

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

Thursday, January 29, 1970
Senate called to order by the President.

Prayer by the Honorable Frank Whitehouse Anderson of Ellsworth.
Reading of the Journal of yesterday.

Orders

Mr. Barnes of Aroostook presented the following Joint Resolution and moved its Adoption:
STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED AND SEVENTY

JOINT RESOLUTION COMMENDING RALPH W. ALLEN OF CARIBOU

WHEREAS, the Honorable Ralph W. Allen of Caribou has a proud record of achievement and faithful stewardship for his State and the people he serves; and

WHEREAS, Representative Allen is recognized as one of our most able legislators; and

WHEREAS, last evening he was named Caribou's Most Outstanding Citizen by its Chamber of Commerce; and

WHEREAS, the honor is well deserved, for Ralph's life purpose has long been doing his best in the service of others; now, therefore, be it

RESOLVED: That we the Members of the 104th Legislature of the State of Maine now assembled in Special Session congratulate Ralph W. Allen on the honor which has been bestowed upon him in recognition of his achievements; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately transmitted to our honorable colleague commemorating the occasion.

(S. P. 649)

Which was Read and Adopted.

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

Second Readers

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

Senate—As Amended

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)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, the Senate then voted to reconsider its previous action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-413, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

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

Orders of the Day

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

Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 588) (L. D. 1743)
Tabled — January 28, 1970 by Senator Holman of Franklin.

Pending — Motion by Senator Beliveau of Oxford to Indefinitely Postpone Bill.

On motion by Mr. Tanous of Penobscot, retabled until later in today's session, pending the motion by Mr. Beliveau of Oxford that the Bill be Indefinitely Postponed.

The President laid before the Senate the second 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 28, 1970 by Senator Katz of Kennebec.

Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President, what is the status of this Resolve?

The PRESIDENT: The Chair would inform the Senator that on January 22nd the Senate passed the bill to be engrossed as amended by Committee Amendment "A". The House on January 23rd accepted the Minority Ought Not to Pass Report of the Committee in non-concurrence. Since that time the matter has been on the table pending further consideration.

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Gentlemen: I call your attention to this bill that went under the hammer in the other body without any vote. In the intervening days I have been hoping to see if there weren't some common ground on which we might compromise on the Resolve. I see none, and I therefore move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that on tabled matter No. 2, Legislative Document 1769, the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

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

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

Tabled—January 28, 1970 by Senator Wyman of Washington.

Pending—Consideration.

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

(See action later in today's session).

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

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

Tabled—January 28, 1970 by Senator Sewall of Penobscot.

Pending—Enactment.

Thereupon the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

HOUSE REPORT — from the Committee on Business Legislation on Bill, "An Act Creating the Maine Insurers Insolvency Pool Act." (H. P. 1420) (L. D. 1788) Ought to Pass in New Draft under the title of "An Act Creating the Maine Postassessment Insurance Guaranty Association." (H. P. 1446) (L. D. 1822)

Tabled—January 28, 1970 by Senator Berry of Cumberland.

Pending—Acceptance of Report.

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

Mr. TANOUS of Penobscot: Mr. President, a point of inquiry: Would a motion be in order at this point to refer this matter to the 105th Legislature?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would inform the Senator that in order to make the motion that the Senator proposes, the Bill would have to be substituted for the Committee Report. Action must be taken on the Committee Report before any further action may be taken.

The Chair recognizes the same Senator.

Mr. TANOUS: I so move, Mr. President, that the Bill be substituted for the Report.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Bill be substituted for the Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I am guessing at the motives of my colleague, Senator Tanous, in this matter. I assume that he is, perhaps like many of you, unsure

about this and, consequently, wants to delay consideration. Let me once again very briefly go over the pros and cons of this thing, and I shall try to give you both sides of this as fairly as I can.

This legislation was proposed by the American Mutual Insurance Alliance, which is an alliance of insurers not in the life insurance field. It is strongly endorsed by the National Association of Insurance Commissioners. Now, the basic reason that these two organizations are interested in this insolvency pool is that they are scared to death of the federal government stepping into the state picture on insurance. As I mentioned yesterday, the federal government is indeed—at this moment the United States Congress is considering legislation to set up just sort of a protection for the public. However, if the federal government steps into the insurance scene in the several states, then it will be necessary for the federal government then to set up their own regulation and enforcement on state insurance companies. This is something that the committee certainly finds abhorrent, as well as the industry. I think perhaps it would be abhorrent to the Legislature as well.

Now, this bill is designed for the protection of the public. It is a voluntary association of insurance companies to protect against insolvency, and it includes every insurance company except those in the life and health field. It includes automobile insurance, glass breakage, you know, the household type insurance, workmen's compensation, and general property and casualty insurance. Membership in this pool would be obligatory on all insurance companies that are doing business in the State, whether they are Maine insurance companies or not. If they are an out-of-state insurance company doing business in Maine, then they would have to join the association.

The assessments, if any, are prorated on the amount of insurance they write, the premium volume.

Now, if an insurance company in Maine that is doing business

in Maine becomes insolvent the people whom it insures have a problem. They may have claims against the company, that is, individuals perhaps have been involved in an automobile accident and they are relying on their automobile insurance to protect them. Maybe they are involved in a law suit, the insurance company becomes insolvent, and they are just out of luck. In the past when there have been insolvencies, the few that we have had, the agents themselves, as far as their financial resources would allow them to do so, have stepped in and tried to pay the claims out of their own pockets. We have an agent here in the Legislature, as a matter of fact, that at one time actually tried to pay a part of the claims that this insolvent company he represented owed.

Now, this is terribly important to the insured, because they pay their premiums to the insurance companies for this protection, and they could be put in a terribly difficult situation if the company became insolvent. Furthermore, when a company becomes insolvent all of its policies are cancelled. So, if you aid your annual premium, the company becomes insolvent, your policy is cancelled, but you don't get your money back, you don't get your premium back, but you would under this association arrangement. The other insurance companies would step in and assume the obligations of the insolvent company. Furthermore, third parties involved would be protected, that is, the fellow you hit in this collision, as well as yourself. These are the pros on this thing.

Now, the objections to this insurance could be stated, I think, this way: that you are asking the good companies, the well managed companies, to take the rap for the poorly managed companies. This is the other side of the coin. But my personal opinion is that it is a good piece of legislation. It was very carefully drawn with the best talent that the United States has to offer in this field. I would urge you to support the committee, and to vote against the motion to substitute the bill for the report. Thank you, Mr. President.

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

Mr. MOORE of Cumberland: Mr. President, through the Chair I would like to ask a question of the good Senator from York, Senator Logan. How many companies do we have in Maine that would be subject to this? Or are we going to pick out an agency for Travelers, State Farm Insurance, or Prudential that would be involved in here? Just how many companies have we got here that would be subject to this?

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

Mr. LOGAN of York: Mr. President, I truthfully don't know, but I would imagine there would be several hundred involved perhaps. I would say perhaps in excess of a hundred, quite a large number, because we do pick up all these out-of-state companies, you see, that are doing casualty automobile insurance and this sort of thing. But I don't honestly know the figure the Senator wants.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I am sure that you realize my motives for taking this avenue. This bill is a massive bill. It came out originally as another draft, 1788. This was the original draft, and now they come back with a new draft within what—a couple of weeks or so. It seems that this is quite a massive bill to be attempting to push through at a special session:

Now, I certainly don't doubt that this bill is designed to perhaps better the insurance field in the State of Maine, and it would probably better protect the citizens of the State, but I would like to see the matter studied a little more. I think we should. I think it is too vast a step to just jump into with a new draft within the last two weeks.

Now, it is true, as Senator Logan mentioned, the insurance companies are afraid of federal legislation or federal controls on their companies, and they want to put

in their own bill over here that might be a little easier for them to work under. I don't blame them for that either, except that if the federal law is better than ours then maybe we should wait and adopt that one rather than take theirs on.

I would certainly ask for your support on my motion, and I will subsequently follow that up with a motion to refer to the 105th. Thank you.

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

Mr. BERRY of Cumberland: Mr. President, I would inquire of the Chair as to the correct L. D. number. I think there must be a misprint; it says 1882 on the calendar.

The PRESIDENT: The Chair would inform the Senator that the correct number is L. D. 1822. It is a misprint.

The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: On page six, Subsection 4440, Assessment of Member Insurers, Subsection 3, Limitation: "No member insurer shall be assessed in any calendar year on any account an amount greater than 1% of that member insurer's net direct written premiums," and so forth, "for the next preceding calendar year."

I don't feel that I am going against the Chairman's position when I mention my disagreement with this particular provision and some fundamental problems I had with the bill, even though this came out of committee with my signature. I think we can form a parallel situation here — say, if someone were in the farm machinery business and he fell on parlous times, and a law was in effect which would permit the assessment of all other farm equipment dealers to make up the loss—I see no real reason why any person paying a similar type insurance premium in another company should be forced to contribute in the form of higher premiums for the insolvency of another insurance company in which he really has no interest.

I can appreciate the fact of keeping the industry in a good healthful condition, but I have maintained since this document was up for consideration that the way to do this is by proper and close supervision of the operations of the insurance companies themselves by the Insurance Department. As a matter of fact, following this line of thinking, this might even end up with more lax regulations because here is a sure out for the problem when it arises.

Our information was that in the past there have been two small companies that would have caused this legislation to go into effect. Both of them were known to have been in rather poor shape, and it just seems to me that here is this basic objection to the bill. I certainly would share the feeling of those, Senator Tanous and the others, who feel that this should receive further study. On the other hand, I agree wholeheartedly with Senator Logan's statement that the committee had probably the best expert advice in the country to do it, but I don't believe that alone in itself is reason to go ahead at this stage. I think it ought to receive some more study. I get mixed comments from the industry: some people say they don't care whether it goes through, and others certainly indicate that they are very anxious to have it go through.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Berry, absolutely correctly stated the other side of the coin. As in all of these things, there are two sides to it, and this is precisely why you and I are here.

I would submit that this bill isn't going to get any smaller with time. It is not going to shrink and it is not going to become any simpler.

The vast bulk of the industry is indeed in favor of this, although it is not unanimous.

As Senator Berry correctly stated, regulation in anticipation of these problems is the correct approach, but our Insurance Department, even under our new code, has difficulties in trying to regu-

late the out-of-state companies. It is very difficult to regulate the out-of-state companies and, of course, they would be included in this. 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 Penobscot, Senator Tanous, that the Bill be substituted for the Ought to Pass Report of the Committee on "An Act Creating the Maine Insurers Insolvency Pool Act." As many Senators as are in favor of substituting the bill for the Report will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed.

Thereupon, on motion by Mr. Tanous of Penobscot, the Bill and accompanying papers were referred to the 105th Legislature in non-concurrence.

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

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

Bill "An Act Establishing a Human Rights Commission." (H. P. 1439) (L. D. 1814)

Tabled — January 28, 1970 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Anderson of Hancock, retabled until later in today's session, pending Passage to be Engrossed.

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

JOINT ORDER — Relative to Maine Education Council Study of bargaining rights for Public Higher Education Personnel. (S. P. 648)

Tabled — January 28, 1970 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, the Joint Order received Passage.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take up the first tabled and unassigned matter:

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

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

Pending — Enactment.

That same Senator then moved that, under suspension of the rules, the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The same Senator now moves that, under suspension of the rules, the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I wonder, before the two-thirds vote is taken, if Senator Katz would please explain the intent and results of this bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The bill is tabled in its present form through an oversight on my part. Traditionally this bill and other bills like it are held to avoid the expense of engrossment until we are sure that nothing else goes on. I am not sure of any further amendments that could come, but Senate Amendment "A" is the amendment that is being distributed directly in front of you. I will be glad to explain it at this time.

We are reaching a point now where the districting process is slowing down. This amendment says that, under existing law, the State Board of Education is authorized to prepare agreements which suggest school districts and which require a vote of the communities involved. We have in front of us two situations that the Committee on Education is reporting out where we think we are making a meaningful contribution to the cause of districting. There will be before you tomorrow, or perhaps this afternoon, an education bill which will require the people of Madawaska to enter into a voting situation on entering an existing district. There is nothing mandatory about it except that

they will be required to vote. This was done at the behest of the Minority Leader in the other body who resides in Madawaska. The feeling is that Madawaska has never actually voted on a district, and this approach will require them to vote on the district; there is no other mandatory feature.

We also have been perplexed now for years as to what to do with Winterport, and this afternoon you will have an approach that we think, hopefully, is going to solve on a voluntary basis the situation whereby Winterport, with almost two hundred youngsters and no place to go to high school, will be able to vote with two other districts, and we think that we have made a contribution on the legislative level so they can.

This Senate Amendment says that while the legislature is not in session, and without the need for a multiplicity of bills, we feel that this will permit other perplexing problems in the State to be approached by the Board of Education with voluntary votes and perhaps we can solve the problem.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I guess I am one of these people that is not completely enchanted with school administrative districts.

If I understand this correctly, the State Board of Education then can require any town that isn't in a district to have an election on whether they want to be in a district or not, or could prepare an agreement, say, putting the Town of York and the Town of Wells together and then make us vote on it. I also wonder if they couldn't make us vote annually on this thing until it finally goes through somehow.

Perhaps I am in error, but this appears to be pernicious, and perhaps the Senator from Kennebec, Senator Katz, can allay my fears in this regard.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Pernicious, it isn't. It

doesn't give anybody any authority they don't have, except it gives the State the opportunity to push a community into a voting situation. Right now there are communities in the State that have been thwarted from the opportunity to vote by hostility within perhaps a Board of Education. The voters never get a chance to express themselves.

If you support the notion of districting, and I do, you can vote in a very clear conscience as this being a very mild and gentle approach that falls far short of the mandatory districting we have before us every session. This is literally true. It is a very, very mild, gentle push to the communities.

If you had sat on the Committee of Education the past two sessions, as I, and if you had witnessed the tragedy that exists in many communities in the State because of a lost basketball title, or something of that sort, which sets up an irritation amongst certain adults against another community, you would see the need for this. Believe me, I look upon it as a very, very meaningful, very, very mild tool to help us to do what Legislatures for the last ten years have said they have wanted done. It is that simple.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate that the rules be suspended for the purpose of reconsidering its action whereby Bill, "An Act to Clarify the Education Laws and Subsidy Payments", was Passed to be Engrossed?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-414, was Read.

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

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Recessed until 3:30 this afternoon.

(After Recess)

Called to order by the President.

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

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

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

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-393).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-672), in non-concurrence.

Mr. Logan of York then moved that the Bill be Indefinitely Postponed.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: It is a great disappointment to me to see that the good Senator from York, Senator Logan, now wishes to dispose of the housing authority act which we passed in the regular session. We have debated this before, and I think that you all realize how absolutely necessary I think it is that we have this state housing authority. We are asking for an amendment here, just a routine matter to clarify something for bond counsel, and if you vote this down then, of course, there is no point in having a state housing authority at all.

This nation now has a goal of wanting to build twenty-six million houses in the next ten years. We are building at a rate of about 1.5 million, and building about half as many as we should.

State Housing Authorities are being set up all across the nation, and this is one vehicle, one means of injecting money into the housing market, and it is a thoroughly sound way. I have great confidence in the people that are administering it and what they are trying to do. In about another month we are going to see some foundations poured here in Augusta where about ten, I believe, model homes will be set up. The people can come from all over the State to look at these houses and then, hopefully, go back and build them in quantity in communities where housing is needed. I think that it would be a great mistake for us to dispose of the housing authority, so I oppose the motion before us and request a division.

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

Mr. LOGAN of York: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from York, Senator Logan, withdraws his motion. Is it now the pleasure of the Senate to Recede and Concur with the House?

The motion prevailed.

(Off Record Remarks)

Non-concurrent Matter

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

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-656) and as Amended by Senate Amendment "A" (S-404), in non-concurrence.

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

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Creating the Maine Postassessment Insurance Guaranty Association." (H. P. 1420) (L. D. 1788)

In the House, January 28, 1970, Passed to be Engrossed in New Draft (H. P. 1446) (L. D. 1822)

In the Senate January 29, 1970, Referred to the 105th Legislature, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference with the following Conferees appointed on its part:

SCOTT of Wilton

SCOTT of Presque Isle

RIDEOUT of Manchester

Mr. Logan of York then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator from York, Senator Logan, moves that the Senate recede from its former action whereby it referred this bill to the 105th Legislature. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, as I understand it, the House has asked for a committee of conference. If we recede and concur, what would the result be?

The PRESIDENT: The Chair would inform the Senator that if the Senate receded from its former action whereby it referred this bill to the 105th Legislature, at that time the Ought to Pass in New Draft Report of the Committee would be before the body to be given its first and second reading?

Mr. BELIVEAU: That takes precedence, as I understand, Mr. President, over a motion to insist and join in a committee of conference?

The PRESIDENT: The Senator is correct.

Mr. BELIVEAU: Mr. President, if that is the case, I would think the course that we should follow here is to join in a committee of conference to see whether or not we can resolve our differences on this. We passed on this matter this morning. I think you have all had an opportunity to review the document, so I would, rather than belabor this, urge the members of the Senate to reject the pending motion so that we can in turn join in a committee of conference.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I think basically the only difference to be resolved with the House is whether or not we are going to pass this legislation. There are not substantive differences between our interpretation of the bill and that of the House.

I can only repeat that this bill comes to us on an exceedingly good reference: the Council of Governors has recommended its adoption, and it has indeed been adopted in several states. The National Association of the Insurance Commissioners is encouraging the states to adopt it. The National Conference of Legislators has recommended its adoption, and the industry itself in fact wants its adoption.

It is important at this time because consideration and hearings in the Congress are now going down concerning the Magnuson Bill, which if passed will interject the federal government into the operation of our state insurance companies, and will indeed impose an additional cost on them with an increase in premium costs. This is important legislation and it should be handled now. 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 the Senate recede from its former action whereby this bill was referred to the 105th Legislature. As many Senators as are in favor of the motion of the Senator from York, Senator Logan that the Senate recede will please say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed.

Thereupon, The Ought to Pass, in New Draft, Report of the committee was Accepted in concurrence, and the Bill, in New Draft, Read Once.

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

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

Joint Order

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

Ordered, the House concurring that the Joint Standing Committee on Natural Resources report out a bill authorizing a bond issue providing for pollution abatement. (S. P. 651)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This proposed Joint Order would bring before us a paper which would be a companion paper to the so-called Oil Coastwise Transportation Bill. The bonding feature which is covered in the L.D. which would emanate from this order will be an integral part of the proposal for consideration by the Legislature. The bond proposal is in final form right now, and we would report back immediately upon adjournment such an L.D. as is called for here and not hold up progress at all.

The PRESIDENT: 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 Passage.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby it voted to Recede and Concur with the House on JOINT ORDER — Relative to Proposed State Liquor Store in the Town of Lubec. (H. P. 1437)

Thereupon, on further motion by the same Senator, tabled and tomorrow assigned, pending Consideration.

Communications

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

January 29, 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 disagreeing action of the two branches of the Legislature on Bill "An Act Clarifying Laws Relating to the University of Maine" (S. P. 632) (L. D. 1804)

Messrs: RICHARDSON
of Stonington

HEWES
of Cape Elizabeth
MILLETT of Dixmont
Respectfully,

(Signed)
BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Enactors

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

An Act to Extend Medical Assistance to the Medically Indigent. (H. P. 1397) (L. D. 1753)

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

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. 1440) (L. D. 1815)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

An Act Repealing the Property Tax Certificate Requirement for Registration of Watercraft. (H. P. 1441) (L. D. 1816)

An Act Relating to Property Tax Administration. (S. P. 644) (L. D. 1819)

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

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

The President laid before the Senate the matter previously set aside at the request of Mr. Tanous of Penobscot:

An Act Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Au-

thority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter. (H. P. 1440) (L. D. 1815)

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't know if you have had an opportunity to review L. D. 1815, and perhaps you might consider that it is sort of late to bring this subject up, but I do wish that you would look at this bill, and perhaps you might agree with my views on the same.

We do have various park authorities in the State of Maine which, in my opinion, are probably handling the work which they have been commissioned to do. And this bill now proposes that we create a major commission to more or less keep an eye on, guide or direct the minor commissioners. This is more bureaucracy. This is all this bill creates. We have got enough bureaucracy. Our citizens are fed up with bureaucracy.

In the past they have been able to go to these individual commissions and establish what they want. Now they will have to go to a further commission, another umbrella over an umbrella. Where do we stop?

It is claimed that a commission of this type is needed to do certain things that the existing law does not permit them to do. Well, it strikes me as being another commission to watch a commission who watches another group.

Perhaps my views are wrong on this. Maybe I am interpreting this Legislative Document in the wrong manner, but I have studied it and read it several times, and I still fail to see where such a commission is needed adding to the bureaucracy of our State Government.

I am asking your support, and I make a motion that this document and all accompanying papers be indefinitely postponed. Perhaps you might want time to review this bill and maybe somebody would want to table this until tomorrow, but I certainly feel that we are just adding more red tape to our already existing amount of red tape

in our government. I ask that you support me in my motion. Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that 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, be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This bill received the unanimous support of the State Government Committee, and it is not designed or intended to set up a competing or an additional state bureau. The title, I think, is self explanatory.

Governor Baxter, in a trust which was established many years ago, intended prior to his death that the State be the beneficiary of a substantial amount of money to purchase inexpensive land around the State to serve as little parks, as it were. It is my understanding that prior to his death he had consulted with his attorneys and with our Governor and indicated that if such an authority had existed at that time he would have given the money outright to the State, but due to his untimely death this was not possible.

The attorneys, the trustees, and the five members who would be affected by this — that is, the Forest Commissioner and the Commissioner of Inland Fish and Game — concluded that this was the only way that the State could receive the benefit of the substantial — and when I say substantial, it exceeds a million dollars that will be available to the State, at absolutely no cost to the State, to purchase inexpensive parcels of land about the State to be preserved as parks for the benefit of our citizens.

It is my understanding that the money for the administrative costs connected with this will come from the authority itself, which derives its resources from Governor Baxter's trust. This will not impose a

financial burden or additional financial costs to the State.

We all know, of course, what Governor Baxter has done for the State of Maine, and I don't believe it is necessary for me to outline to you what a very generous and charitable person he was. So I don't think it is up to us at this time to frustrate his intentions by defeating this piece of legislation. I urge the members of the Senate to defeat the pending motion.

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

Mr. TANOUS of Penobscot. Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 30 Senators was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act 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)

This being an emergency measure and having received the affirmative votes of 30 Senators was Passed to be Enacted and, having been signed by the President, was

by the Secretary presented to the Governor for his approval.

On motion by Mr. Katz of Kennebec, out of order and under suspension of the rules, the Senate voted to remove from the table Joint Order No. 651, which was tabled by that Senator earlier in today's session, pending Passage.

On further motion by the same Senator, the Joint Order received Passage.

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

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

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

Pending—Motion by Senator Beliveau of Oxford to Indefinitely Postpone Bill.

On motion by Mr. Holman of Franklin, a division was had. Twenty Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed.

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

The President laid before the Senate a matter tabled earlier in today's session, by Mr. Anderson of Hancock:

Bill, "An Act Establishing a Human Rights Commission." (H. P. 1439) (L. D. 1814)

Pending — Passage to be Engrossed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

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

The President laid before the Senate a matter tabled earlier in today's session, by Mr. Reed of Sagadahoc:

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

Pending — Adoption of Senate Amendment "A".

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: In looking this amendment over, in the last half of the first sentence, it seems to me that it is doing something that I certainly would hate to see done. That is to prepare agreements to combine two or more existing districts. In other words, at home, in my town, we have just formed a district within the last couple of years. This would mean that at any time the Department of Education wanted to they could force us to vote on whether we would join another district or not. It seems to me we have trouble enough with our single districts rather than putting anything on the books where they can force a vote to join districts together. I will move indefinite postponement of this amendment.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Since the morning session I have been speaking to the Attorney General and to the Department, and the meaning of the amendment very clearly was "after negotiation by the parties." The mandatory feature sounds an awful lot more stern than it is. In the morning I hope to propose an amendment which spells out a little more carefully that which we intended.

I think the alternative here is either to continually face legislation proposing mandatory statewide districts or gradually to give additional tools, as the districting picture in the State matures more, to help and assist in the formation of districts where districts are very, very badly needed.

Mr. President, under the circumstances — I realize there is a pending motion — but if it is parliamentary correct, I would like to withdraw the amendment from consideration.

The PRESIDENT: The Chair would inform the Senator that

first the Senator from Oxford, Senator Dunn, would have to withdraw his motion to indefinitely postpone the amendment.

Mr. KATZ: Mr. President, on that basis, I have no objection to the motion and will support it. I hope to have another amendment for you in the morning which spells out a little bit more clearly our intent.

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

The motion prevailed.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.