

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Monday, February 2, 1970

Senate called to order by the President.

Prayer by The Honorable Bennett D. Katz of Augusta.

Reading of the Journal of yesterday.

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

January 30, 1970

Honorable Harry N. Starbranch  
Secretary of the Senate  
Sir:

The House today voted to Adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction (S. P. 597) (L. D. 1768).

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 Business Legislation on Bill, "An Act Establishing a Consumers' Council." (H. P. 1405) (L. D. 1761)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1447) (L. D. 1823)

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

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

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

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

**Divided Report**

The Majority of the Committee on Natural Resources on Bill, "An Act Requiring Bonds to Insure Performance of Waste Discharge

License Provisions." (H. P. 1421) (L. D. 1789)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1445) (L. D. 1821)

(Signed)

Senators:

BERRY of Cumberland  
SEWALL of Penobscot  
REED of Sagadahoc

Representatives:

BROWN of York  
CURRAN of Bangor  
COFFEY of Topsham  
JAMESON of Bangor  
EUSTIS of Dixfield

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

(Signed)

Representatives:

SNOW of Caribou  
HARDY of Hope

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "B" (H-686).

Which reports were Read.

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

House Amendment "B". Filing No. H-686, 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 bill provided in its original form for something that is much needed in our anti-pollution work, and that is the posting of a bond to cover the performance of a licensee after he has received his Environmental Improvement Commission license to discharge air or water pollutants. The idea is good, but the practical problem of what would be done with bonding proceeds really brought this bill onto the rocks.

The amendment emasculates the bill completely and, while it doesn't make it worthless, it would seem in order to pass it to give the Commission perhaps just a little bit more. But there is no need of hiding the fact that this is far from the bill which was originally

put in, and I wanted this body to understand that. I move the adoption of the amendment, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "B" in concurrence?

The motion prevailed.

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

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

### Second Readers

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

#### House

Bill. "An Act Permitting the Town of Winterport to Join School Administrative District No. 22 or School Administrative District No. 56 Under Certain Conditions." (H. P. 1451) (L. D. 1827)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-417, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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 to Authorize a Bond Issue in the Amount of \$3,935,000 for the Construction of New Facilities and Equipment at Northern, Southern, Central and Washington County Vocational-Technical Institutes and a Diagnostic Facility for the Boys Training Center." (H. P. 1452) (L. D. 1829)

Tabled—January 30, 1970 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

Thereupon, on motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act to Promote Governmental Reorganization and Efficiency." (S. P. 641) (L. D. 1812)

Tabled—January 30, 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, may I request the present status of this bill?

The PRESIDENT: In the Senate on January 27th the bill was read twice and passed to be engrossed. In the House, House Amendment "A" was adopted in non-concurrence and House Amendment "B" was adopted in non-concurrence; the bill then passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence. The matter has been on the table in the Senate since that time pending consideration.

Thereupon, on motion by Mr. Katz of Kennebec, Retabled pending Consideration.

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

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

Tabled—January 30, 1970 by Senator Moore of Cumberland.

Pending Enactment.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am as opposed to this bill now as I was during the regular session. I feel that it is unnecessary and it is a duplication of what the federal government is doing in many of their different bureaus that they have set up here in the State. I see no reason why we should ever be involved in this.

After the first mortgage is bought or guaranteed under this bill we are in this for eternity, you might say, the same as we are involved with the MRA and MIBA. The only difference would be that we would be picking up thousands of mortgages, either that or we

would be just guaranteeing the loans on a few developers, one or the other, or possibly both. But when we get into this we are in it forever; don't forget that. If we think we have got troubles with the MIBA, the trouble we are in there is nothing compared to what we could get into under this bill. I am opposed to this bill completely and I hope you will vote against its enactment.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I spoke the other day on this bill and I don't think I will bother to go through it all over again. There have been several attempts along the way to kill the housing authority, and the only thing I will say is that we are talking about revenue bonds; we are not talking about general obligation bonds. These revenue bonds do not affect the credit of the State.

This is definitely not a duplication. This supplements what the federal government is doing. George Romney, who heads the Urban Development Authority, is very much in favor of what we are doing and, as I said the other day, housing authorities are being set up all across the country in many states. They are involved much more than we are in the hopes to do something about the terribly acute shortage of housing. I guess that is all I have to say, and I request a division on this.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: In some of the states that this has been enacted in—one city has more population than the entire State of Maine. We are a rural state and the largest city we have here is 70,000 people. We are talking about states that have cities of a million in population in the cities proper, without their outlying areas. That is another reason I am opposed to this, because I don't think it is necessary.

I have talked with the man who has charge of FHA here, and he

is working all the time trying to get developers to go to work and develop in this State here to create housing developments for the lower income people, and he has had a tremendous job trying to do it. And that is an organization that has been in business here for about ten years.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hate to disagree with my very, very good friend, Senator Moore from Cumberland County, on this matter. I think that the State Housing Authority Law is an extremely beneficial law for the State of Maine and one that I feel will render a great service in reducing the terribly inadequate housing facilities that we have, particularly for our low income people.

I want to cite here the example that we in Van Buren have had with regard to public housing. Van Buren is one of the poorer communities in the State and always, and still today, has suffered from a lack of adequate low income housing rentals. In 1950 Van Buren became one of the very, very few communities in the State to come to the Legislature and request the enactment of the Van Buren Housing Authority. I was Chairman of this Authority for seven years, and during this period of time we constructed ninety low income rental dwelling units for Van Buren residents.

I don't think that the avenue of low income rental housing constructed under housing authorities such as the Van Buren Housing Authority, and that would be constructed under the type of authority that all communities now could go under, as well as our State when this present State Housing Authority Act goes into play, will be a total solution. It ought not to be a total solution because certainly we should provide every encouragement to bring private money into play to provide construction of low income rental housing. But we do know that we have a very, very substantial segment of our population that,

despite the best efforts that can be made by private capital to construct housing and make it available for low income people, there is nevertheless a very substantial part of our low income rental people who would not be able to purchase this type of housing. We have some very, very low income people, also our elderly who are living on fixed social security, State or other low income retirement plans, and I know the experience in Van Buren has been extremely beneficial towards alleviating the housing situation for our low income people.

My reason for supporting this legislation is based on the experience that we in Van Buren have had as one of the first communities in this State to go into the area of public housing. I think it is a step in the right direction and I would hope that this legislation would be enacted because I think it is extremely important for our Maine people.

(Off Record Remarks)

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: One final word on the housing authority: I hope that everyone realizes that if we should vote this amendment down we really do away with the whole housing authority. If this amendment is not passed they cannot sell the bonds and if they cannot sell the bonds then there is really no reason for having the authority. We passed this in the regular session and appropriated some money for this purpose, and all the good work that has been done up to this point will be completely wasted. I hope we won't do that today.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: What Senator Violette of Aroostook, the young Senator, just said about the towns and cities having their own housing authorities and working under the federal government programs,

which are ample, as you all know, with this last Congress, President Nixon just signed a bill for five billion dollars for this same thing in Washington, a five billion dollar program, and I feel they can afford to do this better than we can.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In yesterday's issue of the Sunday Telegram there was a lengthy well documented article outlining the housing problems that we have here in Maine, and I think it clearly depicts the crisis that we are confronted with. I don't have the figures before me, but I recall there are figures to the effect that some forty per cent of the Maine residents, citizens of the State, live in substandard homes.

There was also a comment or statement by a contractor from Cumberland County, who said that in his opinion approximately forty per cent of the Maine residents could not qualify financially to purchase homes with a market or sales value between ten and twelve thousand dollars. I agree with Senator Moore that we do live in a rural State, but we also have our share of rural slums.

The good Senator from Cumberland County again outlined the fact that the housing authority was created during the regular session. This legislation is needed to clarify certain provisions of the housing authority in order to permit bond counsel to certify the bonds so that they will in effect, be saleable.

Finally, another problem that exists here in Maine, which was outlined in great detail in yesterday's article in the Sunday Telegram, is the fact that Maine has an unusually high proportion or percentage of mobile homes, and the fact that these homes are not of a permanent nature, so that this has been a temporary alternative or recourse that people of low income, and in some cases middle income families, have had to resort to. As a matter of fact, I understand that the Sunday Telegram will be devoting a greater part or at least one section of its editorial section for the remainder of the

year to the housing problems here in Maine.

Now, the federal government is not acting in this area. This will not require one cent or one nickel's appropriation by the Legislature in order for this agency to function and to administer the law. This amendment is designed particularly to clarify the law to comply with certain legal requirements, and I urge members of the Senate to adopt the amendment so that the authority will have the legal basis to operate.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: In reply to Senator Moore, if Congress has voted five billion dollars — I am not aware that they have — but if they have, and if it is appropriated, and if any of this money is coming to the State of Maine, it is going to come through the State Housing Authority.

From what Senator Moore says, I get the impression that he feels that the federal government is operating outside of the State Authority. This is not the way I understand it at all. The State Housing Authority would sell bonds by first mortgages, and in some cases the federal government will step in with a rent supplement, so in some cases we are talking about low income rentals, and we are talking about low income people buying and owning homes. But the federal government cannot just settle down here magically and give some low income person some money to build a home. It will be done through the State Housing Authority, working with the banks, and the federal government. That is the way this is going to work.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: I wonder if I might inquire through the Chair as to the amendments that are on this.

The PRESIDENT: House Amendment "A", Filing No. H-672. Senate Amendment "A", Filing No. S-393, was indefinitely postponed on January 29.

Mr. BERRY: Thank you, Mr. President. I was interested in the comment of Senator Beliveau that this was not going to cost the State any money. I, in looking through the language here, find several places where the authority is empowered to purchase first mortgages, purchase notes and so forth, so it would seem that there would be money involved here of some kind. I wonder if Senator Beliveau would explain that.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I don't have the original document before me, but there is a provision in the law that is presently on the books that permits, I understand, the Housing Authority to deduct one half of one per cent from the sale of the bonds for operating purposes, so there won't be any appropriation necessary. Whatever operating expense is involved at this point, or at least after this law is enacted, will be from the sale of bonds. If they don't sell the bonds there won't be any money to operate and they just won't function. At the present time they are functioning under a grant, a very small grant, from the Federal Department of Housing and Urban Development, and when that money expires, of course, they will necessarily have to depend upon income from the sale of bonds. If I recall correctly, one half of one per cent of the bonds could be used for administrative purposes.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is, of course, another one of these emotional issues and, unfortunately, we have not seen the last of them at this special session. I do feel that the charges of empire building have been, I know they have been, leveled in the past at

this particular operation. I fail to take any comfort in Senator Violette's assertion that what was happening at Van Buren has anything to do with this because it actually doesn't. The good people in Van Buren went ahead and had a public housing project, and any community in the State, of course, can go ahead and do it without this legislation.

I grant that there are problems getting money today, and the State itself is having a great deal of problems in this area too. We are seeing interest rates now at unbelievable levels, levels which even a year ago we said we could never attain. I think that this Legislature should step rather softly in opening up a whole new area here where, as Senator Violette has said, we can accomplish the same thing without it.

This Housing Authority of the State was arrived at after a task force study of the problem. I quite frankly have reservations in my mind that it is, to put it plainly, needed at this time. I am going to vote against it. I think that this certainly can have more study and the problem perhaps tackled a little bit better at the next regular session of the Legislature.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, when the vote is taken I would request that it be taken by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. All those senators in favor of ordering a roll call will please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I shall vote for enactment of this legislation. I think the question

here that has been raised very substantially is not whether we should attempt to refine a law that is on our books presently, but it seems to me that there are some here this morning who are saying that the law that we passed in the regular session should be repealed, and that is a horse of a completely different color.

Surely we have the law on our books. I detect no legislation which would seek to repeal it. And I think it is our responsibility to make it as effective as possible as long as it is on our books. It is my understanding that these amendments have been prepared very largely in conjunction with bond counsel and the Attorney General's Office, and are necessary even in order to make the law effective. On that basis, I think our responsibility either is to repeal or to make the existing law effective, and the only question facing us this morning is shall we make the existing law more effective.

The PRESIDENT: The Chair will state the question once more. The pending question before the Senate is the Enactment of Bill, An Act to Clarify and Amend the State Housing Authority Law, S.P. 642, L.D. 1813. A roll call has been ordered. A "Yes" vote will be in favor of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Hanson, Holman, Katz, Kellam, Letourneau, Martin, Minkowsky, Peabody, Reed, Sewall, Stuart, Tanous, Violette, and President MacLeod.

NAYS: Senators Anderson, Barnes, Berry, Dunn, Hoffses, Logan, Moore, Quinn, and Wyman.

ABSENT: Senator Levine.

A roll call was had. This being an emergency measure, and twenty - two Senators having voted in the affirmative, nine Senators having voted in the negative, with one Senator absent, 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 fourth tabled and specially assigned matter:

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

Tabled—January 30, 1970 by Senator Barnes of Aroostook.

Pending—Adoption of Senate Amendment "B", Filing S-415.

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

Mr. ANDERSON of Hancock: Mr. President, I am having an amendment prepared for this bill and it won't be ready until tomorrow, so I would be very grateful if one of my colleagues might table this until the next legislative day.

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

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

On motion by Mr. Hoffses of Knox,

Recessed until 3 o'clock this afternoon.

(After Recess)

Called to order by the President.

**Joint Order**

Out of order and under suspension of the rules, Mr. Conley of Cumberland presented the following Joint Order and moved its Passage:

WHEREAS, recent research has shown that physical activities, sports and competitive athletics are a major means of reaching the retarded; and

WHEREAS, here is an area where they can succeed and start building a positive image, gaining confidence and self-mastery as well as physical development; and

WHEREAS, the special olympics program for the mentally retarded will be held in the City of Portland, Maine, on May 22nd and 23rd, 1970; and

WHEREAS, the ultimate goal of this program is to create opportunities for sports training and athletic competition for all retarded children; and

WHEREAS, a child improves his performance in the gymnasium and on the playing field; he also improves his performance in the classroom; at home and eventually on the job; and

WHEREAS, Governor Kenneth M. Curtis, Honorary Chairman of Special Olympics, has appointed an honorary committee drawing special attention to this forthcoming event, in support of a better life for the retarded; now, therefore, be it

ORDERED, that the Senate register its support and commendation of this worthwhile and humane effort and forward this Joint Order forthwith to the House of Representatives for concurrence. (S. P. 646)

Which was Read.

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

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 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)

In the Senate January 29, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (S-411), as Amended by Senate Amendment "A" Thereto (S-413).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" and House Amendment "B" (H-688) Thereto in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

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

Mr. BELIVEAU of Oxford: Mr. President, I want to offer Senate Amendment "C" to Committee Amendment "A". I didn't rise quickly enough, I am afraid.

The PRESIDENT: Does the Senator from Oxford care to make a motion of reconsideration whereby

the Senate voted to recede and concur with the House?

Mr. BELIVEAU: Yes, Mr. President, I so move.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that the Senate reconsider its action whereby the Senate receded and concurred with the House on L. D. 1778. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, normally the courtesy would be extended, but I see the offensive amendment in front of me which he will propose. I am appalled that the day started off so beautifully by my offering a prayer for friendship, sweetness and light, and it has deteriorated to this. Under the circumstances, I would oppose the reconsideration motion and ask for a division.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I would like to remind my good friend from Kennebec County, Senator Katz, that his prayers have been answered, that we now have an enlightened Senate, and that enlightenment is reflected and contained in my amendment which I am going to offer here.

Very briefly, I propose to offer Senate Amendment "C", which would strike out the provision in L. D. 1778 relating to a library wing for Augusta and which requires a \$500,000 appropriation.

I have reviewed this L. D. at length, as I know all of you have, and my attention was directed, in reviewing this document, to that section relating to the library wing. I inquired as to why it was necessary to build a library in the City of Augusta where in this very building we have the State Library with some 500,000 volumes that are available to the citizens of Maine, and certainly are available to the students at the University of Maine.

I inquired of the Bureau of Public Improvements to determine the priority, and was advised that there was approximately \$51,000,000 in capital construction

which in their opinion should have been disposed of before this matter was considered. But, aside from that, I think it gets right down to a matter of economy as to whether we should begin, at this point, by constructing a physical plant for the purpose of storing many thousands of volumes of books. Many of these would be duplicated as many of them are in our State Library today.

I feel that it is our responsibility to review this document at length, particularly in view of what occurred last fall at the referendum when the University of Maine bond issue was rejected. It is incumbent upon us to scrutinize this document very closely to determine which items are unnecessary or can be deferred to a later date, or would result in duplication and inefficiency. So, I would urge you to support my motion to reconsider so that my proposed amendment could be considered on its merits.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The logic of the Senator from Oxford, Senator Beliveau, escapes me completely. During the previous session of the Legislature we authorized the building of a classroom building as phase I for a commuter facility out at the interchange at North Augusta. It is an awful long way from the capitol building. There are no fraternity houses such as one would find at Orono, and there is no commons building such as one would find at other campuses. As a matter of fact, there is just the single classroom and conference building going up.

The logic of building a commuter facility out in the completely undeveloped section of North Augusta and saying that the library is a frill or is unnecessary is just appalling to me. Particularly by implication the gentleman also says that the library for these commuter students, who have no other facilities, is a frill, and a \$4,000,000 physical education facility in Orono is a necessity, that a pier at the Darling Center is a necessity. I do think that these are necessities

and I think that the need for them has been very well established, but I am completely at sea at the logic of saying that we have established a commuter facility, the average per pupil cost of which is lower than that of any other institution in the State, which has not and will not ask for any dormitory spaces, which is offering services to a very broad section not only of central Maine but the coastal area of Maine, and yet we are to consider denying them a library for the use of the students. If this is the basis of the argument, I ask you universally to vote against it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My attention was first drawn to this situation in the early part of the session when, in going over the L.D.'s, I found a document which I had hoped we would never see again in the history of the Maine State Legislature. I have publicly stated since the consolidation of the University of Maine, which was a heartbreaking and mammoth accomplishment, that no longer would people such as Senator Katz and Senator Berry be introducing special legislation for their own parochial areas. Each of us in the past has done this. Each of us in the past has done this because the trustees did not have the responsibilities statewide which they now have and which we have given them. When I saw an L. D. entered at this session calling for a \$500,000 library at Augusta, as I say, I was appalled. Consequently, I paid a little bit more attention to this than I might have.

This item originally appeared on BPI's list as "Development and Land Acquisition—Augusta." Subsequent to this classification on the list, BPI was advised that this was now going to be for a specific facility, namely, library and, therefore, BPI changed its classification and moved it up.

As has been stated, there is approximately \$55,000,000 worth of construction on BPI's list which has higher priority than this one.

It is unfortunate, of course, that the Senator from Kennebec, Sen-

ator Katz, is Chairman of the Education Committee because he exposes himself to the accusation that he is using his position to do this, which I know, of course, he is not. But the fact that the bill was entered does, of course, open up the plausibility of such thinking.

Now, it seems to me that the trustees and BPI are the people that should be determining these priorities, that we have cloaked them with the authority, we have given them the money—we haven't given them enough, I am sure—but we have asked them to take it as far as they can and run it, and this does not fall within the purview of that. Accordingly, I certainly would move for reconsideration and the eventual adoption of the proposed amendment.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to speak against the motion of the Senator from Oxford, Senator Beliveau. Before I explain my reasons, I would say to Senator Berry in all courtesy that I do agree with his point concerning the specific L. D. which was submitted to the Legislature concerning one particular building within an over-all program. I think, as he has stated, this is not the right way to go.

I would take issue with both the good Senator from Cumberland, Senator Berry, and Senator Beliveau on their move to reconsider this bond issue bill. My reason really is this, I believe: I think the point here is whether or not the Legislature wishes to go back to the old system of pork barrel legislation, whether each member will come down here with a particular building, his own particular campus, his own people, and superimpose or attempt to superimpose his judgment against that of an admittedly very competent board of trustees who spend, in my personal knowledge a great part of the time working for the new University of Maine.

The list which was given the Appropriations Committee involving these approximately twenty-seven items had the complete approval of the board of trustees,

and has been worked over for, I guess, at least eighteen months now. It is a result of an original request for some forty million dollars in new construction at the various campuses. It was originally submitted to us as a twenty-four odd million dollar bond issue and, at the urging of your Committee on Appropriations, it was cut to the present size, which is a little over sixteen million dollars. Subsequently, it was determined that the sewage treatment plant in Gorham, there was a mistake on the time-table, that this was required to be put on the line, and this item has been deleted in an amendment submitted in the other branch. So that the bond issue, as it stands at this moment, is a little short of \$16,000,000. I think it is \$15,950,000, and included in that amount is approximately \$400,000 for the planning on any new buildings which would be requested from future sessions of the Legislature.

I would get back to my original point, and that is that I think we are at the fork in the road here, and I think we should really think very hard before we superimpose our own plans and desires for our own areas over those of the board of trustees of the University of Maine. I strongly urge the members of this body to vote against Senator Beliveau and his proposed motion for reconsideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am embarrassed here today. I think the fact that I am Chairman of Education should embarrass me some, although the bill did not get referred to the Committee on Education, but went very properly to the Committee on Appropriations. It must have been substantially more embarrassing to the distinguished Senator from Cumberland, Senator Berry, when last session, as Chairman of Appropriations a graduate building for the University in Portland was in fact referred to his committee and favorably acted on.

In this particular case I am not the author of the bill in question. I want the Senate clearly to un-

derstand that the separate L. D. was sponsored by me at the request of the chancellor, quite separate, because of the uncertainty as to what we were going to do with the over-all bond issue. The thinking that went behind the sponsorship of this individual L. D., which subsequently we reported out as covered by other legislation, was that this was the only single piece of construction that generates federal money. This would generate about \$300,000 of federal money and, on that basis, it was the thinking that, if all else failed, at least let's try to go for that one small appropriation that generates federal money. That was the only reason why this bill was put in separately in the first place.

Now, I feel very, very good about what has happened out there in North Augusta. I think if you will review who attends this commuter college you will find a surprising number of your constituents from all over the State who are taking advantage of it. It is a very successful experiment. I hope that you do go along and oppose the motion for reconsideration.

(Off Record Remarks)

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I would rise in opposition to the motion to reconsider here. I am not trying to urge anyone at this time necessarily to vote for this when it comes up for enactment. I think that is something on which each of us has to search their own conscience. I have certainly searched mine and I am going to vote for it, but that is a decision each Senator has to make for himself. But I do feel as if we start offering amendments and deleting specific items — and I think this one is debatable, but I feel there are a lot of others that are debatable — from the standpoint of the individual Senator, I see the physical education facility at \$4,000,000 — I don't know that you would lose any points with your voters back home if you went back home and told them that you voted against it — but I personally feel that this is something that is

desperately needed for a university such as we have up at Orono, so I would hope that this particular bond issue would rise and fall on what basically is in it now. I would vote against the motion to reconsider, and I would hope other Senators would also.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would rise also to oppose the motion made by Senator Beliveau of Oxford. In looking into this a little — I have spent considerable time on the Gorham campus, so I am a little bit familiar with some of the programs that are offered there — here in Augusta there are a number of my constituents that travel up here to take the program, and I have raised a few questions.

I notice that the half million dollars for the library wing would bring in a considerable amount of federal funds. I certainly think that this is a valid point for keeping it in here.

A problem arose during the regular session about a college that was trying to get accredited and it was noted that, because of the lack of certain library facilities, they were in doubt as to whether or not they would be accredited. No one has brought this point up and I think this is also a valid point. Therefore, I would oppose the motion to reconsider.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion made by the good Senator from Oxford, Senator Beliveau, for a different reason.

First of all, I am convinced that probably this library wing is necessary. I have taken some time to study this bond issue also. I don't think this half million dollars is going to make a bit of difference when this goes to the people in referendum in June. As a matter of fact, and I probably shouldn't say this before the Senate, but I predict the people will turn it down anyhow. I sincerely

hope I am wrong because I think all these items included in here are necessary. I think they have had long study and deliberation not only by the board of trustees and the chancellor but by the Appropriations Committee. For those reasons, I am opposed to the motion to reconsider, and I would vote against it.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that the Senate reconsider its action whereby it receded and concurred with the House 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." A division has been requested. As many Senators as are in favor of the motion of the Senator from Oxford, Senator Beliveau, that the Senate reconsider its action whereby the Senate receded and concurred with the House will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and twenty Senators having voted in the negative, the motion to reconsider did not prevail.

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

#### Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out to the House a Bill relieving elderly persons from property tax. (H. P. 1456)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to take just a minute at this time to explain to you that the wildlands' tax bill is now tabled in the other body, and this is an order to report out a separate bill. As you will recall, they were together in the begin-

ning, and we are now separating them so that we will have a separate bill on property tax relief for the low income elderly and you can vote on the individual bills.

Now, there have been several people who have asked just what kind of property tax relief this is. If you will look in your books you will see L. D. 1830, and on Page 5 there is a table. It is complicated and I will explain — just to give you a sample — we are talking about people over 65 with incomes under \$3,000. Now, if a person had, say, \$2,900 income, then following that table you would come up with a figure of \$182. If they had property taxes of, let's say, \$350, you would subtract \$182 from \$350, take 60% of that, and their reimbursement would be \$100.80. So you can figure out what each person would get, but it takes a little bit of arithmetic and figuring to do it.

The point I would like to make is that this is small tax relief, compared to what other states have. twenty-seven other states have property tax relief for the elderly with no liens. This bill, if this order passes and this separate bill comes out, will be similar to this 1830 and there will be no lien on the property after the person dies. I think this is a high priority item and I hope this order will pass.

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

Thereupon, the Joint Order received Passage in concurrence.

#### Joint Order

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study the operation and function of the Women's Correctional Center at Skowhegan to determine in the light of a high per capita operating cost and overall contribution to the State whether the program and facilities should be continued; and be it further

ORDERED, that the Department of Mental Health and Corrections is directed to provide such information and technical assistance as the Committee deems necessary or desirable; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature. (H. P. 1457)

Comes from the House, Read and Passed.

Which was Read.

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

#### Committee Reports

##### House

##### Ought to Pass in New Draft

The Committee on Education on Bill, "An Act to Create a School Administrative District in the Town of Madawaska." (H. P. 1403) (L. D. 1759)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Permitting the Town of Madawaska to Join School Administrative District No. 33 Under Certain Conditions." (H. P. 1450) (L. D. 1826)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-687).

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once. House Amendment "A", Filing No. H-687 was Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended given its Second Reading and Passed to be Engrossed in concurrence as amended.

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

##### Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities." (H. P. 1455) (L. D. 1833)

Reports pursuant to Joint Order (H. P. 1438) that the same Ought to Pass.

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

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

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

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

#### Enactors

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

An Act Relating to Easements in Lands. (H. P. 1336) (L. D. 1665)

An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases (S. P. 583) (L. D. 1710)

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

An Act Relating to Water Quality Standards. (S. P. 650) (L. D. 1828)

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is the so-called "Thermal Pollution Bill." This is a bill which was defeated at the regular session, and we have worked steadily during this special session in attempting to accommodate the views of industry and the federal people in Washington along with our own Environmental Improvement Commission.

Senator Reed has received a letter from the Environmental Improvement Commission's people indicating their disenchantment with the bill. It might be in order for us to hold it up briefly, and if this matter cannot be resolved by tomorrow morning I think the bill should be killed. I would hope we would table this until tomorrow.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I spent considerable time looking over this document today and made numerous inquiries as to its effect. Apparent-

ly it concerns itself with the setting of arbitrary temperatures for various types of bodies of water. I noticed in the first part of it there is repeated numerous times a temperature of 68 degrees, and they mention trout and salmon. In checking into this with some local biologists, I find it rather dubious if trout and salmon would survive very long at this particular temperature of water.

That doesn't phase me too much, but there is another part here which says, "Outside of established mixing zone." I have tried to find a definition of that, and it seems that perhaps one of the industries we are most concerned with here in Maine at the present time, which would be the Maine Yankee Atomic, will of course be adding considerable heated water to its outflow from its new plant, and I am wondering just who does establish the mixing zones, and is it going to contain fifty square miles or a hundred square miles? If this is the case, then what is the sense of setting the quality rating of some of our streams?

These are some of the questions I have raised today and I am not too satisfied with the answers I have received. I certainly would go along, if somebody would table this bill for a day, so we can look into the matter a little further.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Enactment.

(Off Record Remarks)

#### Emergency

An Act Relating to the Commitment of Juveniles to Juvenile Institutions. (H. P. 1382) (L. D. 1731)

On motion by Mr. Quinn of Penobscot, tabled and tomorrow assigned, pending Enactment.

#### Committee Reports House

#### Conference Committee Report

The Committee of Conference 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. 559) (L. D. 1634) ask leave to report: that the Senate recede from its action whereby the new draft (S. P. 632) (L. D. 1804) was passed to be engrossed; recede from adoption of Senate Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted therewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

That the House recede from its action whereby it accepted Report "A" reporting that it be referred to the 105th Legislature and concur with the Senate in accepting Report "B" reporting "Ought to Pass" in new draft (S. P. 632) (L. D. 1804), adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by the Conference Committee Amendment "A" in concurrence.

On the part of the Senate:

STUART of Cumberland  
KATZ of Kennebec

On the part of the House:

RICHARDSON

of Stonington  
MILLETT of Dixmont  
HEWES of Cape Elizabeth

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: A brief word of explanation: The Senate will well remember the debate we had on eminent domain and also the concern of some of us with the ETV features of this bill. In the conference committee it was decided that prudence was the better part of valor, so the non-controversial parts have been retained in the bill while ETV and eminent domain have been removed.

Thereupon, the Report of the Committee of Conference was Accepted and, under suspension of the rules, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

The Senate then voted to Recede from its action whereby Senate

Amendment "A" was Adopted and, subsequently, Senate Amendment "A" was Indefinitely Postponed.

Conference Committee Amendment "A," Filing No. S-419, was then Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

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

Bill, "An Act Establishing a Consumers' Council" (H. P. 1405) (L. D. 1761).

Pending — Passage to be Engrossed.

Thereupon, the Bill in New Draft, H. P. 1447, L. D. 1823, was Passed to be Engrossed in concurrence.

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

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

Bill, "An Act to Authorize a Bond Issue in the Amount of \$3,935,000 for the Construction of New Facilities and Equipment at Northern, Southern, Central and Washington County Vocational - Technical Institutes and a Diagnostic Facility for the Boys Training Center." (H. P. 1452) (L. D. 1829)

Pending — Passage to be Engrossed.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: Under instructions from the Attorney General, I am having an amendment prepared, which I see has not been distributed yet. I would hope that somebody would table this L. D. until the next legislative day.

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

The President laid before the Senate the third matter tabled



earlier in today's session, by Mr. Katz of Kennebec:

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

Pending—Adoption of Senate Amendment "B", Filing S-415

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: If I understand this correctly, the pending question is the adoption of Senate Amendment "B"?

The PRESIDENT: The Senator is correct.

Mr. BARNES: Mr. President and Members of the Senate: I am opposed to the adoption of this amendment. The amendment reads as follows: "The State Board of Education is authorized to initiate, negotiate and prepare agreements to add a town or towns to School Administrative Districts;" I continue to quote, "it may also initiate, negotiate and prepare agreements to combine 2 or more existing districts."

I object to these two words, "initiate" and "negotiate". I personally feel that any action to form an SAD district should be initiated on the local level, the municipal level. I think the people that are concerned with forming SAD districts should initiate this action and negotiate the action, and then leave it up to the Department of Education to prepare the agreements, and help expedite it on their own. I think our State Board of Education has too much authority already, and I would like to see this authority left with the people back home who would like to have School Administrative Districts.

The PRESIDENT: 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: It is the intention of this amendment to offer an additional tool to the Department of Education which falls far short of mandatory districting that some are asking for. I, too, share the concern of local origination of votes to join a district, but it is a fact that

in certain communities in the State, because of a willful, strong minded individual, who happens to be opposed to a district, the entire community is thwarted from the right to have a vote. It is the hope of this amendment that in a soft, light - handed way we will be able to negotiate between communities and give the people the chance to vote which they presently just don't have.

As usual, the children are the last ones to talk about on these matters, but it is a fact that there are children who because of their lack of involvement in any district are still getting shamefully treated in education in the State.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Last Friday we indefinitely postponed a similar amendment. In fact, in reading this, I interpret it to do the same as the one we indefinitely postponed. I think it would be wrong to force or to in any way put the towns in two separate districts in a position of having to vote on joining together. I strongly urge that we indefinitely postpone this amendment, and I so move.

The PRESIDENT: The Senator from Oxford, Senator Dunn, now moves that Senate Amendment "B" to Bill, "An Act to Clarify the Education Laws and Subsidy Payments", be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I join Senator Dunn from Oxford in his motion for indefinite postponement of this amendment. Perhaps the reason that I join him dates back to some debate that we had last week regarding municipal home rule, and that is of the apathy of voters in local towns and communities.

There is no provision in this particular bill as to when this will be put to the voters and, if it could be put to the voters when we had a statewide election or an election of some interest, perhaps we could generate enough enthu-

siasm to get a true picture of the feelings of the people. But as the amendment is presented to us, this apparently could be presented to the people at any time to vote upon and, being cognizant of the voting apathy that we have in our communities, it could well be that an issue of this type could either be passed or defeated by a very, very small minority of the people. For this reason, I support Senator Dunn from Oxford in his motion to indefinitely postpone this amendment.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I would like to have the record show that I too am not at all in favor of this amendment. It takes the initiative for the formation of school districts away from the towns and places it in the hands of the State Board of Education. It is another step in this continuing program to force every town in the State into a school district, and I am not sure that every town in the State should be in a school district. There is more to education than mere numbers of bodies. Quality is also a factor which is not adequately considered. I hope this pernicious amendment will be indefinitely postponed. 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 Oxford, Senator Dunn, that Senate Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am not only opposed to what the amendment does but I am opposed to the way it is being done also. This is a departure from the concept of the so-called Sinclair Act, and I think that when we start fooling with the Sinclair Act that it should have a public hearing and the people should be able to come in and defend themselves on their stand.

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

Mr. BARNES of Aroostook: Mr. President, I respectfully ask for a division when the vote is taken.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Senate Amendment "B" to Bill, "An Act to Clarify the Education Laws and Subsidy Payments" be indefinitely postponed. As many Senators as are in favor of the motion of the Senator from Oxford, Senator Dunn, to indefinitely postpone Senate Amendment "B" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty-six Senator having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed.

Mr. Anderson of Hancock then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-420 was Read.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Undoubtedly you have all read this, but sometimes I think it makes a greater impression if you hear it as well as read it, so I am going to read this: "The board may approve the formation of a School Administrative District when 2 or more municipalities located on the same island make proper application even though the total number of resident pupils is less than 100. The application shall state the educational, economic and geographic reasons for the formation of the proposed School Administrative District." Now we have a unique situation in Hancock County; the little towns of Stonington and Deer Isle are on an island. A week ago Monday the School Administrative District in that area, 73, voted on a new high school in Sedgwick, which was quite soundly defeated. These stu-

dents on Stonington and Deer Isle, if this high school building had gone through, to build, would have had to travel twenty-one miles, twenty-one from Stonington and six miles less from Deer Isle. Now, we don't know just what is going to happen, but the general sentiment is that Stevens Academy in Blue Hill will absorb these students. That would mean that from Stonington they would have to drive thirty miles to go to school, and in Deer Isle four miles less. So, according to the geographic location of these two towns, I think we certainly should give these children a chance to have a district of their own, the two towns. I certainly hope that you will vote to go along with this amendment. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't know that I am opposed to this amendment but it certainly brings up a question of islands. I know that Georgetown and Arrowsic are both little islands and towns. I am not sure that there is two on the one island or not; I think there might be. I would just direct a question to the Senator from Hancock, Senator Anderson, of whether or not he has gone over the specific areas, and how many areas in the State would this affect?

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

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: As far as I know, there isn't another situation like this in the State of Maine. There may be, but it is quite a unique situation with the two towns on the same island. They are, as I say, Stonington, twelve miles from the mainland, and Deer Isle would be six.

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

The motion prevailed.

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

The President laid before the Senate Joint Order, Senate Paper 646, tabled earlier in today's session, by Mr. Katz of Kennebec:

Pending — Passage.

Thereupon, the Joint Order received Passage.

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

The President laid before the Senate Joint Order, House Paper 1457, tabled earlier in today's session, by Mr. Katz of Kennebec:

Pending — Passage.

Thereupon, on motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

On motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(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 Permit Probable Cause Arrest on Marijuana Misdemeanor Violations." (H. P. 1375) (L. D. 1724)

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-659), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-675), in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I feel a little bit out of my depth, but it is my understanding that Committee Amendment "A" makes a change in existing law. At the present time it is against the law to knowingly and willfully be in a room where marijuana is being smoked. If I am correct, this Committee Amend-

ment "A" changes the law and says it is no longer illegal to be in this position. I wonder if I am correct, and if somebody from the committee might explain this a little further.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which any member may answer if he desires.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Katz, is correct with regard to Committee Amendment "A". I don't know what House Amendment "A" does; I don't have the filing number.

The PRESIDENT: Committee Amendment "A" is H-659. House Amendment "A" is H-675.

Mr. VIOLETTE: After a very hasty view of the House Amendment, I would say it does not substantially alter the bill as it came out of committee. It looks like a redundant amendment to me; it neither does nor detracts anything from the bill as it came out of committee as amended by Committee Amendment "A", which does remove the change, the provision of the law, that is, that if a person is knowingly in a room where somebody is in possession of marijuana that he is guilty of an offense. This was the unanimous report out of committee.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate recede from its position whereby it passed this bill to be engrossed as amended by Committee Amendment "A".

The PRESIDENT: Under suspension of the rules, the Senator from Kennebec, Senator Katz, moves that the Senate recede from its action whereby it passed this bill to be engrossed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, may I inquire of the good Senator from Kennebec, Sen-

ator Katz, what his purpose is in reconsidering; whether he intends to strike out the two amendments, or exactly what his position is on this document.

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

Mr. KATZ of Kennebec: Mr. President, it appears that it is an inconsistency between the two amendments on there, and my purpose, if the rules are suspended, is to address our attention to Committee Amendment "A", which changes the law and now makes it legal to be in a place where marijuana is being smoked.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It strikes me, in looking at this particular bill, that we have already had the bill passed to be engrossed with the amendment, Filing H-659, in the bill, and that the amendment in the other body which makes it in non-concurrence is of no particular effect, I would say. It would seem to me to be somewhat redundant; it just repeats what is already said, so I find no fault with it. I would say that, since we have already taken our action on this matter, we should stay the way we have been and let the bill go on the way it is. Therefore, I would oppose reconsideration as being of no particular value.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Let me restate the question, because I don't think that this bill was debated in here. The question actually before us is: do we wish to change the law which presently says that it is illegal to be in a room where marijuana is being used? I think that is the basic question for reconsideration. If you are in favor of changing the law you certainly would oppose my motion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Sen-

ate: What is taking place here is the same thing that we just defeated when the Senator from Kennebec, Senator Katz, tried to amend the Sinclair Bill without a hearing. This is a committee amendment which changes the original bill, without a hearing, and the public or the law enforcement men having no chance to appear against it.

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

Mr. BELIVEAU of Oxford: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. Is it now the pleasure of the Senate that, under suspension of the rules, the Senate recede from its action whereby L.D. 1724 was passed to be engrossed, as Amended by Committee Amendment "A"? As many Senators as are in favor of suspending the rules for the purpose of reconsidering our action whereby we passed this bill to be engrossed will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I move that the Senate insist and ask for a committee of conference.

The PRESIDENT: The Chair would inform the Senator that the motion to recede and concur takes precedence, and that motion would have to be disposed of before the motion to insist can be made.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President, I would advocate that we recede and concur with the House.

The PRESIDENT: Is the Senate ready for the question? The Chair

recognizes the Senator from Cumberland Senator Moore.

Thereupon, on motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending the motion by Mr. Kellam of Cumberland to Recede and Concur with the House.

### Committee Reports House

#### Ought to Pass as Amended

The Committee on Judiciary on Bill, "An Act Relating to Termination Statements under the Uniform Commercial Code." (H. P. 1370) (L. D. 1719)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-689).

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

Which report was Read.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I would like to pose a question through the Chair to anybody on the Judiciary Committee who cares to answer to explain or give a brief synopsis of Committee Amendment "A", H-689. There is one particular section in the second part of it that I am particularly interested in, and it states as follows: "If the affected secured party fails to file such a termination statement he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure." I would appreciate, Mr. President, an explanation of the amendment and that particular section in particular.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: On this bill it was felt, after a lot of consideration before the Judiciary Committee, that if a person's credit rating is checked that all of these security agreements should be cancelled. If a party fails to do this, that is, if the creditor failed to discharge it,

it might seriously hurt the credit of the borrower. It seems that if anything is important enough to record in the first place for the purposes of having a reliable record in commercial transactions, it is certainly important enough to discharge. It seems if they paid five dollars for this rather than three that the two dollars which puts it up to five is sufficient enough to cover the cost. I suggest that the amendment is in order as it is, and I would recommend that we approve it. Thank you.

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

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

#### **Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory." (H. P. 1406) (L. D. 1762)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Increasing State Tax in Unorganized Territory." (H. P. 1448) (L. D. 1824)

Signed:

Senator: MARTIN of Piscataquis

Representatives:

FORTIER of Rumford  
SUSI of Pittsfield  
DRIGOTAS of Auburn  
ROSS of Bath  
COTTRELL of Portland  
HARRIMAN of Hollis

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

Signed:

Senators:

WYMAN of Washington  
HANSON of Kennebec

Representative:

WHITE of Guilford

Comes from the House, the Majority Ought to Pass in New Draft Report Read and Accepted and the Bill, in new Draft Passed to be Engrossed as Amended by House Amendment "A" (H-681).

Which reports were Read.

Mr. Wyman of Washington then moved that the Bill be tabled and tomorrow assigned, pending Acceptance of Either Report.

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

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.