area, where it says that you require 30 per cent on signatures, I have requested in my proposed amendment to reduce this to 20 per cent. I am only presenting this amendment because I feel that if there is enough support for such a reduction on signatures required then let it be enacted. I personally feel that thirty per cent is not a bad figure, but if there is enough strength to reduce that to twenty per cent and if this would make it more acceptable to the majority, then I want to give you an opportunity to vote on this.

I have also prepared another amendment which will require at least twenty per cent of the people voting at this election, twenty per cent of the people that voted at the last gubernatorial election, to vote for the proposed charter amendment, so that this would make these areas similar. In other words, you would need twenty per cent signatures, and also require twenty per cent of the registered vote of the last gubernatorial election to appear at the polls to vote either for or against. If you don't have twenty per cent to vote on a proposed charter amendment, then the charter proposal would be defeated, or would not be enacted into law, even though it had been voted for.

So this will give the Senate at least an opportunity to express their feelings in either direction.

I now offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, offers Senate Amendment "A" and moves its Adoption. The Secretary will read the Amendment.

Senate Amendment "A", Filing No. S-405, was Read.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I first would like to congratulate the good Senator from Penobscot, Senator Tanous, for submitting this amendment that he has before the Senate this afternoon. I am completely in agreement with the figure of twenty per cent that he has submitted in the reduction from thirty per cent in the number of signatures that must be placed in the petition to start a change within the charter. However, within the second part of this amendment I find a little difficulty. Again, I feel there is a problem because of the fact that there is such tremendous apathy within our local government, as I stated yesterday, that I would much rather see the figure of twenty per cent of those individuals who vote on the adoption of the new charter being increased to thirty per cent. In other words, the petition to be initiated by referendum by twenty per cent of those people who voted in the last gubernatorial election, but for the approval of a charter, once it had been submitted to the people, at least thirty per cent of those people who had voted in the last general election of gubernatorial election, to give credence to the adoption of that charter.

So, I hope that I am right in asking the Senate to adopt the amendment that is presently before us, so that I may have an opportunity of submitting another amendment which I stated will increase the adoption of the charter by a figure of thirty per cent.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate that Senate Amendment "A" to Bill, "An Act to Implement the Powers of Municipal Home Rule", be Adopted?

The motion prevailed.

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

Mr. TANOUS of Penobscot: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A", and this is the

amendment that I mentioned that will now require that a majority of the ballots cast on any question under subsection one regarding the new charter, or charter revision, provided that the total number of votes cast for or against the question equals twenty per cent of the total votes cast in the municipality at the next previous gubernatorial election.

This is the one where Senator Conley of Cumberland would want thirty per cent rather than twenty per cent. I merely offer this to give the Senate an option, if they wish to adopt the twenty per cent rule rather than the thirty per cent rule, which Senator Conley from Cumberland is going to introduce. Again, it is up to your discretion, and I don't have any feelings one way or the other on it.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-402, to Committee Amendment "A" was Read.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think this is where I find my area of disagreement with the good Senator from Penobscot, but apparently there is no area of disagreement as far as he is concerned.

To be honest with you, I really don't know what the sacred figure is that we should be inserting here as far as the adoption of any charter once it has been submitted to the voters. I think, as I have tried to outline earlier this afternoon, and again yesterday, the fact that there is such tremendous apathy within our local governments that it really is discouraging to see, when you pick up the papers, that a total of something like 14.7 per cent of the people have voted in

our municipal elections. I think this is not only saddening to me, but I think it is saddening to everyone who does play some sort of a role, whether it is that of political hack or whether it is one of an interested citizen within government itself.

My only hope would be that we would not adopt this amendment that is presently before us so that I could have an opportunity of submitting Senate Amendment "B" that I have here, which would increase that number to thirty per cent, to see if there isn't something that we can actually do to stimulate more action and more activity within our local governments, and to get some sort of a broad-base citizen participation to at least turn out to the polls to show that they have some form of interest in these charters.

I am afraid that the power of government can lay in the hands of a very few people, and at least this is one safeguard, by bringing it up to at least thirty per cent, that I think, at least in this case, it would give some sort of a sign that people have been listening. But I think that twenty per cent is really very, very low number and low percentage for any charter to be approved by. I would hope that the Senate would not adopt the amendment that is presently before us.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A" to Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In order to be completely impartial about these two proposed amendments, I think I ought to bring out what Senator Conley from Cumberland mentioned could also work in the reverse. Because of apathy in the communities, you may well have many proposed charter amendments that would never be enacted because of apathy. This could actually work in reverse and create chaos in that manner, because your local fathers might feel that they owe it to the people generally. They may feel

that we should have a particular amendment in the charter and yet, because of failure of the people to turn out at the polls, thirty per cent, that is, of the last gubernatorial election, you may well have failure on the part of a proposed amendment which is really needed. So, this can work both ways; it is a two edged sword.

Which way do you take? Do you stay with the twenty per cent figure or do you adopt thirty per cent? That is quite a question, and all I can say is that perhaps in your own district, and your own mind, you can perhaps better judge as to the number of people that do turn out at the special election and be able to determine whether you ought to vote for or against the twenty or thirty per cent. That is the only way, I think, that one can really honestly figure whether the twenty or thirty per cent is best adapted to your situation. In Portland, for instance, I would imagine that you would need in the area of 9,000 votes on the thirty per cent, or somewhere around that figure. In my community you would need 300, and we have never raised 300 votes at a special election since I have been there, so it is really difficult.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think this is lovely if this is what it is all about. We are bringing back home rule to the people and we are setting up guide lines. What we are telling them, in fact, is that they have got to show this interest. Perhaps we should even further amend the bill on any charter revisions to insure not only a thirty per cent vote, but perhaps a forty, fifty, or even a sixty per cent vote by the municipality that these charters should go out to referendum in the general election when, I am sure that everybody would agree, a vast turn-out of the local citizens always show up at the polls. I know when I got back again just into last December, our last municipal election, that I think there was something around nineteen per cent of the people turned

out. The year before was 14.7. The year before that it was a little over fifteen per cent.

I am against apathy in government, and if people can't take enough interest, if we can't stimulate enough interest to get at least thirty per cent of the people out, then I don't think that there is really any amendment or any charter that should even be considered going before the people, if we can't stimulate interest in at least thirty per cent of the registered voters, or the number of people who voted in the last gubernatorial election. So, Mr. President, at this time I would move the indefinite postponement of the amendment that is presently under consideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Yesterday I got up before the Senate and expressed some reservations with regards to the home rule bill as it was then drafted. I have had the opportunity to talk to members who were on the commission and on the committee who made the initial study, and who had something to do with the drafting of the bill. Several items of my concern were resolved then.

Some of the points that I raised yesterday are the ones that are being discussed today. After the session, I had an opportunity to talk to Senator Conley, Senator Tanous, and the members of the committee who drafted the bill. My concern was with the imbalance and some of the percentages. Senator Tanous says that he doesn't know exactly how it is going to turn out, and I guess none of us do. Some of the reservations that I had, first of all, was the imbalance that I felt the municipal officials, by a majority vote, could initiate a referendum commission to either present a new charter or amend the present charter, and at the same time we were requiring an affirmative vote of thirty

per cent of the voters to initiate the same change. I felt that this was substantially out of balance, a way out of balance in favor of the municipal officials over the voters. I see that this has been reduced to twenty, and I think that this is fine with me.

Another matter that I brought up is that while they were requiring an affirmative vote of thirty per cent of the voters to allow consideration of a new charter, or amendments to a charter, we were requiring no percentages at all on final acceptance of the proposed charter changes. This has been at least remedied in part by figures submitted here today, a twenty per cent vote by the voters to accept the charter change or the amendment while yesterday we had no percentage at all. Two per cent of the voters could finally have enacted this change, and I felt that this was not proper. My own inclination is that we should require a larger percentage of the voters to finally approve a charter change than we should require to initiate consideration in the first instance. If we are going to require or allow twenty per cent of the voters to allow consideration of a new charter, or an amendment to a charter, I think it would be only proper that a larger percentage be required to give final approval. In that respect, I have no idea at this point just how high a percentage we should have, but my inclination is that, once having adopted a charter, I think we should make it firm enough that it cannot be capriciously toyed with, so that you have circumstances of one group or another coming in every year or two and wanting to initiate charter changes to suit their own purposes. I think final approval should be by a sufficient number so that we don't allow this to come into play. I personally would prefer thirty per cent final approval of the voters for any new charter or charter amendment, and I would prefer to go along with the amendment that is going to be proposed by the Senator from Cumberland, Senator Conley. I offer that as a step towards stability in municipal government rather than just saying that one number is just as good

as another. I think we should have a fairly high number of voters approving charter changes.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I hate to keep getting up and bringing up instances where the thirty per cent rule might well cause a lot of problems. I can think of situations when a board of selectmen might feel that there should be a charter amendment and they would send it out to the voters to be voted upon. I wonder how are they going to, as municipal officers, generate the enthusiasm among the voters to bring out thirty per cent of them to the polls. I think there have been decisions rendered that you can't use public funds for this purpose. So, what are they to do as a board of selectmen who really see a need of a charter amendment? Will they on their own expend their own funds to bring about the charter amendment to get the required number of people to the polls? This is quite a burden we are going to shift to the various councils and selectmen in our State.

Fine, I can see where by initiative, if you are going to bring about a charter amendment requiring twenty per cent of the voters to sign a petition, I can see the wisdom of requiring at least thirty per cent of the people to come to the polls. When I say thirty per cent of the people, I am sure you know what I mean, thirty per cent of the people that voted at the last gubernatorial election. But when it is initiated by the selectmen or council of a local town, how are they going to generate the enthusiasm among the voters to get thirty per cent to the polls? This bothers me because some of these amendments may well be needed and be important to a charter, and yet they can't use town or public funds to generate enthusiasm, as opposed to a group who would go out by initiative and get twenty per cent of signatures where they would be, I am sure, backed by finances by private groups, or within their own. So we

are going to tie the hands of our local fathers, I am afraid. Maybe this is an area that could be remedied by another amendment.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: To answer the good Senator from Penobscot, Senator Tanous, I think that if charter amendments and charter changes were considered at regular elections that there would not be a problem. I personally would prefer to have it written into the law that they would be conducted on regular and general elections. However, this certainly would create a hardship probably in certain cases.

I think if we plan to stay away from the special election, only when absolutely necessary, and only when a serious situation is confronting a municipality or town, then we would go here. I think if this were the case then we probably would have this sufficient number.

I personally don't believe in special elections. I think they are costly and, of course, in many cases special interests do prevail. I would like to try the thirty per cent. Certainly the community wouldn't be any worse off than they were under the old legislative system. If the thirty per cent is a hardship on these communities, then drop it down, but certainly it is going to be difficult to work the other way if these abuses occur. I just don't think it would be too practical to expect that the people would initiate a change. Therefore, I would recommend that we defeat this particular amendment and we go to the thirty per cent amendment. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed will please rise and

remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

Mr. Conley of Cumberland then presented Senate Amendment "B" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "B", Filing No. S-406, to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Tanous of Penobscot:

SENATE REPORTS — From 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). Majority Report, Ought to Pass with Committee Amendment "A". Filing S-391; Minority Report, Ought Not to Pass.

Pending — Adoption of Senate Amendment "A".

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I move that we indefinitely postpone Senate Amendment "A", and I would like to speak to my motion.

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

The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I have prepared a Senate Statement "B" which I am going to offer if I am able to, that is, if Senate Amendment "A" is defeated. Senate Amendment "B" calls for somewhat similar legislation as proposed by Senator Logan from York, that a thousand dollars be paid for funeral expenses and, in addition

thereto, another sum of a thousand dollars be paid as incidental expenses.

In Senator Logan's argument, he argued that the figure \$450 was ridiculously low because this did not provide a sufficient sum to pay for funeral expenses. I submit to you that perhaps even a thousand dollars is ridiculously low to pay for the burial of an individual. The thousand dollars proposed by Senator Logan of York in his motion, in my area would not even pay the funeral expenses. A minimum burial fee in our area is approximately \$1200. If you have to buy a stone for a grave for an individual, something moderate, before the thing is placed in the cemetery you will spend another four or five hundred dollars. You have flowers that are incidental expenses, you have clothes for the decedent, you have telephone calls, you have a wake to go through, and there are many incidental expenses which we don't keep track of perhaps. This is why I feel we should permit Senate Amendment "B" to be adopted, in that this would be more realistic if we are going to pay the funeral expenses related to the decease of an individual at his place of work or under the Industrial Workmen's Compensation Benefits. So, I ask this body to support me in defeating the proposed amendment by Senator Logan of York and adopt Senate Amendment "B". Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: We have indeed made some progress. We are pretty much out of the life insurance end of this thing now, and we are down to the question of what is the best way to handle death benefits. We seem to be in agreement that burial expenses up to a thousand dollars, as stated in both amendments, is reasonable. I personally feel that it ought to end right there.

Now, we are talking about a lump sum payment to the next of kin, whether it is a dependant or not, and it is not a question of up to a thousand dollars for incidentals; it is a thousand dollars, whether they spend it or not. I don't know, myself, whether this should be an area for profit making, but I will submit that a thousand dollars for incidentals in a situation such as this is somewhat excessive. I would also submit that our best move in this area is simply to amend the present law, which has been in effect and worked well, to raise the \$450 burial benefit maximum up to the \$1,000 burial benefit, rather than give them an additional thousand for various unsupported expenditures. I hope the motion to indefinitely postpone Senate Amendment "A" will be defeated. Thank you, Mr. President.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have given this bill quite a lot of thought. We discussed this quite a lot at lunch time. I feel that there is a possibility that we could be discriminating against our young folks that are going to work in the summer, our students and all. It says anyone that employs more than three, I believe the bill is. A person is going to be rather hesitant about hiring some high school kids or college boys or girls if they have got to take out an insurance policy for two thousand dollars on them. Also, in construction work I can see where it can create a lot of confusion. I don't know just how it would be handled. I think that we are defeating the purpose of putting young folks to work if we increase this cost too much.

Now, you take it here in Maine we like to have the electronic firms come in here because it is a good clean industry, and from everything that we read it is a very competitive market. I don't feel that we can put too much of a burden on industry if we want to continue to get that type of firm in here that is under a very highly competitive market.

I think that the original amendment that was offered by Senator Logan is very good and I will go along with it. Also, we want to remember that anyone under social security also gets two hundred and fifty dollars burial funds.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I certainly hate to belabor this point, but I would like to point out that a stone, clothes for the decedent, telephone calls, flowers and incidental expenses are not considered as funeral expenses. You can't bring those to the Industrial Accident Commission hearing and present them to an insurance company for payment because they are not considered as such. This is where the incidental comes in. Now, if you are going to just say the actual expenses expended, who keeps track of food that you buy at a wake or who keeps track of flowers, or telephone calls, and what about the area where a family may have already purchased the stone before hand? How do you collect something that you have already purchased? I think that the Senate Amendment "B" that I am going to offer is certainly more realistic and, in a sense, would adequately bury an individual. I don't think that anybody would profit on such a meager sum of two thousand dollars to bury somebody.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I am really hesitant to rise and prolong our session here this afternoon, and I probably will offer very little of concrete value. However, I do see a need for additional assistance in this particular field on industrial accidents, and I would think that most of these accidents are industrial accidents, and not accidents that occur in the employment of summertime students. I don't think there are this many accidents that really affect the increased cost to the employer on

this workmen's compensation. I think this cost is virtually negligible.

I am somewhat surprised, and I would point out, perhaps I shouldn't, but I will point out to the good Senator from Cumberland, Senator Moore, a case whereby his niece lost her husband not too long ago in a fire, an explosion, in one of our large industrial plants. As I recall, his niece had three or four children, and this was truly a hardship in this particular case with the amount of money that was available at that particular time to cover employees through the workmen's compensation. I know of this family, and I know of others whereby the workmen's compensation assistance in this particular field is all too meager. Therefore, I would support the good Senator from Penobscot, Senator Tanous, with his amendment.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" to Bill, "An Act Relating to Death Benefit for Parents Under Workmen's Compensation Law," be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone Senate Amendment "A" will say "Yes", those opposed will say "No".

A viva voce vote being taken, the motion prevailed.

Mr. Tanous of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-403, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fifth matter tabled earlier in today's session, by Mr. Katz of Kennebec:

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.

Pending — the motion by the Senator from Washington, Senator Wyman, to Accept the Minority Ought to Pass Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This has been an extraordinary day. I can't remember any occasion when the Senate felt so compelled to voice its opinions on so many pieces of legislation. This bill has been debated, so might I ask for a division on the vote.

The PRESIDENT: A roll call was previously requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Powers and Duties of the Attorney General." 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 members present and voting. Will all those members desirous 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 Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I fully realize that it is late in the day, but I would just like to state one of the reasons why I am voting against this. I am sure that someone will think it is for other reasons, but during the last session of the legislature, during the regular session, we took and passed a bill that gave the clerk of courts back to the people, and they are now going to stand election the same as other county officers. I realize that there are a lot of merits probably to this type of legislation, but I still feel stronger than ever that the county attorneys—and I changed my mind as far as the attorney general — I feel that these people should stand for election, because you can

pass laws here in this legislature, and you can do whatever you want and so on and so forth, but these fellows are the ones that are running the show. I would just hate to see this be taken away from the people. I am sincere when I say that, and I can be accused of politics or anything else, but that is my basic reason for opposing this L.D.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate Accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Powers and Duties of the Attorney General" (S. P. 588) (L. D. 1743). A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed. The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Boisvert, Hanson, and Levine.

A roll call was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with three Senators absent, the Minority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

The PRESIDENT: Is it now the pleasure of the Senate that, 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 second reading at this time.

Thereupon, the Bill was tomorrow assigned for Second Reading.

The President laid before the Senate the sixth matter tabled earlier in today's session, by Mr. Katz of Kennebec:

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).

Pending — Adoption of Senate Amendment "A".

Thereupon, Senate Amendment "A" 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 seventh matter tabled earlier in today's session, by Mr. Katz of Kennebec:

SENATE REPORTS— from 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). Majority Report, Ought to Pass with Committee Amendment "A", Filing S-387; Minority Report, Ought Not to Pass.

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

The President laid before the Senate the eighth matter tabled earlier in today's session, by Mr. Violette of Aroostook.

Ought to Pass as Amended

The Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1665).

Pending — Acceptance of the Committee Report.

The Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading.

Mr. Holman of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-408, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the ninth matter tabled

earlier in today's session, by Mr. Bernard of Androscoggin:

Bill, "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818).

Pending—Adoption of Senate Amendment "A".

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: The item in question on this appropriation measure was the proposed amendment by the Senator from Knox, Senator Hoffses, regarding an airport. I have a lot of information here, but I will make it as brief as possible, to substantiate his position that this is a worthy project and a project that has been given considerable thought. I have a memo here from Linwood Wright, Director of the Department of Aeronautics, and he says: "The Department of Aeronautics recommends that a request for \$117,000 for the Knox County Regional Airport be included in Bill 1632 as an emergency measure.

"This request is necessitated because of the current but time limited availability of federal funds for the development of an airport and airport industrial park at Owls Head. The project which is outlined in the background information requires that funds be sought from several agencies. Each source of funds involved is dependent upon the action and availability of the others. The problem arises in the fact that the availability of economic administration funds will lapse when the Public Works and Economic Development Administration Act of 1965 expires on June 30, 1970. The EDA officials have stated that if the total project monies are not available, the Knox County Airport Industrial Park grant request will be seriously jeopardized.

"As the airport proposal began to develop, the Commissioners recognized that the airport might also be able to better serve the community (Knox County) as an 'airport-industrial park.' The airport property contains some one

hundred acres of land which could be developed for industry. The Commissioners, in November, employed professional assistance to help develop a proposal for submission to the Economic Development Administration and FAA"

I will spare you the entire document.

"The combination airport - industrial park will provide the only industrial site with a sewerage collection and treatment system in Waldo, Knox, and Lincoln Counties. EDA is entertaining this project because it offers the means to help reduce the 7.7 per cent unemployment rate which exists in Knox County. The financing is as follows: the total project cost is \$634,000, of which the following agencies will contribute. Economic Development Administration, Direct Grant \$200,000. Economic Development Administration, District Bonus \$40,000. New England Regional Commission \$75,000. County Commissioners' Bond Issue \$85,000. FAA \$117,000, and the Maine Department of Aeronautics \$117,000." Which is the time with which we are concerned today. I think from the foregoing that the members of the Senate can see that this project has been very seriously considered, has broad participation from not only the local groups, but the county as well as the federal government. So, I hope that this information somehow will reach the good Senator from Oxford, Senator Beliveau.

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

The motion prevailed.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed and sent down for concurrence?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to have the opportunity to look over this bill with the various amendments that we have had. I don't think it would impede the progress any if we waited until tomorrow to pass it to be engrossed, so I would appreciate it if it could be tabled until tomorrow.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am opposed to this tabling motion at this time. I want to call your attention to the part where Presque Isle Airport is included in this aviation bill to the tune of \$817,000, to be exact, of which half a million of that comes from FAA. Now, the time has already been extended by FAA to February 1, 1970, so time is of essence. Unless this bill is passed by February 1, 1970, there is a good possibility that these funds, they are earmarked for the Presque Isle Airport Improvement, will be appropriated to other projects in New England. I am very much concerned about this and I hope that the members of the Senate are too. I would oppose this motion and ask for a division.

The PRESIDENT: There has been no tabling motion. The pending question before the Senate is the passage of this bill, as amended, to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. Gordon of Cumberland then moved that the Bill be tabled and tomorrow assigned, pending Passage to be Engrossed.

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

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would oppose the passage to be engrossed of this bill, and I will speak briefly about it. I have tried to correlate the bill number 1818 with bill number 1632, the original bill that was redrafted by the Appropriations Committee, and it appears to me that many of the areas in there are the same, and I would assure the good Senator from Aroostook County that I wish him no ill will relative to the Presque Isle Air Base, and

I hope that it does finally pass with that matter still in the bill. It is just that there are some items that have been added to the draft, mostly the ones on the end, the Secretary of State, Health and Welfare, Finance and Administration, and the Maine Maritime Academy. These things I don't know too much about, and I suppose that may be my fault. On the other hand, I think, it doesn't hurt any to have people look the bills over and see just what they are and where they are derived from.

I noticed that of the changes otherwise, the kidney project was reduced by \$50,000, and that the item having to do with general purpose aid subsidies, in the amount of \$947,000, was omitted from the bill. It strikes me that this sort of thing should have considerable discussion as to the merit of taking out of the bill one of the largest items in it, which was the \$947,000 for general purpose subsidies, when it is in fact probably the only item there which we are absolutely committed to under present law. The law that goes into effect, that is in effect now, requires that a certain distribution be made for this year and, in order to do that and to do it on a monthly basis, we do need more money. The additional amount is, of course, the \$947,000. It appears to me that that is just about as urgent a thing as we should have before us. It should not be taken out of this item. We should be able to pass this to the enactment stage and know that at least the current services in the State are going to be taken care of.

I don't know what they anticipate doing the next day or two or whenever the first distribution is supposed to be made, but I think it is absolutely essential to have that particular item laid to rest certainly as quick as anything else. I would just repeat to the members of this Senate that we have an obligation, I feel, to live up to the law that we passed last spring after great deal of debate and consideration, and if it is going to take this \$947,000 to do it we should put it in now. If there is any thought of making any changes

as to increasing that amount of money, or anything along that line, that can be done separately. Consequently, I really feel very strongly that it would be a mistake on our part to hurry this thing along without this particular item in it. Therefore, I of necessity have to object to the passage of the bill at this time.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I can certainly assure Senator Kellam of the concern of the Appropriations Committee on this \$947,000 school subsidy item. We, too, felt it was extremely important, and we took it out of the bill for that one reason, that we felt that we should not submerge it amongst other figures and other preambles, and so on, and let the item stand on its own two feet. It will be reported out shortly, I believe, by his own committee, to which we have referred it, and everybody in this body and throughout the Legislature will have a chance to debate it and vote their opinion on it.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: As far as I am concerned about this particular item, there isn't any basis to have an opinion. The matter was established some time ago. We are only talking about funding existing law. Now, if there is any reason why we have to have additional legislation in the State, or additional appropriations, or additional discussions, then we can go into that. But it seems to me that we came up here and we have a simple problem that the State Department has mathematically computed what it is going to take to effectuate a particular law, and of the \$22,000,000 we have we are \$947,000 short, so it seems to me perfectly logical that we should realize we have got to put the other \$947,000 in there.

I don't want to get involved in the various merits of whatever bill might be coming out. I don't know of any that I have talked about

recently. I just feel that the present law should be funded, and we ought to do it in this particular Legislature and get it done with.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the passage, as amended, of Bill, "An Act to Appropriate Funds for Necessary Non - recurring Items for Fiscal Years Ending June 30, 1970 and June 30, 1971." Is it now the pleasure of the Senate that this bill be passed to be engrossed? As many Senators as are in favor of passing this bill to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and six Senators having voted in the negative, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby the Bill, as Amended, was Passed to be Engrossed.

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

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

In the Senate January 22, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-385).

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

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

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

Senators:

LOGAN of York
STUART of Cumberland
MINKOWSKY of
Androscoggin

Joint Order

ORDERED, the Senate Concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a Bill authorizing a bond issue for emergency construction at the Vocational - Technical Institutes, and a diagnostic unit for the Boys Training Center.

(H. P. 1444)

Comes from the House, Read and Passed.

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: In just reading this I noticed that it includes not only a bond issue for VTI but also a diagnostic unit for the Boys Training Center. I wonder what kind of a reception this might get from the Appropriations Committee?

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I believe that this item would receive very favorable reception from the Appropriations Committee.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Order received Passage in concurrence.

**Committee Reports
House**

Ought to Pass - As Amended

The Committee on Judiciary on Bill, "An Act Relating to Rate of Interest on Real Property Taxes." (H. P. 1335) (L. D. 1664)

Reports that the same Ought to Pass As Amended by Committee Amendment "A" (H-664)

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-664).

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 Taxation on Bill, "An Act Repealing the Property Tax Certificate Requirement for Registration of Watercraft" (H. P. 1359) (L. D. 1688)

Reports that the same Ought to Pass in New Draft under Same Title. (H. P. 1441) (L. D. 1816)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-657).

Which report was Read and Accepted, in concurrence and the Bill, in New Draft, Read Once. House Amendment "A" was Read.

Mr. Wyman of Washington then presented Senate Amendment "A" to House Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-407, to House Amendment "A" was Read and Adopted and House Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

Thereupon, under suspension of the rules the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Extend Medical Assistance to the Medically Indigent." (H. P. 1397) (L. D. 1753)

Reports that the same Ought Not to Pass.

(Signed)

Senators:

SEWALL of Penobscot

DUNN of Oxford

Representatives:

BRAGDON of Perham

BENSON of

Southwest Harbor

SAHAGIAN of Belgrade

BIRT of E. Millinocket

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass.

(Signed)

Senator:

DUQUETTE of York

Representatives:

JALBERT of Lewiston

MARTIN of Eagle Lake

LUND of Augusta

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Dunn of Oxford then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: This bill calls for one million dollars for medicaid. This is a subject that has been debated, it was debated in the regular session, and I would just like to make a few comments on medicaid. I think it has been much maligned.

A few physicians, a few dentists perhaps, have charged excessively and have given this program a bad reputation, but I don't think there is any more gouging in this program than there are in a housing project or many other defense programs. Certainly we have public housing projects going on now, and I think it is very reprehensible that developers are making tremendous profit, but we can't stop our public housing program for that reason. We can't stop our defense programs because a few contractors are making excessive profits.

Now, we are dealing with medical care for the neediest, and because a few individuals have taken advantage of the program I don't think we ought to say that it is a bad program. It is the best we have at this time. I don't approve of the medical program in this country at this time. What I mean to say is I wish it were a lot better and I wish it were a lot more comprehensive, but we haven't found a way to include everyone.

There is a feeling on the part of many today in the health field that health care is a right, just as education is a right, and we are moving in that direction. We have given medical care to the aged and the medicare program and to those on welfare. Now, we would like to extend medical care to the so-called medically indigent, that is, those that can afford—by definition, medically indigent is those who can afford all their other expenses but find medical care excessive.

It seems to me we are spending a lot of money on airports, ferrys, and many projects, and it is very hard for me to live with my conscience and turn down this which I consider exceedingly worthwhile. I am well aware that this is a lot of money. I have been told that if it is passed it will probably die on the Appropriations Table, so it is very difficult for me to generate a great deal of enthusiasm to defend this today.

From my experience with the way Dr. Fisher handles the medicaid that we do have—we do have a limited amount of medicaid in the State now for those on State aid—he wants to extend it, and we have to extend this program by 1975. We are moving very slowly as compared to other states. If we say we are just too poor in the State of Maine to take care of the needy, then I can accept that, but I don't like to hear people get up in the other branch and in this branch and say that this is a bad program. They read in the paper of the few abuses and they assume that this is just not a well thought out program. I think it is too bad, as I said, that a few individuals are spoiling it. A lot of good has been done. A lot of poor people, poor children, have had the vaccinations, the eye glasses, and the treatment that they needed because of medicaid.

I don't think that we are living in a State that has a reputation for being extravagant. I don't think you have to fear that we are going to have a runaway medicaid program in the State of Maine. I would like to see this passed and go on the Appropriations Table and, hopefully, they will think it

is important enough to fund. So, I oppose the present motion.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This is a difficult bill to speak against because it concerns people that have difficulty meeting these expenses. However, this bill calls for a million dollars, but the letter that we had from Dr. Fisher says that the true cost to implement it to any extent is four million six.

This was discussed thoroughly during the regular session, and the majority of the committee felt that, with our limited funds that we have at this time, it would not be advisable to go into it now. We have the experience of other states and know what has happened there, so the majority felt that we should stay away. I would ask for division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Extend Medical Assistance to the Medically Indigent".

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I move for a "Yea" and "Nay" vote.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one - fifth of all Senators present and voting. Will all Senators desirous 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 motion of the Senator from Oxford, Senator Dunn, that the Senate Accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Extend Medical Assistance to the Medically Indigent" (H. P. 1397) (L. D. 1753).

A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, am I in order to give the Senate the benefit of a memo?

The PRESIDENT: The Senator is in order.

Mr. SEWALL: Mr. President and Members of the Senate: I think the Senate should know that while the price on this item before us is one million dollars, the memo which I have in my hand from the Bureau of Administration indicates that the true cost of this for the first year would be \$4,648,000, which would indicate in the next full biennium a cost of approximately \$9,000,000 for this program.

The PRESIDENT: A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed. The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Katz, Kellam, Letourneau, Martin, Minkowsky, Quinn, Reed, Stuart, Tanous and Violette.

ABSENT: Senators Boisvert, Hanson, and Levine.

A roll call was had. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with three Senators absent, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Under suspension of the rules the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act to Repeal the Bank Stock Tax and to Impose a Corporate Income or

Franchise Tax on National Banks." (H. P. 1409) (L. D. 1775)

Reports that the same Ought to Pass.

(Signed)

Senators:

WYMAN of Washington

HANSON of Kennebec

Representatives:

SUSI of Pittsfield

DRIGOTAS of Auburn

HARRIMAN of Hollis

ROSS of Bath

COTTRELL of Portland

FORTIER of Rumford

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

(Signed)

Senator:

MARTIN of Piscataquis

Representative:

WHITE of Guilford

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

Which reports were Read.

Mr. Wyman of Washington then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I think this body needs some explanation on this bill. This is the bank stock tax, the bill asks for repeal of the bank stock tax. This is the tax of fifteen mills that is imposed on state banks. The ruling of the Attorney General's Office four years ago ruled that this tax was in lieu of personal property tax.

Mr. Johnson of the Bureau of Taxation, I believe, is the instigator of this bill for the purpose of clarifying income tax collection. What the bill calls for is if the tax is repealed, then the state chartered banks would come under the income tax. Right now they are exempt from income tax. However, the national banks are taxable under our income tax law. The real estate of the state banks, state chartered banks, and the real estate of the national banks are taxable on the local level. The

State chartered banks are not taxable under our income tax law but the national banks are.

This bill involved in 1969 the sum of \$552,000 that is completely and totally returned to the towns where the owner of the stock resides and where the bank is located. It involves a great deal of money, and this is money that the towns now have. By repealing this tax the towns will lose this \$552,000, and I assure you, members of the Senate, this involves a good deal of money for some localities. Of course, it will be replaced by the personal property of the banks that will be taxable. However, personal property tax will never replace the amount of money that comes from the bank stock tax.

I strongly oppose this measure in that my town is a healthy recipient to the tune of \$6,500. I can name you many, many towns in this leaflet here, and I am sure that you have all this information available on your desk because I have at sometime or other placed it there or given it to you. If any desire it, I have some more.

We have a tax here that the towns now have. We are asked to repeal this tax and turn \$552,000 over to the State Treasurer. I am opposed to the passage of this bill. I request a division, and hope that the motion to accept the Ought to Pass Report does not prevail.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: We had this discussed very thoroughly in the committee. We came out with an eight to two Ought to Pass Report. It is true, as the good Senator from Piscataquis has said, that certain localities, particularly his town of Guilford, will be hurt. However, this money will come back into the state treasury, and I think the important thing—there is one word that I have learned here this session from him, the word "equity" and this will bring complete equity between the trust companies and the national banks. I think it is very unfair the way it is now, and it will bring equity, which he is always seeking.

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

Mr. MARTIN of Piscataquis: Mr. President, regarding the taxing of national banks, Congress passed a bill this last December so national banks will come under the bank stock tax if the tax is not repealed in 1972, two years hence. I believe that we have lived with this problem for a while. I don't like the distribution of the funds. I would prefer that the bill would be amended and the funds distributed on a per capita basis so that everyone throughout the State would be happy. Guilford in this case would lose some funds, but it would again come back to my strong feelings towards equity. So this bill, if it is left alone, will automatically take care of itself by 1972.

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

Mr. KATZ of Kennebec: Mr. President, I too am a firm believer in equity, except sometimes I have trouble explaining it to my constituents. Now, this handy little gem of a bill is going to cost the City of Augusta one mill of its tax rate, just as directly as that, \$70,000. I don't think that I can explain equity to the voters in my community and the taxpayers in my community, and I welcome you to try.

Earlier in the regular session we took away the ability of the City of Augusta to put a personal property tax on our television sets. Some assessors in the State didn't like this, but Augusta did like it and we were collecting equitably on our television sets as personal property and the Legislature took away that right. Now this bill would take away another \$70,000 at one mill on our tax rate. You can presume that I don't like this bill and, if indeed we are going to get equity in our banking system, it certainly must not be at the expense of the local taxpayers who presently are enjoying the income from it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I have no idea whether it is pertinent or not, but the City of Portland loses even more.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee on Bill, "An Act to Repeal the Bank Stock Tax and to Impose a Corporate Income or Franchise Tax on National Banks" (H. P. 1409) (L. D. 1775), will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Enactors

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

An Act Relating to the Salary of the Executive Director of the State Board of Nursing. (H. P. 1436) (L. D. 1809)

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

Which were 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 Retirement Allowance for Widows of Governors. (S. P. 635) (L. D. 1810)

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

Emergency

An Act to Clarify the Education Laws and Subsidy Payments. (H. P. 1309) (L. D. 1623)

(On motion by Mr. Katz of
Kennebec, tabled pending Enact-
ment.)

(Off Record Remarks)

On motion by Mr. Hoffses of
Knox,
Adjourned until 9:30 tomorrow
morning.
