

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, January 28, 1970  
Senate called to order by the President.

Prayer by the Rev. Herbert L. Reid of Fairfield.

Reading of the Journal of yesterday.

**Communications**

State of Maine  
Office of the Governor  
Augusta, Maine

January 27, 1970

To the Honorable Members of the Senate

and the House of Representatives of the 104th Maine Legislature

I have studied Senate Paper 565, Legislative Document 1640, An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education, and have decided to return it to the Legislature without my signature.

This measure would repeal the current law maintaining the ratio of student tuition charges that existed between the then existing University of Maine and the State Colleges when they were unified by Chapter 229 of Private and Special Laws of 1968.

On May 7, 1969, I vetoed, and the Legislature subsequently sustained, a similar measure. In my message I expressed disapproval of the Act as (1) tending to shift the burden of financing our public higher education system to the students and families immediately affected, and (2) violating unnecessarily one of the primary conditions of the merger designed to protect the State Colleges and their student bodies until the 1971-1972 school year by maintaining their relative tuition costs.

The University of Maine faces serious financial needs, principally because of insufficient legislative appropriations coupled with increasing numbers of Maine youth wishing to pursue a college education. Obviously, the quality and availability of higher education in Maine is threatened by insufficient funding. But this threat cannot be met by shifting the burden of higher education costs to our young people alone. Such a move would set a dangerous precedent

and, most immediately, it would discourage many worthy students from low and middle income families from pursuing a college education.

I realize that there are many people who see no harm in requiring those young people who benefit from public higher education to pay for a large part of that education. However, this argument assumes that a college education is a luxury, nice to have if you can afford it, but dispensable. That assumption is clearly erroneous. In an age of increasing technology and specialization, a college education is almost a necessity for those who want to develop their talents to their fullest capabilities.

Moreover, those who are indifferent to the consequences of higher tuition at the University perhaps assume that any student who wants a college education badly enough will find the necessary money. This is simply not true. Scholarship funds are not that abundant. Many young people from poor families are intimidated by the prospect of incurring debts at an early age. Still others come from families who will discourage thoughts of a college education because of embarrassment at not being able to pay the bills. None of these factors have any relevance to a young person's ability or to the contribution he can make to his state and country.

I frankly look forward to the time when ability alone determines if a young man or woman receives advanced education. In a state where 18% of our families live below the poverty line as defined by the federal government, and where, in 1968, only 51.4% of Maine's high school graduating class continued on to post-secondary education, our state government should be striving to encourage young people to attend college by paying an increasingly large share of per pupil costs, L. D. 1640 moves in the other direction by shifting the burden to the low and middle income families already hardest hit by the increasing cost of goods and services. I do not believe that a bill which will permit tuition increases

is a proper substitute for general public support. Rather, our goal should be to assure that the opportunity to develop one's skills and acquire knowledge is available without economic discrimination during the post-secondary years, as it is now available during the elementary and secondary grades.

But there are immediate financial problems at the University of Maine which must be faced. During this Special Session, University officials have presented a program to provide minimum expansion of student enrollment for the 1970 school year, to be financed by modest tuition increases coupled with a supplemental Legislative appropriation. I have agreed to consider this proposed method of financing, so long as the Legislature appropriates a substantial supplemental amount of money to operate the University of Maine during the second year of the biennium. If this appropriation is forthcoming, I would then be willing to consider simultaneously a bill eliminating the statutory differential between students attending the old University campuses and the State College campuses for those students who are now currently enrolled.

The present bill, L. D. 1640, stands alone. I have seen no indication as yet that the Legislature this Special Session is going to increase general public support of higher education in Maine. Without that support, L. D. 1640 is an indefensible retreat from the state's obligations to the young people of Maine. I therefore request that my action disapproving L. D. 1640 be sustained.

Respectfully,  
/s/ KENNETH M. CURTIS  
Governor

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

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for 10 o'clock this morning, pending Consideration.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate off the record.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

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

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

Pending Consideration.

The PRESIDENT: The question now before the Senate is: Shall this bill become a law, notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I have read the Governor's veto over three or four times, and I read it over too in context with the May 8th veto, which essentially was exactly the same bill during the regular session, and I find some interesting differences between the two veto messages.

I think that his document is the more remarkable for what it doesn't say than what it says. What it does say is that the University is facing a serious financial problem because of the ever increasing number of applicants and the insufficient appropriations they have been getting from the Legislature.

He also says, No. (2), that the State should not try to shift the burden of financing onto the shoulders of our young people but we should be paying an ever increasing share of the cost through additional legislative appropriations. (3), despite his misgivings, that he would indeed approve this legislation if it were accompanied at the same time, not by a promise, but by an actual supple-

mental legislative appropriation to the University.

The Governor no longer says that he recommends free tuition for our University students at least for the first two years. This was the remark that greeted us when we came into the regular session on January 9, 1969. He no longer expresses deep concern for the support of an agreement maintaining this tuition differential between the then state colleges and the University — a concern which he expressed throughout most of his 1969 veto.

I think it is important to point out some of the things the Governor does not mention. While castigating the Legislature for insufficient appropriations, he does not mention the six and a half million dollars we appropriated in new monies to the University in the regular session. While talking about the need to protect the existing low cost tuition, he neglects to mention that the tuition in the state colleges and the University have not appreciably increased for years. He does not mention that the tuition for a Maine student attending one of our former state colleges is \$50 a semester, or \$100 a year. He does not mention the unconscionable free ride we are presently giving our out-of-state students who pay an annual tuition of just \$200 in our former state colleges. He does not mention that it is incongruous that an out-of-state student at Farmington pays \$200 a year tuition and a Maine youngster attending UMA here in Augusta pays \$400 a year tuition. He does not mention the difference in facilities offered between various institutions. He does not mention the absolute injustice of an out-of-state student from a comfortable middle class home enjoying the benefits of a fine physical plant at Gorham for just 50% of the tuition charged to the Maine student at UMA, living in a rented room and working to put himself through.

The Governor does not mention the fact that I believe is basic to all of this — that the establishment of tuition schedules is the province and responsibility of the trustees.

In this particular case the bill as vetoed does not in fact change

the tuition. What it does do is to untie the hands of the trustees, hands which were erroneously tied during the 103rd Legislature.

The bill says, in fact, that you, the trustees, know the educational problems, you know the imbalances, you know the injustices. We, the Legislature, are giving you back the free rein you should have, a prerogative which we trust you to use wisely. These are the same trustees the Governor himself has appointed, trustees in whom the Legislature apparently reposes more confidence than he who appointed them.

But the thing that really disturbs me more than anything else this morning is the absolute lack of consideration in this or his previous veto message for the Maine taxpayer. In his quest for more, more, more, the Governor properly points out the very substantial needs of higher education, but nowhere does he mention the fact that taxpayers are people too. The veto message is another in a series of examples that the Governor is preoccupied more with state needs than with state finances, more concerned with programs than with prudence. It is an extension of the kind of thinking which appalled so many of us in his original budget document in our regular session.

The problem that the University faces is not simple of solution but certainly one small possible answer is a review of tuition charges. Even a cursory examination of our present charges indicates that tuition may indeed be a possible source of additional revenue to aid the University in its hour of need. The Governor's response is typical of his entire attitude towards government. The answer to a human need is increased government spending. Given the increased spending, then reluctantly we will look in this case for other sources of revenue.

I think the quote in Monday's newspaper of a Democratic candidate for Governor who plans to run against Governor Curtis was perhaps overly zealous. When Plato Truman said of the Governor, "He's a nice guy, but can we afford him for four more years," — or words to that effect, he ex-

pressed the misgivings of many Maine people newly burdened by an income tax no one really wanted.

Among the things the Governor has not mentioned in his veto message is the use to which our potential increase in tuition might be put. The Legislature has every assurance from the University that, should an adjustment be made, a fair share of the increased revenue would be dedicated to student aid, which means that although the middle class and more affluent student might pay slightly more, the indigent student would have larger resources available in the form of student aid to help him.

I, too, am dedicated to the concept of increased educational opportunities for our young people in particular, but where I deviate from the Governor is that he apparently is dedicated to handing it to them on a silver platter, and my motivation takes me in a completely different direction. I vehemently deny that a four-year college education is the right of every Maine youngster. I deny that we in the State owe every youngster a four-year baccalaureate degree. Rather, I suggest that we should encourage — we should seek to motivate — we should seek to give the tools — and I think we are doing this. I have said it before and I will say it again, that today any Maine youngster who has the ability and has the motivation will not be deterred from a college education because of his family's inability to pay. Through one of the finest student loan programs in the United States, through low tuition, through student aid, through work programs, we have made this possible. An extraordinary number of our young people are working today to help supplement their meager finances. This does not disturb me — I applaud it and I applaud them. The extraordinary dedication and motivation of our young people, highly motivated, who overcome obstacle after obstacle to make themselves what their potential permits, should inspire us. I applaud them. I honor them. Their numbers are increasing every year, and we shall continue to

do what is necessary to be sure that the opportunities exist for them. I do not share the Governor's concern of their incurring debt to finance their own education.

I look in vain for concern on the part of the Governor for the parent who has had to mortgage his home and his future before our student loan program went into effect.

Gentlemen, I ask you to join me today in voting to override this veto. It is ill-timed and it is not based on sound reasoning. The Governor has said that if we in the Legislature make an additional appropriation to the University, and present both matters simultaneously, he would support the concept, the very concept which now he has vetoed. I, too, support an additional appropriation to the University, and I hope that all of you will at the proper time, but I deny vehemently that a supplemental University appropriation has anything in the world to do with the problem which this bill seeks to correct. On this basis, regardless of party, I urge your support in overturning this unwarranted veto.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I rise and ask this Senate to sustain the Governor in his veto message. I have no prepared remarks and I am not a member of the Committee on Education, but it seems to me — and I read the veto message — that I read a few things into it that maybe the good Senator from Kennebec, Senator Katz, has not.

I think what the Governor is saying here, and I think he says it clearly by this one sentence: "I frankly look forward to the time when ability alone determines if a young man or woman receives advanced education." I think also what the Governor is saying is that he was willing to give a little bit. He was willing for sort of a revised tuition bill to go through this Legislature. But there were those in this Legislature who were willing to try to call his bluff. I think what is happening here is

that the Governor is showing more guts by vetoing this than some here in this Legislature thought he had.

Now, let us remember this: that when the provision that we are now trying to withdraw or do away with was passed by this Legislature, the Senator from Kennebec, Senator Katz, was a member of the Legislature at that time.

The Governor is saying that he is willing to cooperate, that he is willing to compromise on his points. All he is asking here is that he be treated fairly, and that if he is willing to give up something that he believes in—and he feels very strongly that the tuition being raised is not to the best interests of the young people in this State — he would much rather see it lowered — but if he is willing to go along and to compromise, then I think that this is showing a concern for the people, the taxpayers of the State. If he is willing to do this, then those who would like to shift more of the burden on the students should come forward with the additional money needed to give the young people of this State higher education.

I do not read anything that is sinister here. I think the implication that the Governor of this State is not concerned with the taxpayers of the State of Maine is an error. I know differently, and I think we all do. None of us like to pass taxes, but sometimes we have to. Sometimes we feel that it is necessary. Sometimes the position that one puts himself in when he leads is a difficult position, an unpopular one. So, I would hope that the members of this Senate would take and support the Governor in his veto and that a solution, a fair and equitable solution, can be worked out in regards to this matter.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: As a member of the Education Committee, I feel that the Governor has used very good judgment in vetoing this bill. I believe that the commitments made by

the Legislature, whether it is the next prior Legislature or not, should be kept.

What this bill does is allow for added tuition charges to be made over the next two years, and that is virtually all it does. After two years from now the University trustees are on their own; they can do as they please. This bill merely allows that until two years from now they have got to maintain the same proportionate tuition charges.

I find nothing wrong with that bill. During my course with the Legislature I have voted for numerous matters, and when I have given my word I have stuck to it. The fact that I faced the voters one more time in between doesn't make any difference to me, and I feel that we are honor bound to keep these tuition charges the same, and I said so some two weeks ago when this bill was debated previously.

We have heard the good Senator from Kennebec state many times in glowing terms what could be done with this money. We all know that there is nothing in this bill that provides for any of the things he has talked about. What this would do is allow the University of Maine trustees to balance their budget in some way by increasing tuition charges. Now, I believe it is incumbent on the State of Maine to provide the operating funds for the University.

We are going to have a bond issue proposal before us fairly soon for some sixteen million odd dollars to build new buildings. Building new buildings means very little to me if we are not going to provide the operating budget to run those buildings. I think it is about time we give up the idea of getting particular names and plaques on the sides of buildings and having the buildings inefficiently run or inefficiently staffed. When the bond issue bill comes up I am going to give considerable attention to how this Legislature has acted on the operating budget of the University. I am not particularly interested in building new buildings and not even providing enough funds to hire a janitor to keep the corridors clean.

Now, insofar as the changes go, I have proposed previously that we could make some adjustments as to out-of-state students. I don't give any credence whatever to this kind of discussion as to the out-of-state student paying less at one university than an in-state student pays somewhere else. I have said to my brother from Kennebec during the committee hearings and in this body that we could make some adjustments for the out-of-state students, but it is impossible to get across to anybody here that we can make some adjustments for those students we do not owe the commitment to and still keep faith with those to whom we do.

I believe that this matter can be taken care of, and it could have been taken care of very easily a couple of weeks ago if this bill was just placed on the table and we waited for the appropriation bill to arrive before us. I feel that the idea of pushing these bills through just as fast as possible, and making some vague statement about taking care of these other matters later, is not going to satisfy the members of the Senate forever. I personally am very pleased that Governor Curtis does have the gumption to state to this Senate, not once, but twice, his position on these particular matters. I think, myself, if we have to be told the third time maybe we ought to have some changes made within the body itself.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I heartily concur with the sentiments of the Senator from Cumberland, Senator Kellam, that maybe some changes would be in order in the body itself. I await with interest to see what these changes will be about a year from now.

I find it a matter of some concern that people who are sincere in their beliefs can say and do such widely divergent things. I never would fault Senator Kellam for his concern and his interest in the University of Maine. And I

would never fault Governor Curtis for his interest and concern in the University of Maine. But I find it amazing that we are here by this legislation which he has vetoed, the Governor, are depriving the University, in particular the trustees, of a small measure of autonomy in running the University.

They aren't asking for very much when they want to have legislative permission to set tuition, keeping in mind particularly that they have stated repeatedly publicly that these changes which they propose to make will be extremely minor. However, the revenue which will accrue from these minor changes would permit the University to do a great many things, including admitting additional students. It would permit the University to accredit some of our state colleges now which are not accredited. And it would provide additional money for the many things the University needs.

I find it incongruous that the Governor refuses to give the trustees the autonomy to run the institution the way they want. In my capacity as Chairman of the State Liquor Control Committee, the Legislative Liquor Control Committee, I had a sense that the Governor didn't want to give the Liquor Commission any autonomy, that the Governor wants to run the Liquor Commission himself. I fail to understand why we are taking this democratic administration of our departments away from them and putting them in the corner office. This doesn't seem to me to be the way we should be doing things.

Now, this may be a minor bill, but the principle I am talking about is far from minor. I think that the trustees can run the University. I think that the Liquor Commission can run the Liquor Department. I think that the State Highway Commission can run the highway affairs—perhaps a little better than they are doing—but they can run them. I think this business of setting up czars directly responsible and solely responsible, as individuals, to the Governor is very poor government.



I hope that we can, but I know we can't, override the veto, but I think this is an expression, and not futile, because the people of the State of Maine, as Senator Kellam has indicated, are looking on us and at what we are doing, and I think perhaps we are talking here about a major issue in the coming gubernatorial campaign. I would hope that all good Senators would vote to override the veto.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Sometimes rhetoric gets away from one and facts kind of slip by unnoticed. Let me put this veto message in clear context in just a statement or two.

Were the veto message to be overridden, and were the trustees to be given the prerogatives they surely should have, and were they to decide to increase the out-of-state tuition of the campuses by \$250, and the state college out-of-state tuition by \$300, it would still make us low, compared to many other states, and we would generate in one year revenue of something well over \$600,000, and for the biennium something like a million and a quarter.

Let me state this as clearly and as plainly as I can: the question here today is who pays this money, the out-of-state students or the Maine taxpayer? These are the only two sources where you can get it, so who pays this, the out-of-state student or the Maine taxpayer? The Governor has very clearly said that as a matter of principle, unless he gets his way and gets the additional appropriation, as far as he is concerned, let the Maine taxpayer pay the whole parcel. I say this is shocking and is completely unacceptable to me.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think, in the ardor of members of this body to start getting into the record platforms on which to run for the next election,

they are forgetting some basic facts here which we face.

This Legislature, when it passed the so-called super university structure, guaranteed to college students entering the university system that for a certain number of years they would be granted the same tuition that they paid when they entered the university. This was a guarantee made to these students by this Legislature, of which I was not a part, but many members here today were a part of.

Now, basically, what is being tried to be accomplished here is to remove that guarantee, and this is the Governor's concern. I think rightly so. Now, we had what I considered a good compromise matter here that we debated on two weeks ago or a week ago, a compromise bill which, as I recall, the Senator from Kennebec, Senator Katz, himself signed, that would have retained this guarantee of all the tuition differential to those students who had entered our university during a certain period of time, as had been guaranteed them in the previous Legislature, and yet would have allowed the university a larger degree of latitude to change the amount of tuition with regards to other students.

Now, I don't know who has turned his back on this compromise, but had this been accomplished, I am sure, we would not be facing this situation here today. I think this is solely the issue here, not the Governor's concern with education, not his responsibility or irresponsibility in regard to the taxpayers, but it is clear cut. What the Governor is objecting to here is that this Legislature is turning its back on a commitment that it made to students when it passed this university structure. This is the basic point here today, and this is the subject of the Governor's veto. Anything else that is brought into the picture here is window dressing to try to diffuse this basic issue that we have to face here today. On the basis of this, I think we ought to sustain his veto. We guaranteed this, we ought to honor our commitment, and we had the opportunity here last week to pass out an amended

bill that would have accomplished just this. But I think some people were more interested in getting a bill before the Governor that he could veto in order to embarrass him. I hope that this Senate sustains the Governor's veto.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have listened to the debate this morning with great interest. Now, I was not a member of this body when this restrictive legislation was enacted, but had I been, I believe that I would have opposed it and opposed it very strongly.

I personally don't believe that it is within the province of this Legislature to be setting up policy-making decisions for our trustees of the University of Maine. They are the appointed individuals who are the policy-making group, and it is within their province to set the tuition fees for our students. I personally don't think that this Legislature has any business whatsoever to be telling the trustees how to set policies and set tuition fees for the students. I think it is within their province to do this.

Now, I find it very difficult, and I found it very difficult last year, to go to my constituents to have them support the bond issue for the University of Maine. One of the reasons for that is basically because of this veto we are facing today.

Personally, I feel that our tuition at our University of Maine, our super university, on all phases, personally I feel it is ridiculously low. Now, we are not educating children at our state colleges for \$200 a year, and we are not educating them at the major university for \$400 a year. So, where does the money come from? It comes from the people that I represent, the people in the ditches, the people in the fields, and the people in the mills. These are the people that are paying to educate the more affluent society, they themselves who perhaps have never had an opportunity for an education, nor had they the opportunity to educate their own children. I find it very difficult to look them in the

eye and tell them that they should pay their taxes very happily to help educate the more affluent society.

Now I believe that our tuition should be raised, raised in proportion with the costs, and I also believe that we should have a very broad-based scholarship for the students who are unable to pay the higher price. This can be done, and I don't think that any student in this State would ever be denied an education with a system of that type. I have been a proponent of this for years and I hope to see the day when we can adopt this, that the people who can afford to pay will pay, and those that can't will be given an opportunity on a broad-based scholarship. This is why the veto should be overridden this morning. We should give the authority back where it belongs to set the tuition. I think if we don't do this then we are going to be remiss in our duties to our constituents. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Like most of you, I wear three hats. I am a legislator, I am a bread winner of sorts, and I am also a parent. One tends to look at the various problems that come before us from these three different points of view.

From the point of view of a businessman, a man who actually manages a business, it is inconceivable to me that an outside body, not directly concerned with the daily affairs of the university, or my business, should presume to set the rates which I would charge. This is a basic managerial prerogative, and a necessary one. How can we go into the University of Maine and criticize its operations when we in turn set restrictions on them.

Also, as a manager I am not unaware of my social obligations. I contribute and do what I can for my community. I would submit to you that the trustees of the University of Maine are not unaware of their obligations to the

students of the university; quite the contrary.

As a parent, I have children and one of them is just about ready to go to college. It angers me to think that His Excellency would seek to perpetuate an inequity in the tuition system. As a parent and as a taxpayer, it angers me to feel that I am subsidizing out-of-state students. As a parent and as a taxpayer, I am aroused that His Excellency would seek to continue this discrimination against Maine students. Mr. President, thank you.

The PRESIDENT: Is the Senate ready for the question? The question now before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the yeas and nays. A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary called the roll with the following results:

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

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

ABSENT: Senators Hanson and Levine.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with two Senators absent, the Governor's Veto was Sustained.

(Off Record Remarks)

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

January 27, 1970

Honorable Harry N. Starbranch  
Secretary of the Senate

Sir:

The Speaker today appointed the following Conferees on the part of the House on the disagree-

ing action of the two branches of the Legislature on Bill "An Act Appropriating Funds to the Department of the Attorney General" (H. P. 1364) (L. D. 1713)

Mrs. BROWN of York  
Messrs. HEWES of Cape Elizabeth  
JALBERT of Lewiston

Respectfully,  
/s/ BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

### Committee Reports House

#### Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Establishing a Human Rights Commission." (H. P. 1302) (L. D. 1619)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1439) (L. D. 1814)

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

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

Thereupon, on motion by Mr. Logan of York, tabled until later in today's session, pending Assignment for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches." (H. P. 1333) (L. D. 1662)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-661).

Signed:

Senators:

VIOLETTE of Aroostook  
QUINN of Penobscot  
HOLMAN of Franklin  
Representatives:  
HESELTON of Gardiner  
BERMAN of Houlton  
FOSTER

of Mechanic Falls  
DANTON  
of Old Orchard Beach

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

Signed:

Representatives:

BRENNAN of Portland  
HEWES of Cape Elizabeth  
MORESHEAD of Augusta

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

Which reports were Read.

Mr. Quinn of Penobscot then moved Acceptance of the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled until later in today's session, pending the motion by Mr. Quinn of Penobscot to Accept the Majority Ought to Pass Report of the Committee.

#### Senate

##### Ought to Pass in New Draft

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Prohibiting Dumping of Out-of-State Waste Matter." (S. P. 553) (L. D. 1628)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 645) (L. D. 1820)

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

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

##### Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Relating to Hours of Sale Under Liquor Laws." (S. P. 618) (L. D. 1793) ask leave to report: that they are Unable to Agree.

On the part of the Senate:

BERRY of Cumberland  
CONLEY of Cumberland

On the part of the House:

HICHENS of Eliot  
FINEMORE

of Bridgewater

HAWKENS of Farmington

Which was Read.

On motion of Mr. Berry of Cumberland, the Senate voted to reject the Report of the Committee and request a new Committee of Conference.

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

Senators:

BERRY of Cumberland

BOISVERT

of Androscoggin

CONLEY of Cumberland

#### Second Readers

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

#### Senate

Bill, "An Act Relating to Powers of the Attorney General." (S. P. 588) (L. D. 1743)

Which was Read a Second Time.

Mr. Beliveau of Oxford then moved that the Bill be Indefinitely Postponed.

Mr. Barnes of Aroostook requested a division and, on motion by Mr. Holman of Franklin, tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford that the Bill be Indefinitely Postponed.

#### Senate — As Amended

Bill, "An Act Relating to Judicial Divisions of the District Court." (S. P. 585) (L. D. 1712)

Which was Read a Second Time.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would like to pose a question through the Chair to the Senator from Franklin, Senator Holman, as to exactly what his amendment on this particular L. D. would accomplish in Androscoggin County, which I am particularly concerned with.

The PRESIDENT: The Senator poses a question through the Chair which the Senator from Franklin may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Holman.

Mr. HOLMAN of Franklin: Mr. President, I would be glad to answer the question. All it does is repeal part of the bill that was passed at the last session, which allowed all civil and criminal matters that took place in the Town of Jay to be heard in the District Court in Livermore Falls. This is a half repealer, because it leaves

the criminal matters that take place in Jay to be heard in the District Court in Livermore Falls, over the county line, which is convenient to the citizens of Jay. But because of the ease and economics of keeping records in civil matters, it retains or puts back in the District Court in Farmington all civil matters. It is as simple as that.

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

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

Resolve, to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction. (S. P. 597) (L. D. 1768)

Which was Read a Second Time.

Mr. Logan of York requested a division on Passage to be Engrossed.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled until later in today's session, pending Passage to be Engrossed.

#### Enactors

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

##### Bond Issue

An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways. (S. P. 626) (L. D. 1801)

This being a Bond Issue and having received the affirmative votes of 24 members of the Senate, with 2 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 tabled and specially assigned matter:

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

Tabled — January 27, 1970 by Senator Katz of Kennebec.

Pending—Consideration.

Thereupon, on motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending Consideration.

On motion by Mr. Hoffses of Knox,

Recessed until 4 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

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

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

In the Senate January 22, 1970, Passed to be Engrossed as Amended by House Amendment "A" (H-642), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-662), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### Non-concurrent Matter

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)

In the House January 22, 1970, Passed to be Engrossed.

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-401).

Comes from the House, that Body having Insisted.

Mr. Wyman of Washington moved that the Senate Insist and ask for a Committee of Conference.

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

Mr. HOLMAN of Franklin: Mr. President, I would like to suggest that before we vote on Senator Wyman's motion that we consider the matter seriously because if it is voted down, to have a Committee of Conference, then I would make a motion to recede and concur.

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

Mr. TANOUS of Penobscot: Mr. President, would a motion to recede and concur take precedence over Senator Wyman's motion?

The PRESIDENT: The Senator is correct, the motion to Recede and Concur takes precedence.

Mr. TANOUS: I so move.

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

The motion prevailed.

#### **Non-concurrent Matter**

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

In the House January 26, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-660).

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-660) and as Amended by Senate Amendment "A" (S-408), in non-concurrence.

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

On motion by Mr. Violette of Aroostook, 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:

QUINN of Penobscot  
VIOLETTE of Aroostook  
HOLMAN of Franklin

#### **Non-concurrent Matter**

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

In the Senate January 23, 1970, Report "B", Ought to Pass in New Draft, Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by Senate Amendment "A" (S-394).

Comes from the House, Report "A", the Bill be Referred to the the 105th Legislature, Read and accepted, in non-concurrence.

Mr. Katz of Kennebec moved that the Senate Insist and Request a Committee of Conference.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would move that the Senate recede and concur with the House in this matter. It appears to me that occasionally we do have occasion to yield to a good judgment decision by the other body and we ought to take advantage of that opportunity when it does arise.

This matter, in our previous discussion on several occasions, I think has shown, if nothing else, that there is a matter of considerable import to be discussed in this bill, and it ought to be referred to the next legislature. This is the bill that concerns itself with the ETV, the eminent domain, the chancellor's assistants and a few other smaller matters. I believe that any of the small non-controversial things that it is desirable to pass this session we could easily include in the omnibus bill, if there be any, and the other matters that do engender considerable controversy should go over to the next session where we can consider them adequately.

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

Mr. KATZ of Kennebec: Mr. President, I oppose the motion and request a division. I think that this is a classical example of where a committee of conference could determine where a common area of agreement exists between the two houses and report back promptly as to their findings. I think we should have that opportunity.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would only say that this bill was heard, I think, the second day of the session, maybe the day after that, but I think it was the second day, and the bill had just come hot off the press. We have had all this time to look it over and there hasn't been any way of coming to an agreement

with it. I certainly think in this stage of the session we would be far better off if we just realized that there was a controversial issue involved here and put it over to the next session.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that the Senate recede and concur with the House on Bill, "An Act Clarifying Laws Relating to the University of Maine" (S. P. 632) (L. D. 1804). A division has been requested. As many Senators as are in favor of receding and concurring with the House will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist and Request a Committee of Conference.

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

Senators:

KATZ of Kennebec  
VIOLETTE of Aroostook  
STUART of Cumberland

**Non-concurrent Matter**

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

In the House January 22, 1970, Referred to the Committee on Appropriations and Financial Affairs.

In the Senate January 27, 1970, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Consideration.

(Off Record Remarks)

COMMUNICATIONS  
State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine  
January 28, 1970

Honorable Harry N. Starbranch  
Secretary of the Senate  
Sir:

The House today voted to Adhere to its action whereby 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) was indefinitely postponed.

Respectfully,  
BERTHA W. JOHNSON  
Clerk of the House

Which was Read.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I rise, not to make a speech, but to sing a swan song. This bill was driven to its knees yesterday in the House and they delivered the coup de grace this morning, so it is the end of the line for An Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature.

I find it a little ironic that this should happen at this time when this Legislature, as a body, and we as individual legislators, are literally in the national limelight concerning this oil business. We have a Legislature and a Committee in the Legislature that is struggling to come up with path-finding law in an extremely complex area. Then they and we also are in a more or less adversary position with gigantic firms of literally unlimited resources, with the finest legal advice in the world, hundreds and hundreds of staff people working full-time on this problem, and our committee in this Legislature is going up against these people bare-handed with none of these advantages.

I have heard the feeling expressed by more than one person that they are afraid to pass the conveyance bill and they are afraid to pass the site bill because they know it is going to wind up in litigation and they are afraid that

the oil companies will find them somewhat porous.

Perhaps the intent of this act, if it had been carried out, would have given our committee some help and us as individual legislators some help. I know I speak for all of the Senate in relief that we have men of the capabilities of Senator Berry from Cumberland, Senator Reed from Sagadahoc, and Senator Sewall from Penobscot, who are handling this crucial matter. I have no apologies for this act, but perhaps there are other ways of accomplishing this important purpose. The bill is dead but the problems remain, and we will try and find other ways to do it. Mr. President, I therefore move that the Senate adhere.

The PRESIDENT: The Chair would inform the Senator that this motion is not necessary, that the House has adhered, which ends the matter.

Thereupon, the Communication was Ordered Placed on File.

#### Committee Reports House

The Committee on Appropriations and Financial Affairs on Joint Order re the Committee on Appropriations and Financial Affairs reporting a Bill relating to Appropriations for School Subsidies. (H. P. 1443).

Reports that this is not within the purview of the Committee.

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

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

Mr. KATZ of Kennebec: Mr. President, I am quite confused by the meaning of the report. I am not quite certain what the purview of the Committee is, but under the circumstances, out of order and under suspension of the rules, I present an order and move its passage.

#### Joint Order

ORDERED, the House concurring, that the Joint Standing Committee on Education report out a Bill to the House relating to

appropriation for school subsidies. (S. P. 647)

Which was Read and Passed.  
Sent down for concurrence.

#### Senate

##### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 603) (L. D. 1778)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-411).

Signed:

Senators:

SEWALL of Penobscot  
DUQUETTE of York

Representatives:

JALBERT of Lewiston  
LUND of Augusta  
MARTIN of Eagle Lake  
BRAGDON of Perham  
BIRT of E. Millinocket  
BENSON of South west

Harbor

SAHAGIAN of Belgrade

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

Signed:

Senator:

DUNN of Oxford

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Enactors

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

An Act Relating to Rate of Interest on Real Property Taxes. (H. P. 1335) (L. D. 1664)

(On motion by Mr. Berry of Cumberland, temporarily set aside.)

An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants. (S. P. 576) (L. D. 1703)



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

An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel. (H. P. 1430) (L. D. 1800)

(On motion by Mr. Bernard of Androscoggin, temporarily set aside.)

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

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

The President laid before the Senate the matter previously set aside at the request of Mr. Bernard of Androscoggin, An Act Relating to Licensing of Ambulance Service Vehicles and Personnel (H. P. 1430) (L. D. 1800).

The PRESIDENT: The Chair recognizes that same Senator.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I have a prepared amendment to this bill but in looking it over this afternoon, I find that it is not in proper form. It is my desire that one of my Senator colleagues might table this until the next legislative day so I would have time to get it in proper form.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Enactment.

The President laid before the Senate the matter previously set aside at the request of Mr. Berry of Cumberland, An Act Relating to Rate of Interest on Real Property Taxes (H. P. 1335) (L. D. 1664).

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have followed this bill with considerable interest because I think it effects, to a great extent, what we would call the ordinary citizen. This bill as originally put in would have raised the interest rate on delinquent taxes to twelve per cent and as amended, I

believe, it lowers it to ten per cent, but increases it from eight to ten.

I suppose there are people who, if they had enough money, would play the matter that it would cost about the same to borrow money from a bank to pay the taxes as you would pay the town in taxes, and that the greater the disparity between the two the quicker the taxes are paid. In other words, the higher the penalty by being late in your taxes, the quicker you are going to pay the taxes. I have a funny feeling it doesn't work out this way in practice.

I think our average citizen tries to pay his taxes as fast as he can, and I think it is a matter of principle and a matter of honor with him to pay his taxes on time. I personally know many people whose chief cross in life is that they are unable to pay their taxes. They are not able to go to a bank and borrow the money either. Consequently they fight like a dog to keep their name off the delinquent tax list, which certainly we must hold up as one of the more degrading things which we do in this State by publishing yearly such a list.

I really don't feel it is honorable to inflict this on the people of the State of Maine. I think that the ceiling of eight per cent is adequate. If they want to get their money in, they have got an awful good logical way of doing it, and that is to have a little small discount, and I will bet you that the affluent people would pay their taxes early and take the load off these poor people who can't. I can see the object of it, but I don't agree with the principle behind the thing. I am going to move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that item 81, "An Act Relating to Rate of Interest in Real Property Taxes," be indefinitely postponed. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that this bill be indefinitely postponed will please say "Yes"; those opposed, "No."

A viva voce vote being taken, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

### **Emergency**

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)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### **Committee Reports House**

#### **Ought to Pass in New Draft**

The Committee on Business Legislation on Bill, "An Act Creating the Maine Insurers Insolvency Pool Act." (H. P. 1420) (L. D. 1788)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Creating the Maine Postassessment Insurance Guaranty Association." (H. P. 1446) (L. D. 1822)

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

Which was Read.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I briefly reviewed this document, and I note under Section 4432 the purpose is to provide a mechanism for the payment of covered claims apparently when an insurance company becomes insolvent. This is a very technical and lengthy document, and I assume that the Committee on Business Legislation considered it very carefully when preparing this report and this new draft. I am wondering whether or not someone from that committee could briefly outline for us how this will be accomplished, whether or not we have had problems in this area in the past, and just give us a general report on the document itself before we act on it.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: This is indeed, like most of this insurance law, complex law, and the committee was hard-pressed actually to handle it. However, we did retain counsel in this matter, Mr. Williams, who has a reputation as being the nation's outstanding consultant on insurance, and who did in fact assist the commission that prepared the complete revision of the Maine Insurance Code, which we passed in our regular session.

Mr. Williams reviewed this for compatibility with present law, and I have every confidence in the draftsmanship of the bill.

The function of this is two-fold. One of the functions is to fend off activities of the federal government in this area. The Congress is considering a bill now which sets up insurance on insurance companies in a manner similar to the Federal Deposit Insurance Corporation. It was felt once again by our committee that we did not want the intrusion of the federal government into this particular area. There are a variety of technical reasons, because you start getting into regulation of our state insurance companies, you get the federal government taxing them or taking a fee from them for this. At least, in the case of the FDIC the administrative costs on a percentage basis are really extraordinary. So, the insurance community wanted to set up its own—well it is an association, a self-insuring organization, to protect the claimant in case of the insolvency of an insurance company.

We have had pretty good luck in this State. We have had in recent years, I understand, two companies that have become insolvent and have been unable to take care of the claimants. Under the new insurance act, that this Legislature very wisely passed during the regular session, there are even greater safeguards that are set up, so that the Insurance Commissioner frankly, has excellent tools in the field of prevention. How-

ever, should an insolvency occur, the insurance companies who are part of this association—we are talking now about health and casualty insurance largely, the automobile type of insurance; not life—would assess the members of the association to pay any outstanding claims against the insolvent company. It is an act that is strictly for the benefit of the public.

The members of the association are not assessed until after there is an insolvency, so that you don't have the accumulation of a pool of money which would result in an immediate hike, of course, in premium rates. But rather, if we do have the misfortune of an insolvency, then they go around and assess the individual companies. If we had a major insolvency in this State, probably premium rates would rise eventually as a result of it. If, however, we wait for the federal government to act, and put in their plan, insurance rates will rise as soon as the federal act comes into effect. The Business Committee feels and the insurance industry at large feels that this is a more desirable approach toward public protection than waiting for the federal government to get into this area. This is good legislation, it protects the consuming public, and I hope it meets with the favorable endorsement of the Senate. Thank you, Mr. President.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I note that again this bill would create a non-profit, unincorporated legal entity, to be known as the Maine Insurance Guarantee Association. Also, as Senator Logan has indicated, the insurance community desires this legislation, there is a need for it, and it would benefit the public.

My first concern is whether or not this type of legislation is of an emergency nature, whether it is a type of legislation that we want to consider at a special session. It is a rather lengthy document. It is questionable in my mind whether there is need for it at

this point, but I for one certainly don't intend to pass upon this document, today until I have had an opportunity to review this with others who possess an expertise in this area. I would suggest that this be tabled until at least tomorrow, before we act on the pending motion, so that we will all have an opportunity to study it at length.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I absolutely agree with the sentiments of the Senator from Oxford, Senator Beliveau, this is important law, and it should be studied very, very carefully. I think it is very much in order that this be tabled until the next legislative day. Thank you, Mr. President.

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

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

#### Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Appropriating Funds to the Department of the Attorney General." (H. P. 1364) (L. D. 1713)

ask leave to report: that the House recede from recommitting the Bill to the Committee on Appropriations and Financial Affairs.

On the part of the House:  
 BROWN of York  
 HEWES of Cape Elizabeth  
 JALBERT of Lewiston

On the part of the Senate:  
 SEWALL of Penobscot  
 BERRY of Cumberland  
 DUQUETTE of York

Comes from the House, the report Read and Accepted.

Which report was Read and accepted in concurrence.

#### Enactors

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

### Emergency

An Act Relating to Rules and Regulations for the Protection of Health and Safety. (H. P. 1311) (L. D. 1625)

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

### Orders of the Day

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

#### Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Establishing a Human Rights Commission" (H. P. 1302) (L. D. 1619), reports that the same Ought to Pass in New Draft under Same Title: (H. P. 1439) (L. D. 1814)

Pending — Assignment for Second Reading.

Under suspension of the rules, the Bill was given its Second Reading.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-410, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This Senate Amendment does not change the substantive nature of the bill, but it is offered so as not to create any possible conflict with long established retirement programs of various businesses around the State. It will let the companies that presently have a differential retirement for men and women in their employ maintain that differential, among other things.

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

The motion prevailed.

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

Senate Amendment "B", Filing No. S-412, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This amendment apparently removes from the commission the right to accept contributions. Apparently it removes the necessity to pay as compensation to a victim the difference between the sale of rental property and what he actually had to buy. And apparently it removes an obligation to pay certain legal and other expenses. I would hope that the sponsor would confirm this, because it is a rather complicated amendment.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I will be very specific about what this amendment does and what my intent in it was. On page six of the L. D. you will find paragraph thirteen, "Contributions." This paragraph authorizes the commission to accept contributions from persons or organizations to effect the purposes of the act. What I was afraid of here, and I think it is a real fear, would be that some heavy contributor, perhaps a Labor Union, perhaps a business organization, would contribute heavily to this with the intent of perhaps, well if not gaining a special dispensation, at least being involved in the workings of the commission. I don't feel that a commission like this should be beholden to anybody. If they are going to look into labor they ought to be able to do it with a free hand without one hand on their pocketbook. This was why I felt that it was inappropriate for a commission of this type to accept contributions from people that it might, in fact, one day wind up looking at. That was why I thought better.

The balance of the amendment, if you refer to page thirteen of the Legislative Document, this deletes paragraph five which, I felt, came down a little hard on the seller or renter in that if you are found guilty of discrimination—let's say you refuse to sell somebody a house—you would have to pay the

difference between the price of your house and what he went out and bought, which seems to me to be somewhat harsh. Also, if you refuse to rent to an individual and he rents somewhere else, you are obliged to pay the difference between what you would have charged and what he has to pay. Once again, that seems to me to be somewhat harsh, considering that there are other remedies in the document. So the amendment deletes that paragraph five on page fifteen.

Also, further down on page thirteen, paragraph seven, as amended, under this provision, if you are found guilty of being a discriminator, then you must pay all of the costs of prosecution by either the plaintiff or the commission itself. Once again, the commission should be in a position to handle this prosecution on behalf of the poor man. In other words, presumably the poor man goes to the commission for help. I am afraid that it will put the commission in the position of driving anyone back against the wall because of the problem of having to pay the commission's fees. I am also afraid that if it costs the commission nothing to do this that it could, if in the wrong hands, lead to frivolous, or capricious action. This is what the amendment does. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be Adopted?

The motion prevailed.

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

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This is a complicated bill, it has two amendments on it, and I would like to have this lay on the table until the next legislative day.

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

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

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

Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches" (H. P. 1333) (L. D. 1662).

Pending — the motion by the Senator from Penobscot, Senator Quinn, to Accept the Majority Ought to Pass Report of the Committee.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document would authorize, under certain rules, the issuance of administrative search warrants to administrative agencies. Under our present law today, the only way that a search warrant will be issued by a court is if a crime has been committed. This would expand the fourth amendment safeguard as to the need for a search warrant to our various state and local administrative agencies.

The amendment before us is very broad. It would, in effect, permit the Health and Welfare Department, Fish and Game, Liquor Commission, any one of the many, many state agencies that we have, to apply for a search warrant in either the District or Superior Court, to search homes, places of business, and other buildings to seek evidence of violations of our administrative code or departmental regulations.

I think that before we embark on such a very dangerous course, it is important to remember why traditionally and historically under our Constitution we have required that a search warrant be issued. We all recognize the sanctity of our homes, and the need to have an impartial magistrate determine whether or not a search warrant should be issued before our privacy is invaded. I question and I doubt very much that there is a need for such legislation. I am concerned because the benefits that might accrue from this do not outweigh the potential abuse by administrative agencies.

I question whether it is necessary to give the Commissioner of Health and Welfare, or the Fish and Game Commissioner, or any of these other commissioners or, as the case will be, and the practice will certainly be, their agents or employees the right to request a search warrant to find evidence or material indicating a violation of some ruling.

I have discussed this with many, many people and no one has suggested or presented to me a valid argument why there must be such a radical departure from our existing practice. I don't know of any case where the peace, health, and the safety of the State have been jeopardized because State employees, as it were, did not have the authority or the right to find evidence.

It has been suggested that in certain municipalities building inspectors and fire inspectors are not permitted to enter a home, and that they need this legislation in order to gain entrance to a particular building. I say if that is the case, if the building inspectors need such legislation, then let's draft it properly. The very broad language of this amendment would permit any state agency, any municipal agency, to request of a District Court judge or a Superior Court judge to issue a search warrant for any number of reasons.

The abuse, or potential abuse here is too great to enact such a broad law. I would, therefore, urge the members of the Senate to reject the pending motion so that we can in turn defeat this document.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: Life is becoming more complex all the time. We are now getting these various bills and acts regulating housing, and establishing what is known as standard housing, trying to bring our housing up to date and make it safe for the tenant who lives there. Also, we have electrical codes to make a house safer in the wiring and the other electrical apparatus, a plumbing code to make it more safe for the health and sanitation,

and so forth. Now, under our present law, as the good Senator from Oxford, Senator Beliveau, says, the only time you can get a search warrant is when you suspect someone of a crime, and get it to investigate for that purpose.

Now, you have no right to get a search warrant to go into one of these homes that you have reason to believe is not living up to the standard housing regulations, the plumbing code, the electrical code, or these other codes that are all made to safeguard the safety and the health of our people.

These inspectors go and they close the door on them so they can't get in. The only way that you can open that door to see that these buildings are being maintained according to the law is to go to a judge of the District Court or Superior Court and place the situation and the facts before him, and request that he issue a search warrant that will give you the authority to go and perform your duty. We think that this particular law is necessary for that purpose.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I would like to be on record as fully concurring with the remarks made by Senator Beliveau of Oxford, and add just one point which I feel is father significant. This legislation would allow uncontrolled invasion of the privacy of our own homes, and I don't feel that this particular L. D. is in the best interest of the people in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Majority Ought to Pass, as Amended, Report of the Committee on Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches."

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass, as Amended 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. Ten Senators having voted in the affirmative, and twenty 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.

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

Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction (S. P. 597) (L. D. 1768).

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

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

In the Senate January 22, 1970, the Bill substituted for the report and the Bill subsequently Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-668) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order**

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

ORDERED, the House concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to study current practices in collective bargaining to determine the feasibility and the desirability of extending bargaining rights to public higher education personnel; and be it further

ORDERED, that the council shall report its findings and recommendations to the Joint Committee on Education of the 105th Legislature. (S. P. 648)

Which was Read.

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

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Adjourned until 9:30 tomorrow morning.