

# 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**

Wednesday, February 4, 1970  
Senate called to order by the President.

Prayer by the Rev. Walter R. Brown of Randolph.

Reading of the Journal of yesterday.

**Communications**

State of Maine  
Office of the Governor  
Augusta, Maine

February 3, 1970

Members of the Senate of the 104th Legislature  
State House  
Augusta, Maine

Dear Senator:

I am transmitting a copy of Significant Public Investment Needs for the State of Maine for the 1970-1975 Period.

Undertaken by the State Planning Office with the cooperation of the New England Regional Commission, this second annual Public Investment Plan outlines goals and methods of action for legislative and administrative consideration.

I hope this document serves as the basis for a continuing discussion of future State goals.

Sincerely,

(Signed)

KENNETH M. CURTIS  
Governor

Which was Read and with accompanying papers Ordered Placed on File.

State of Maine  
Legislative Research Committee  
State House  
Augusta, Maine

January, 1970

To the Members of the First Special Session of the 104th Legislature:

I have the honor to transmit herewith the Legislative Research Committee's report on State Government Office Space.

In view of a growing controversy in respect to the manner of housing the numerous departments, agencies and commissions of State Government, the Committee, upon its own motion, undertook this study designated as committee publication 104-25.

It is the Committee's hope that the findings and recommendations contained herein as to existing and future development of State office space will benefit the Members of the Legislature and the citizens of the State of Maine.

Respectfully submitted,

(Signed)

WILLIAM E. DENNETT,  
Chairman  
Legislative Research Committee  
(S. P. 655)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

**Joint Order**

On motion by Mr. Bernard of Androscoggin:

WHEREAS, the application of salt on Maine highways has seriously influenced the levels of sodium and chloride ions in bordering soils; and

WHEREAS, chloride ions being extremely mobile in soil move into ground water systems, thereby polluting areas some distance from highways; and

WHEREAS, the water supplies of Maine are not so located or of such a quantity that the damage being done to our ground water system should be ignored; and

WHEREAS, rural residents fearing contamination of private wells and ponds face undue hardship in selecting and maintaining safe locations; and

WHEREAS, the State has a responsibility to its citizens to prevent further pollution by safely diverting or containing the surface movement of contaminated water from the pavement; now, therefore, be it

ORDERED, the House concurring, that the State Highway Department is directed to study the use of melting agents other than salts, ways of improving existing highway drainage and ditches and developing new methods and engineering for future construction to limit or control further contamination caused by the indiscriminate use and run-off of road salts; and be it further

ORDERED, that the Legislative Research Committee is directed to provide such supervision and

periodic reporting as they deem necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the State Highway Department is directed to submit a written report, subject to the approval of the Legislative Research Committee, of the results of its study to the 105th Legislature.

(S. P. 656)

Which was Read.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Seeing that we are so involved at this time with legislation involving our environment, I think it is only appropriate that this order come before us so that we might be able to deliberate its impact on the future of some municipalities within the State of Maine.

Over in Auburn the State Highway Department recently completed about 3.2 miles of highway. It is a four-lane highway and includes paved sides. So actually we are confronted with about six lanes of tarred highway up there. We have a considerable amount of curbing, and there is a tremendous amount of drainage that has been installed. We find that, due to the elevation of the land, sitting down about three miles from the end of this highway is the water supply for the Cities of Lewiston and Auburn.

In observing the conditions confronting us today, for instance, the State Highway Department probably is out there laying a large amount of salt on this highway. It appears to this Senator that this salt is flowing down to the lower elevation into Lake Auburn which is, of course, our water supply.

Just to show you how I feel about this, the Auburn Water District is predominately Republican, and I just want to show that there is no partisan politics involved here. Incidentally, about 85 per cent of the people utilizing this water are Democrats, so there is some concern here.

The point that I am trying to make is that as the years continue, this salt continues to collect in our water supply systems, and this must be the same problem that is going to be confronting us all over the State.

The federal government apparently has set limits as to what the safe level of sodium ions in a water supply can be. We are confronted year after year up here in the Legislature, and this year is no exception, with a large amount of suits facing the State because of well damage due to the salt, and supposedly this came about by salting our highways. It is conceivable that in about fifteen or twenty years the salt solution within the municipality water supply system for Auburn and Lewiston will have reached a dangerous proportion. What are we going to do twenty years from now? Are we going to be back here debating a very serious anti-pollution bill?

I feel that by presenting this order that we may tap some of the technical resources available to us from the University of Maine to study this problem now. I am not saying that the Highway Department didn't put forward the best engineering work available: I think they did. I am wondering that perhaps in some aspects of the work that they did in Auburn a portion of the runoff from this highway could have been diverted away from the municipal water supply. So, there is a problem.

Furthermore, I think that since the well drillers in Maine, I believe, are now licensed by the Health and Welfare Department, that some sort of cooperation or co-ordination could be instituted between perhaps the licensed well drillers, the State Highway Department and any other State agency that might be concerned, as to desirable locations of new wells. Everyone wants to build a new home along a major highway. Of course, the tendency is to try to locate on a State Highway because you get the road plowed out a lot earlier. Up near my area there are several new homes smack right on the State Highway. They are right on the border line of the

easement the highway has taken. They come along and a well driller says well, I will back my truck over here in your door yard, this is close enough, it is convenient for my truck, and we will put you in an artisian well or whatever you have. Consequently, I feel that that home owner will, in about another five or ten years, be up here trying to sue the State for well damage. I think this is a unique problem and I think that perhaps, in the wisdom of the Legislature in the coming years, we could perhaps come up with some suggestion so that this might be permanently alleviated. Thank you.

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

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

### Committee Reports Senate

#### Ought to Pass in New Draft

Mr. Sewall for the Committee on Appropriations and Financial Affairs on

Bill, An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (S. P. 592) (L. D. 1749)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 658) (L. D. 1842)

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

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

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, is it in order to explain the bill at this point?

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: I think that you should all be aware that included in this appropriations bill — by the way this is the last of the appropriations documents — that in the last section, Section D, the

matter that the Governor vetoed several days ago pertaining to the University of Maine trustees appears. This, in effect, unties the hands of the trustees of the University of Maine to set the tuition levels at the various campuses of the University. If you look in section B of this measure, you will see an item in the second year of the biennium for \$500,000, which will provide funds for the admission of additional students into the university system. So, I thought that you should be aware that the Appropriations Committee has attempted, through this document, to clear up this area of disagreement between the Legislature and the Executive.

I would hope that for the purposes of offering an amendment, which I understand is in preparation, that someone would table this document until later in today's session.

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

Thereupon, on motion by Mr. Barnes of Aroostook, tabled until later in today's session, pending assignment for Second Reading.

### Orders of the Day

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

House Reports — From 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) Majority Report, Ought to Pass in New Draft, under New Title Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 1448) (L. D. 1824); Minority Report, Ought Not to Pass.

Tabled—February 3, 1970 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

Thereupon, on motion by Mr. Martin of Piscataquis, retabled until later in today's session, pending Acceptance of Either Report.

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

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

Tabled—February 3, 1970 by Senator Violette of Aroostook.

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

Mr. Katz of Kennebec was then granted leave to withdraw his motion for Indefinite Postponement.

Thereupon, on further motion by the same Senator, retabled until later in today's session, pending Enactment.

(Off Record Remarks)

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:

**Communications**

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

February 4, 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 relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1666)

Messrs. BERMAN of Houlton  
MORESHEAD of Augusta  
BRENNAN of Portland

Respectfully,  
(Signed)

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

**Committee Report  
House  
Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Providing for the Regulation of Motion Pictures." (H. P. 1392) (L. D. 1747)

Reports that the same Ought to Pass in New Draft under New Title; "An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors." (H. P. 1466) (L. D. 1840)

Signed:

Senators:

QUINN of Penobscot  
HOLMAN of Franklin  
VIOLETTE of Aroostook

Representatives:

BRENNAN of Portland  
HESELTON of Gardiner  
BERMAN of Houlton  
HEWES of Cape Elizabeth  
FOSTER of Mechanic Falls

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-696).

Signed:

Representatives:

MORESHEAD of Augusta  
DANTON  
of Old Orchard Beach

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.

Which reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I move that we accept the Minority Ought to Pass, as amended, Report of the Committee.

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

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I would ask for a division on that motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: The redraft of that bill eliminates the provision of the original bill whereby a board was set up to censor these moving pictures, a board of five, at the rate of \$50 per man per diem. The new draft eliminates that requirement. It has all the definitions of what the offense would be: it provides for a penalty of up to \$1,000 or 11 months in jail if the operator of a moving picture house allows minors to see a picture that is said to be for adults only or unfit for minors. So, I hope the Senate will go along and defeat the motion to accept the Minority Report in order that we can consider accepting the Majority Report.

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

Mr. KATZ of Kennebec: Mr. President. I notice that the Minority Report, on which we are presently voting, is amended by Committee Amendment H-696, which is not presently in our possession. I wish someone would explain it, or perhaps if I could have a copy of the amendment I would be a lot happier.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: My recollection is that the amendment reduces the compensation of the board, or this commission, from a \$50 per diem fee to a \$25 per diem fee. This is my recollection of the amendment, but I could be wrong.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: During the recess I read the redraft which has been signed by the three Senate members of this committee, and it appeared that they had done an extra-

ordinary job in taking a bill that was extremely offensive in some of its parts and coming out with a reasonable bill that does a reasonable job to protect our young people. On that basis, I hope that the board provision, which apparently is in the Minority Report, is defeated so that we can accept the Majority Report.

I am unclear as to whether we have asked for a division, but I would hope that the Minority Report is defeated, and then we could accept the Majority Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I, too, concur with Senator Katz of Kennebec regarding the effort that the Judiciary Committee has put into L.D. 1840.

I do have a question regarding this particular bill, and that is: How does this committee expect this particular law to be enforced as it is written under L.D. 1840? How can they explain in Section 611 how any court will get any convictions?

Section 3, if you will check that particular section, which is apparently the one by which the courts will be guided for the enforcement of this bill, relates to any person "to knowingly admit a minor." To knowingly admit a minor. Now, unless there are some guide lines stipulated in this bill as to how a theater owner will be put to some responsibility for checking the age of a minor, then you have got no law. The theater owner merely has to sell tickets to minors, children, or to whom they please without having to check into their ages. Then if they are placed under arrest, as you are well aware, an individual is presumed innocent until proven guilty. So, a theater owner or an agent is taken to court for violating this section, and the State takes the stand, through a police officer or some law enforcement official, and testifies that there was a minor in the movie. Fine, they haven't violated a law, because the theater owner or his agent must be proven to have knowingly admitted this minor. I would like

to know how this can be proven in court.

I am a defense attorney primarily, and I will guarantee that if I can represent these people by the dozen that I will get them off with a not guilty verdict, because I firmly believe that you cannot get a conviction under L.D. 1840.

Now, let's be honest with ourselves. We are either going to ban these movies from the minors, pass some legislation with teeth in it so that it can be enforced, or don't pass anything at all. Let's not make a sham of a bill that originally was intended to do a job to protect the morality of our minors.

I feel that we should accept the Minority Ought to Pass Report, and then I will give this bill my personal attention and prepare amendments which will make this a bill that will be workable for all parties concerned. I urge your support in this move and I certainly hope that you will give this your consideration. Thank you.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: In an attempt to answer my good friend, Senator Tanous, it would be poor law if we tried to introduce a statute which arbitrarily indicated that if a minor was found in this place of motion picture showing that the man who ran the place would automatically be convicted, because a minor might get in without him even knowing it, and that would certainly be poor law. Now, in society there has to be some assignment of responsibility before a crime can be committed.

I feel that the Majority Report is reasonable because it eliminates setting up a board of censors. This only applies to minors, remember that. It might be unconstitutional if we tried to pass a law concerning the type of pictures that adults could see. But we must not forget the fact that this law is only involved with minors.

The definition of "knowingly", gentlemen, in this Bill, L.D. 1840, is more than just the word

"knowingly", if I may read it for your understanding. "Knowingly means having general knowledge of . . ." and then it goes on further, "or reason to know, or a belief or ground for belief which warrants further inspection or inquiry." Now, one example might be if a person comes in who obviously is young in appearance, then the responsibility is on the person who is selling the tickets or on the gate tender or ticket taker, if the person is obviously of young appearance, that would fall under this clause "having reason to know." Then the man should check some form of identification.

You have to draw the line somewhere. You can't just say that if a person who is a minor is found in a movie house that the owner shall automatically be guilty, because there would be several of you who would stand up and fight a bill like that, I am certain. So, you have to have some area of responsibility, and that is why in trying to get a law which is workable the word "knowingly" was applied.

This is not dissimilar in many respects from the law in New Hampshire. It is a law that can be administered by our court system. The local police and other law enforcement agencies can occasionally check these picture areas and, if they find that a person who is showing these films is violating this law, he can be taken to the court.

Now, we are not getting into generalities here in trying to enforce morality. We are saying that only certain things, which are certainly spelled out in the bill, shall be prohibited to those under 18. It seem to be a good answer to the demand which has been expressed before the Judiciary Committee hearings that something be done at this time. It may not be a perfect bill from the enforcement angle, but I believe it is a good bill and we should vote against the motion to accept the Minority Report and we should accept the Majority Report. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the



motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought to Pass, as Amended, Report of the Committee on Bill, "An Act Providing for the Regulation of Motion Pictures." A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass, as Amended, Report of the Committee will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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.

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.

#### Enactors

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

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

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

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

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

Mr. TANOUS of Penobscot: Mr. President, I would request a roll call, please.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I move that this be tabled until later in today's session pending enactment.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves Item 8-2, Legislative Document 1724 be tabled until later in today's session pending enactment. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, a division was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. Beliveau of Oxford: Mr. President, I would like to know the status of this bill, if I may.

The PRESIDENT: The bill is up for enactment.

Mr. BELIVEAU: Are there any amendments on it?

The PRESIDENT: House Amendment "A" is on the bill as engrossed.

Mr. BELIVEAU: What is the filing number of House Amendment "A"?

The PRESIDENT: The filing number is H-675.

Mr. BELIVEAU: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Bill, An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations, be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, I now move that this bill be tabled until later on in the session.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that Item 8-2, Legislative Document 1724, be tabled until later in today's session, pending the motion of the Senator from Oxford, Senator Beliveau, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, a division was

had. Four Senators having voted in the affirmative, and twenty-seven Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone, and I ask for a roll call.

I am at sea actually to understand the rationale behind attempting to kill a law enforcement bill because the form of the bill is not completely to the liking of a specific Senator. I think that the proof is very much in front of us, that this is a needed tool to help the law enforcement agencies in the State, and I hope the Senate will rise up and vote down the move to indefinitely postpone.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I have no objection to broadening our laws and giving our police additional authority and powers to enforce our marijuana laws.

As you know, this document would provide that a person or persons can be arrested on probable cause, which changes substantially the rules of evidence, or the burden or element of the crime, as it were. Under present law it is necessary for a police officer to observe the commission of a misdemeanor before an arrest can be made, and I appreciate the fact that in certain marijuana cases this presents a problem. This would now permit police officers to arrest persons when there is a probability in their minds that a person had possession of marijuana.

My objection is not directed to the fact that this would give policemen additional authority. I am concerned here because it does establish a precedent. What we are doing for the first time, to my knowledge at least, we are broadening or changing substantially the rules of evidence in a misdemeanor case. For instance, if a police officer arrests a person

for committing a motor vehicle crime, such as speeding or a stop sign violation, he must personally observe it occurring. For instance, were a police officer to arrest a person for stealing an article which has a value of less than \$100, he must observe this or else get an arrest warrant. This applies all along the line to all misdemeanor violations or misdemeanor crimes. The police officer, before an arrest can be made, must either observe the crime being committed or else sign an affidavit and get an arrest warrant.

What I am afraid of is that if we extend or broaden the authority of the police officers in this area, then there is nothing to prevent us in the future from expanding it in other areas.

My primary concern here, of course, was with the amendment that was on the document, the committee amendment that was placed on the document by the Judiciary Committee, and I note now that the amendment is no longer on this bill and, of course, that concerns me as well, but I am not going to press my objection. I am going to vote against this bill purely on philosophical grounds, not because I intend to frustrate the police in any way, but because it is establishing, in my opinion, a very, very dangerous precedent because it would expose all our misdemeanors in the future to being amended and handled in the same way as a felony.

There is a very real reason why the courts and the legislature recognizes the distinction between a misdemeanor and a felony. If we are not going to continue to recognize it then we might as well abolish the distinction and treat them all the same. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I would trust that the Senate would approach a practical problem on a practical basis. The application of theory to law enforcement in the drug field is all very well when you hear it spoken or read it in your text, but when you are out in the field and you are attempting

to enforce the law, as this Legislature wishes it to be enforced, you need the practical tools to do it.

Probable cause is a necessary tool if we are going to have our marijuana laws enforced.

Now, once again, consider the situation in the field — remember, we discussed our pot party yesterday — a mother calls the local police officer and says “There is a marijuana party going on.” Then the police officer talks perhaps to one of the youngsters who has left the party, and he says “Yes, there is marijuana there, and so and so is in possession.” That officer has probable cause then to enter and see if the law is indeed being violated. Without this act now before us he would have to wait until the next morning, get himself a warrant, and then go down and try to make an arrest. It just doesn’t work.

If we are going to enforce our marijuana laws, and I think they should be enforced, with vigor, we need this act. Thank you, Mr. President.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think in order to clarify this situation just slightly I would try to explain to the members of the Senate that I personally have no objection to the arrest on the misdemeanor case without the warrant.

I don’t believe that the good Senator from York is properly understanding the situation here. The difficulty isn’t that we are now going to relax the law and allow our law enforcement officials this further tool to arrest on probable cause, without a warrant, on a misdemeanor case which is not committed in his presence, in this particular area. The reason why we are expanding in this area is because of the known dangers involved in drug abuse, and I think they do possibly require extreme measures of help in the hands of the law enforcement people. At least we could try it and see what works out.

The difficulty here is the carte blanche aspect of the arrest. I

think it has been well stated by other attorneys who handle more of these cases than I do, at least, that we should not have guilt by association in the drug cases. The fact that someone is present in a room where marijuana has been smoked shouldn’t make them automatically guilty of having used marijuana themselves.

I think that probably all of us here have children, and we all worry about this particular problem, that it might come into our own homes, and certainly if a youngster is at a dance or some public function or, as a matter of fact, he could be in the high school men’s room, for that matter apparently, where this arose, where a person had been smoking marijuana and, although he did not have the evidence right on him at the time, he did not do it in the presence of a law officer, the law officer might be able to arrest this person. But I just don’t believe that the law officer should be permitted to bring in everybody who happens to be in the room, or everybody who happens to be in the school. That is the problem we have here.

We are expanding the field of law enforcement considerably, we are giving them a very great working tool, and we have hopes that it will do some good, but I don’t believe we should expand it to the extent that we should permit this amendment to be removed, this amendment which the Judiciary Committee placed on the bill. The amendment is just the protection for the innocent.

Now, it is all very well and good to get up and say that we have got to give the law officer the right to arrest the guilty, and that type of discussion. We hear it all the time here. This session we seem to have had quite a bit of it pushed at us. We could agree completely with that, but that is not the problem we have. It isn’t a question of arresting the guilty people; it is a question of arresting all the innocent people as well.

I would go along with the bill with the amendment, which I believe does protect the innocent, but it just seems to me that it is a very arbitrary and unwise exercise of the law enforcement

people to pressure us for complete abdication of our responsibility to protect the innocent in this State.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am in complete agreement with this bill. I think we have got to do everything we can to stop the abuse of drugs and the use of drugs.

I was quite pleased to see the good Senator from Oxford, Senator Beliveau, oppose this because during the regular session I sat right behind him so I noticed that he has a 100 per cent record of opposing any laws or any bills presented that would strengthen law enforcement. He has fought very hard to kill them. Now I can give him a 100 per cent record in the special session. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: If for no other reason at all, this is going to be a memorable occasion. I never thought that I would see in the 104th session of the Legislature the Senator from Cumberland, Senator Kellam, admit that there was a drug abuse problem. This is real, real progress and I think that we can take heart from this fact.

I take additional encouragement from the statement of the Senator from Oxford, Senator Beliveau, that he only differs on this legislation because of philosophical reasons. This, I think, is a tremendous step forward. Of course, I pay a great deal of attention to the comments of the Senator from Oxford, Senator Beliveau, because he happens to be the very, very capable, energetic and effective Chairman of the Democratic State Committee. Consequently, I pay a great deal of attention to what he says.

As Senator Moore has so properly put it, he is continuing a thousand batting average to a thousand plus right now. I think, however, to be quite serious about it, this is a lamentable record. We tried to pass one or two little

simple bills here, and the opposition was quite effectively led by the Senator from Oxford, Senator Beliveau. I refer to bills such as the one to impound the car for transporting drugs, when we had a car that was right at the end of the turnpike and we had the drugs in our local Cony High School. This was a situation that legislative eyes were closed to. So, this is why I say I take encouragement from the fact that we do think that this situation exists.

I noted with remarkable interest that the rather small efforts, the modest efforts to buttress the practical ability of the State Police to prosecute, drug cases in particular, were nullified and frustrated by forces led by the Senator from Oxford, Senator Beliveau. I think that this is wrong to say that we are opening and expanding the investigative powers of our police force by passing something like this when we know that in every school in the State of Maine we have got a drug problem. I think it is very, very unfortunate that a motion to indefinitely postpone a little, small bill like this is even made in this body.

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

Mr. KELLAM of Cumberland: Mr. President, I would ask is the pending motion for indefinite postponement?

The PRESIDENT: The pending motion is the motion of the Senator from Oxford, Senator Beliveau, that the bill be indefinitely postponed.

The Chair recognizes the same Senator.

Mr. KELLAM: Mr. President and Members of the Senate: I would support the motion to indefinitely postpone, and I would do it for this reason, in addition to what I have already said: It appears to me that this is the type of legislation where if we could somehow get a committee of conference on the bill, after it has been debated as well as it has been, that we may be able to come out with a bill which would remove the stigma aspect of it and yet do the work which the law enforcement people desire to have done.

As I explained before, I am merely trying to get away from this assertion of guilt by association in that everyone who is present when a drug may be used is automatically guilty. I am sure that we all, if we thought about it, could find in our hearts and minds the situation existing where this could very well happen.

Just to indicate how easily guilt by association can exist, you will note when the next prior speaker got up, my good friend, Senator Berry from Cumberland, he automatically coupled me with my good friend, the Senator from Oxford, Senator Beliveau. I am not going to take particular affront to that right now, but it does indicate just how these things do happen at times, and I think they happen quite innocently. I believe, on that basis, that we should try to have this bill amended to direct it strictly to those who are guilty. Thank you.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: First of all, I want to thank the good Senators from Cumberland County, Senator Moore and Senator Berry, for keeping such an accurate track record here as it relates to my voting record. I could of course, cite instances where the two good Senators opposed me and supported legislation which we felt was beneficial to the State in the areas of governmental reform, housing, and so forth, but I don't believe it is necessary for me to try to embarrass them because certainly I have not been embarrassed or affected by their comments here this morning.

But I do take issue with their suggestion that I have opposed legislation which would be beneficial and helpful to our law enforcement officers. I recall specifically something that occurred in the 103rd Legislature when we supported a bill which would create the Maine Law Enforcement Training Council. This was a document which was vigorously supported by our Maine Municipal Association, the municipal police chiefs, the sheriffs'

departments, because they recognize there was a need for better training to upgrade the standards of efficiency of our law enforcement officers, that they didn't need new laws. That bill was introduced and debated at length in the other branch, and it was defeated by the Republican Party. I am not suggesting that all those who opposed that bill are opposed to law enforcement, but certain Republicans would suggest that opposing a few bills on their merits is opposition to law enforcement.

In any event, in the regular session of the 104th Legislature this same bill was again introduced, and which I supported very vigorously. I worked very hard to pass this document, and it was finally passed and is now being implemented. This is the type of agency or commission that was badly needed and finally, with the assistance of the Majority Party, the bill became law. But to suggest that opposition to a bill such as L.D. 1724, and the one that Senator Berry referred to earlier, is tantamount to opposition to law enforcement is completely erroneous.

Also, of course, the innuendo and inference that Senator Berry makes that when I appear here I am speaking for the Democratic Party is certainly not so. I appear here as a Senator from District 5, representing the enlightened voters from Oxford County, and probably if a vote was taken with the Democratic State Committee I would probably be impeached for my position on this bill. The fact remains that my primary responsibility is to my constituency, and not the Democratic Party. I am concerned that every time I take a position on a particular article that Senator Berry is so quick to identify my position with that of the Democratic Party, because that is not true. I know that Senator Berry is not doing that with the intention of acquiring some political mileage because he is not the type of person who would do so. He is, as someone said, the last of the all-American statesmen.

In any event, my position is very clear on this bill, and I know what the result is going to be, in spite of the charitable and kind com-

ments by my — I was going to say “enlightened”, but at times I question that — by the Senator from Cumberland, Senator Berry. Thank you very much.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Now I am confused. I am not sure whether the Senator from Oxford, Senator Beliveau, is disassociating himself from the Democratic Party or whether the Democratic Party is disassociating itself from him. But I want to take issue with some remarks that were made previously by the Senator from Cumberland, Senator Moore, in which he gave the impression that the batting average of the Senator was a thousand per cent in the wrong direction. I think Senator Moore is probably overly impressed by the fact that the Senator from Oxford during our session has voted against such things as the wiretap bill, against implied consent, against the impounding of the vehicle with narcotics, against full-time State attorneys, against the mandatory sentence for felonies committed with a gun. While the evidence is there, I am not ready to draw the conclusion that he is completely against this type of legislation.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I think it is very important that we make very clear that we are the Minority Party, that no legislation can be passed by this document without the support of the Republican Party. If the Republicans wanted this legislation passed, certainly they have the strength here to provide the number of votes.

Again, I want to thank Senator Katz for his accurate record keeping. I think it is important that a person who is serving in that capacity have accurate records, although at times I question his motives. But, be that as it may, we are the Minority Party. The Republican Party is the Majority Party, and to suggest that the

Democrats are the ones who are impeding progress is clearly erroneous because, again, there has been evidence here on so many occasions that when the Republicans wanted a bill to pass or be defeated they could certainly supply the votes to accomplish their end.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: If I may address myself to the merits of the bill, our present law in regard to being present where marijuana is used, and this is the effect that the bill as it is now in its present form would have, require — well, let me just quote a chapter that would be retained. It was the deletion of this chapter which we defeated yesterday. “Whoever knowingly is present where cannabis or peyote is kept or deposited, or whoever is in the company of a person knowing that said person is in possession,” and so forth, in other words, I don’t want you to be under the misapprehension that a person who is unknowingly or unwittingly present is going to be swept up by the law. This is simply not the case, the way our law will read. It has to be shown that he is present and knows that he is present when it is being used.

Getting back to our children, if one of their friends lights up a marijuana cigarette, all they have to do is leave. Thank you, Mr. President.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to point out one thing in relation to this knowingly present aspect of this bill. I am sure that all of you would agree with me if you think about it. One of the great dangers in the drug field is the person being charged with the use of a drug. We have all read in the papers or seen news items of various people who were charged with drug use. If you think about it, I am sure that you know that you have seen someone that you know, a

relative of a person that you know, a child maybe, who was charged with using marijuana. You probable don't know whether that charge was ever vindicated or not.

Now, the knowingly present part, I won't say that necessarily you could defeat the case. I won't go as far as my good brother from Penobscot, Senator Tanous, who says we can win them all, but it is possible that a case could be defeated by a person not knowingly being present when the drug was used. It is very likely there could be a person smoking a marijuana cigarette without the other people present knowing that was what it was. But what is going to happen to the youngster who is charged? That is one of the great dangers here. Once the charge is made, it is the accusation which is as detrimental to him as anything else. I really feel that this particular phase of the bill is not necessary. We could leave that amendment on and still have a good workable law. I would still maintain my present position that the bill should be changed.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that Bill, An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations, be indefinitely postponed. 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. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending motion is the motion of the Senator from Oxford, Senator Beliveau, that L.D. 1724, Bill, An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

**Roll Call**

YEAS: Senators Beliveau, Boisvert, Conley, Gordon, Kellam, Letourneau, and Martin.

NAYS: Senators Anderson, Barnes, Bernard, Berry, Cianchette, Dunn, Duquette, Greeley, Hanson, Hoffses, Holman, Katz, Logan, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Violette, Wyman, and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Seven Senators having voted in the affirmative, and twenty - four Senators having voted in the negative, with one Senator absent, 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.

**Bond Issue**

An Act to Authorize General Fund Bond Issue in the Amount of \$4,000,000 for Removal and Abatement of Prohibited Discharges of Oil from Coastal Waters, Lands Adjoining the Seacoast of the State or Waters Draining into the Coastal Waters of the State in the Event of an Oil Pollution Disaster Declared by the Governor. (S. P. 652) (L. D. 1836)

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I would like an explanation on this, just the meaning of the four million dollar bond issue. I have never inquired before, and I would like to know just what it is about.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This document will put before the people in the June election enabling legislation which would provide authority, if approved by the people, for the Governor and Council, in the event of a major oil spill, to sell enough of the four million dollars worth of bonds to combat the major oil spill.

This is somewhat of a new idea along the line presented by certain of the petroleum interests whereby they wanted the petroleum spills

to be cleaned up, in part, by general fund appropriations. The bond issue would be of the MIBA, MRA type guarantee, in other words, the bonds would not be sold, but the Governor and Council would have the authority under the circumstances I mentioned to sell that necessary part to combat the pollution.

Now, this would go in effect and be available upon approval by the people, but the long-range picture would tie in closely with the transportation bill, whereby there will be a tax levied on oil brought into Maine on a handling charge basis. However, there is absolute certainty this will be challenged in the courts, probably the federal courts, and there may be a delay of anywhere from a minimum of two to a maximum figure which has been mentioned of five. That is about the sum and substance of the bill.

I have just been advised that I was in error on the date of the election. It is November 3rd, not in the June primary. I would trust that this would fully explain the bill to the Senate.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Bond Authorization Act and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 592) (L. D. 1749)

Pending—Assignment for Second Reading.

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

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-428, 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 amendment will provide out of the surplus the sum of \$49,500 to construct one of three exhibits for the new museum which along with the library and archives will open a little over a year from now. There are no other funds available to the museum for the construction and installation of exhibits in the museum itself.

The probability, without these funds, of opening a museum without exhibits does present a somewhat embarrassing situation. These exhibits have to be planned in advance, and it would be hoped that with just this one exhibit there will be something in the museum when we open, and that the 105th would be in a position to provide enough money for at least one additional of the three exhibits.

I call attention of the Senate to the fact that in the museum, in the basement of this building, there is a display showing the projected exhibitions and the layout of the museum portion. The library and archives have a little different situation where they have existing facilities which they are transferring to the new building.

This would, I think, be below what we would think of as a desirable exhibit to open up, but it would be a step in the right direction. I would hope that the Senate would adopt this amendment.

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

The motion prevailed.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I note on page 3 of this document that there is a \$40,000 appropriation for a pre-legislative conference and funds to run the legislature. Could someone explain that for me please?

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair



which any Senator may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In this item \$30,000 is for the extension of the Special Session here. The other \$10,000 is for the pre - legislative conference, as the document explains.

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

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

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors" (H. P. 1466) (L. D. 1840) was sent forthwith to the Engrossing Department.

On motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action whereby, Bill, "An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors" (H. P. 1466) (L. D. 1840), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-429, was Read.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: The bill itself provided for attendance, having paid a monetary consideration. This amendment will say, "with or without a monetary consideration."

Further in said bill, we have provided in the original redraft: "It shall be a valid defense to any proceeding under this chapter that the minor was accompanied by his spouse." Now the amendment adds to that, "parent or legal guardian."

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

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

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

On motion by Mr. Hoffses of Knox,

Recessed until 4 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

**Committee Reports**

**House**

**Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to the Housing Needs of People Who Pay Rent." (H. P. 1418) (L. D. 1786)

Reports that the same Ought to Pass in New Draft under Same Title. (H. P. 1467) (L. D. 1841)

(Signed)

Senators:

QUINN of Penobscot  
HOLMAN of Franklin  
VIOLETTE of Aroostook

Representatives:

BRENNAN of Portland  
HESELTON of Gardiner  
BERMAN of Houlton  
DANTON

of Old Orchard Beach  
FOSTER

of Mechanic Falls  
HEWES of Cape Elizabeth

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

(Signed)

Representative:

MORESHEAD of Augusta

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill, in New Draft, Indefinitely Postponed.

Which reports were Read.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is my understanding that this bill did not fare too well in the other branch. My batting average hasn't been too, too good here anyway in the last few days, particularly on Judiciary bills, but regardless of this, it seems to be that because of the lateness of the session and the hope for a fairly early adjournment, it seems to me that even if we could pass it here in the Senate it would be a fruitless debate because the sponsor of the bill feels there is no opportunity and no hope of passage in the other branch. So, in view of this, I move that we concur with the House.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that Bill, "An Act Relating to Housing Needs of People Who Pay Rent," be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

#### Enactors

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

An Act to Regulate Site Location of Development Substantially Affecting Environment. (H. P. 1458) (L. D. 1834)

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 move the enactment of this legislation, and I realize that this is breaking a long-standing precedent in this body in my doing this. However, I think it has been clearly demonstrated by this Legislature that it is acutely aware of the opportunity that God has given us here in the State of Maine. We have had ample warning from our sister states to the south and west, and we have been given this opportunity to protect and to continue to enjoy the environment which we have, so I am extremely pleased to move the enactment of this document.

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

Mr. BERRY of Cumberland: Mr. President and Members of the

Senate: The enactment of this legislation is indeed, as Senator Sewall has said, a milestone not only in the history of the State of Maine but in the entire history of the other 49 states.

I think the most remarkable thing that has occurred to me as Chairman of the Natural Resources Committee is the sincere and dedicated efforts of everybody who has been aware of this problem. I will extend these sentiments to those who could be considered on the opposition side. I have not run into what we frequently do see in legislative deliberations, and that is what might almost be called blind opposition. Even the opponents were not in principle opposed to environmental improvement legislation. Many of the thoughts of the so-called opponents have been incorporated into these two bills.

I would be remiss if I did not publicly state that your Committee on Natural Resources has literally been in receipt of hundreds and hundreds of communications, and a minimum probably of a hundred petitions, signed by anywhere from 50 to 700 concerned people. In my experience in ten years in Augusta I have never seen an outpouring of sincere concern on the part of the people of our State on any subject closely approaching that expressed in connection with these matters. These will certainly be highlights in the history of the State of all the Legislatures that have served the State as we are doing at this one.

The PRESIDENT: Is the Senate ready for the question?

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.

An Act Relating to Coastal Conveyance of Petroleum. (H. P. 1459) (L. D. 1835)

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

Mr. LOGAN of York: Mr. President and Members of the Senate: We have before us a landmark piece of legislation, and one to which I am deeply and personally committed.

The subcommittee of the Legislative Research Committee on Coastal Conveyance of Petroleum Products, of which I am vice-chairman, has spent the better part of six months defining the problem and trying to find a viable solution. The results are before us. And with the enactment of this legislation the people of the State of Maine are putting the polluters and the defilers on record that their actions are no longer tolerable. We are putting them on notice that the rape of the State of Maine is at an end.

Although the oil industry has not indicated that they would test this in the courts, we have reason to believe that they will. Does this mean that the oil industry is adopting the 19th Century attitude that industry can, with impunity, do as it wishes, that industry can dump their filth into the streams, foul the air with noxious fumes, strip the land of its trees, scar the face of the earth with its pits, and desecrate our coastline with their refineries? Is this the attitude of the oil industry?

The oil industry seems to feel that the protection of the Maine coast is a good idea as long as the public pays. Well, I submit to you that the public has already paid, and paid, and paid enough. The State of Maine and this Legislature is saying to the oil people and to other industry "If you play the game according to the rules, we'll get along just fine."

I call on the oil industry to make a clear statement of its intentions. Are you going to attempt to circumvent the will of the people of the State in the Courts? Are you going to attempt to thwart or delay the protection of our heritage? Do you really believe that you do not have financial or other responsibility toward the quality of human life? The people of the State of Maine are speaking—and we await your reply. Thank you, Mr. President.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: Again, as I spoke on the previous piece of legislation, I am

going to break precedent and move the enactment of this document. As the previous document related to the land, this relates to the sea. We have long been a seafaring people and I think that our motto "Dirigo" is well spoken in this instance. I, therefore, move enactment, Mr. President.

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: This is such a happy occasion, and I sit here and feel that something has been left unsaid. I think the only person who can say it is the Minority Leader, and I hope he does.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I haven't said anything because so many eloquent words already have been said. I am happy and pleased that this Legislature in special session has faced up to a tremendous problem.

I have stood up to this microphone when I felt it took a certain degree of courage to say what I had to say. In this particular instance I guess it would take courage for anyone to stand up and oppose this present legislation that is before us. I don't consider my standing here takes a great deal of courage but I am pleased because, as I have said to this body many times, I guess maybe when it comes to our coast and our heritage—concerning the coast I am somewhat selfish—but all I can say is that once its gone, and once we lose what we do have, chances are we can never get it back.

I would like to also congratulate all those who supported this legislation. I also think, as has already been mentioned, that the people that had some concern and some misgivings, the oil industry, some of the people from the larger cities that had some concern as far as site legislation is concerned, I think that they have proven themselves to be pretty big people. All I can say is whether this legisla-

tion works or not, only time will tell, but my prayers will be that it will.

The PRESIDENT: Is the Senate ready for the question?

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.

An Act Relating to Prerequisites for the Insurance of Mortgages by the Maine Industrial Building Authority, Maine Recreation Authority and the Municipal Securities Approval Board. (H. P. 1464) (L. D. 1838)

Which 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 Prohibiting Dumping of Out-of-State Waste Matter. (S. P. 645) (L. D. 1820)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Sewall of Penobscot:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the Senate a Bill repealing the limitation of interest on bonds authorized but unissued for water pollution abatement. (S. P. 660)

Which was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This order results from an emergency situation which has been called to the attention of the Appropriations Committee by the Treasurer of the State. He has not been able to market bonds which have been authorized at the present debt ceiling of 6%. So the

Appropriations Committee would report back to the Senate a bill which would take off the ceiling on this bond interest matter, thereby enabling us to proceed with the so necessary financing of—in this case—pollution projects.

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

Thereupon, the Joint Order received Passage and, under suspension of the rules, sent down forthwith for concurrence.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Tanous of Penobscot:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the desirability and feasibility of establishing a Consumer Credit Code for the State of Maine; and be it further

ORDERED, that the State Department of Banks and Banking and the office of Attorney General is directed to provide the Committee with such technical and other assistance as the Committee deems necessary or desirable to carry out the purpose of this Order; and be it further

ORDERED, that the Committee present the proposed Code at the next regular session of the Legislature. (S. P. 659)

Which was Read.

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

Mr. Beliveau of Oxford was granted unanimous consent to address the Senate.

Mr. BELIVEAU: Mr. President and Members of the Senate: Yesterday my good friend from Cumberland County, Senator Berry, chose to make some remarks and some observations about the composition and the product of the Governor's Task Force on Government Reorganization.

It is always very difficult, as the Senator from Cumberland must know, to persuade men and women who possess outstanding ability, who are outstanding in private life, to accept the kind of volunteer work that is involved in citizens'

committees like the Governor's Task Force.

In this instance the Governor's Task Force met over a period of two years, spending hundreds of hours in plenary sessions and additional hours meeting in small groups. They reviewed and discussed the operations of the administrative branch with the personnel in charge of just about every department and agency in the State. They spent hours drafting sections of the report and revising these various drafts. A thorough up-to-date proposal was prepared, and finally this proposal that we have before us was made.

It is important to note that they did all of this without any compensation whatsoever and, for that matter, none of their expenses were paid. I am told that on a few occasions, on two occasions at least, they met in Augusta and were served a free lunch. Apart from this though, their time and their traveling expense was all voluntarily given by these individuals for the welfare of the State.

It strikes me as something close to ingratitude for a member of the Legislature to characterize the work of these private citizens as a Democratic Party document. As a matter of fact, in the early months of the Task Force work our present Deputy Secretary of State, Denny Shute, was an active member. A very valuable, scholarly, historical section of this report was prepared by an outstanding Republican and distinguished former member of the Waterville City Council, Mr. Sidney Farr.

Among the members of the Task Force was one of the most distinguished students of public administration in this country, Dr. Oliver Garceau, who we are all proud to have now as a resident of Sedgwick, Maine. Those of us who are familiar with Dr. Garceau, we know that he can command impressive fees for his consulting work with state, local and the national government. Yet he devoted his time to this task force, with no reimbursement for even out-of-pocket expenses.

Dr. Mawhinney, Chairman of the Political Science Department of

the University of Maine, is well known for his expert independent knowledge of state government, and he also participated vigorously in this task.

The eminent Dean of the University of Maine Law School and the President of the University of Maine in Orono were also active members of the Task Force, as were two leaders of the League of Women Voters of the State. Other members of the Task Force were prominent Maine businessmen.

Now, I know, and I know the members of the Senate know, that these men and women would not lend their names and their reputation to a partisan hatchet job. I think it comes as close to insult as possible to suggest that these private citizens would do nothing other than to sincerely and objectively appraise the state of our government organization here in Maine.

As Legislators, we are free to do what we want with proposals from the Governor's office. We can do what we want with these proposals as they relate to this Citizens' Task Force. But I do think that we owe all of these men and women who served the State at least a vote of thanks.

Let me close by asking the good Senator from Cumberland County, Senator Berry, and his friends that why is it over the years the Republican Party has fought every attempt to modernize our State Government and bring down the cost of running a mammoth empire? Why do they always line up on the side of the bureaucrats? Why do they always side with the vested interests who ought to be regulated and controlled, but who end up regulating themselves? Thank you.

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

Bill, "An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 658) (L. D. 1842)

In the Senate February 4, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-428).

Comes from the House, Passed to be Engrossed, in non-concurrence.

Mr. Berry of Cumberland then moved that the Senate Insist and Request a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate insist and request a committee of conference.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This item was considered and was not included in the budget because of the uncertain completion date of the building across the way. So, I move that we recede and concur.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate recede and concur with the House. Is the Senate ready for the question? As many Senators as are in favor of receding and concurring with the House will say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion prevailed.

#### Enactors

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

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

Which 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 matter tabled earlier in today's session, by Mr. Martin of Piscataquis:

HOUSE REPORTS — From 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) Majority Report, Ought to Pass in New Draft, under New Title Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 1448) (L. D. 1824); Minority Report, Ought Not to Pass.

Tabled — February 3, 1970 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: This bill is the bill that has had a few knocks and bumps in the last few weeks. It has had a very hard time right from the beginning. This is the bill that will increase the wildlands tax from fifteen mills to twenty-five mills. It will also dedicate these funds to a tax relief for the elderly program.

This will affect property in our unorganized townships, of which we have four hundred within the State. This comprises an area of eight and a half million taxable acres, of which eight million acres are owned by a group of thirty-eight companies. Ten companies own 4.8 million acres. The tax rate is currently fifteen mills. In 1933, the tax rate was seven and a quarter mills. It was increased in 1962 to eleven mills. It was further increased in 1965 to fifteen mills.

This bill had a great deal of sympathy and a great deal of accord in the past few weeks, but has lost quite a bit of support due to the powerful lobbying and the powerful control, as Senator Beliveau from Oxford mentioned a while ago, from the bureaucrats.

This will provide funds for a relief to the elderly person. I really don't think that there is anyone in this body that denies the fact that the elderly person needs tax relief with the low income some of them are now receiving.

As a comparison, this fifteen mills compares to anywhere from a low twenty mills to a high two hundred mills in the organized towns. Out of these four hundred townships we have three hundred and sixty townships with twenty-five mills.

The whole thing to me is ridiculous to let a condition like this continue to exist, to let the powers that be continue to have control

and continue to increase their earnings, and let the people back home take a back seat and have to take second best and third best all the time.

This fifteen mills that is currently assessed against these properties, against these thirty-eight owners—most of them own ninety-four per cent of the land area which comprises of forty-five per cent of the whole State of Maine—contributes at this time \$1,300,000 towards State Government. This actually totals to an actual fifteen cents per acre of tax contribution, which actually includes the buildings on these properties, except the buildings on leased land is not included in this \$1,300,000.

As comparison in the organized townships, we have a tax rate, an actual tax, compared to the fifteen cents paid by the owners of these lands, we have an actual tax of from thirty cents to a \$1.30 per acre. I say this is the time to correct this inequity. I say this has gone far enough and something should be made out of it, something should be corrected. This Legislature should take the stand and make this correction; it is our duty to do so. I hope that this Legislature takes a positive approach towards this matter and acts accordingly. I make a motion that we accept the Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from Piscataquis, Senator Martin moves that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: The hour is late, and I have a feeling that most people would rather vote on this subject than hear a debate on it, but I would like to make a few points. I have heard for a number of years that the wildlands tax is too low. Let's consider it separately, and not necessarily in relation to property tax relief for the elderly.

There are twenty-two items, I believe, now on the Appropriations Table, all things that we want, and

we need some money. There isn't enough money for all the things that we put on the table. It makes a lot of sense to me to raise this tax and get some of the money that we need.

You all know the wildlands are about half the State of Maine; it is a unique situation. We don't have unorganized territories in other states, to my knowledge. We have half the State of Maine valued at \$100,000,000, and this figures out to fifteen cents an acre, thirty, forty cents an acre, whatever it is, it varies but it is very, very low.

Those that fight so hard to keep this tax at fifteen mills point out that it has been increased from 7½ to 11 to 15, but going away back, it was fifteen mills in 1865, and it went down, and then it went back up to fifteen mills in 1965. It just doesn't make sense to me to keep this tax at fifteen mills so long. Our taxes are all going up. My taxes in Brunswick go up almost every year, and yet these people, this handful of paper companies have got the power — and we all know how powerful their lobby is — they have got the power to keep this tax right where they want it. Now, one by one the trees have fallen. We had the votes here a couple of days ago, and I am not sure now whether we do or not, because some of you have received calls, and people have explained and they told you they were about to spend so much money on cleaning up the rivers, and they have told you how much they are paying taxes. I know what they pay in taxes; I have it right in front of me, and it is a sizeable amount, but these are very large corporations. They don't tell you what their net earnings are, and this is the important thing.

This all started back, as far as I was concerned, when we passed the State income tax and we made the middle income people in the State of Maine dig a little deeper. The people in the three to nine thousand dollar range are the ones that are paying the state income tax. I thought that if the middle income and the low income people were going to have to dig a little

deeper that the people that had the most should have to dig a little deeper. Yet at this hour it seems impossible to do what we want to do.

You know these people, I have been told, are contributing more to political candidates out of the State of Maine than they are paying in taxes to the State of Maine.

This eight and a half million acres valued at \$100,000,000 brings in only about \$1.3 million, and I can't for the life of me see why you want to let these paper companies get away with this, why you have so much compassion and so much concern for them. The first one that came to me came to me with the most unreasonable argument, really quite irate that I would even think of raising this tax. It has been a struggle.

I don't know that I am doing the right thing, and I don't think that anyone in this room knows that it is right to raise this wildlands tax, but if they would only lay their cards on the table then we would know, but unless they do we will never know.

I asked to have a meeting with the paper companies. A friend of mine in Brunswick is an executive of one of the paper companies, and it seemed like a reasonable thing to do to sit down with these gentlemen, because I have no desire to impose a burden on the paper companies but to sit down with them and have them explain to me why it would be a real hardship to raise the wildlands tax, but that meeting was never held, and that is always the story.

The lobbyists have worked in their own way getting to one member after another and convincing them that this was the wrong thing to do with their specious arguments — and I am the last person in the world to want to do something that is going to hurt our industry — but I have talked to the lobbyists, I have talked with many, many people on this, and they all tell me the same thing: it is the right thing to do, it is the fair thing to do. Yet, you can't do it because of the power of the lobby.

Gentlemen, you are the only ones that can do this, vote for this measure and do the thing

that is right. I can't see buckling under to the power of this lobby. We need the money. Somehow or other it comes at a very bad time, we have just passed a state income tax and the state isn't feeling pinched the way it was, and so to the Governor and to others it seems like the wrong time to be asking for a new tax. But it is never the wrong time to ask for a tax. If the wildlands tax kept at fifteen mills constitutes a tax advantage, then now is the time to do something about it. If any person could prove to me that these companies are going to have to move out of the State, or they were going to be hurt drastically by this ten mill increase, then I would not propose this, but I don't think that they are going to be hurt. I would expect them to oppose it and fight it. Think about the fight we had getting the state income tax through. Anytime that you propose a tax there is opposition, and these paper companies, half a dozen, a few individuals, obviously they are going to protest, but if it is the right thing to do I hope we will do it, and I hope that we do it now.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to oppose this motion which I believe was made by the good Senator from Piscataquis, Senator Martin. It has been my privilege to be chairman of the Taxation Committee for a number of terms. We have heard this argued practically every session, and it always seemed to me that there has been good arguments for not doing just what the good Senator from Cumberland would now propose to do.

The paper companies, if you stop to think, have built only one new paper mill here in Maine in the last thirty years, and they built a good many mills outside of Maine. During this time they have learned to grow slash pine down South and handle it mechanically, and I think they are spending most of their money in other areas because they can do so economically, and it is the mills that make the jobs.



Now this proposal is an increase of sixty-six and two-thirds per cent in the mill tax rate, which in itself seems to me to be a rather drastic increase.

The good Senator from Cumberland, when he first spoke, Senator Stuart, said that he had heard for years that the paper companies were not paying enough tax. He also said that he was told by people that the paper companies made contributions which would amount to a great deal more than this tax for political purposes outside the State. I don't think we want to work on hearsay; I think we want to work on facts. If he wants to know what the paper companies are earning, certainly their reports make those earnings public to everybody.

It seems to me that it might be in order to start having a study on this thing and come up with what is the right answer, because apparently he said himself he doesn't know whether the tax is right or whether it is wrong, but he thinks we ought to have it. I would say that if we are going to make a step like this to increase the tax on any segment of our economy by sixty-six and two-thirds percent, then it could well deserve a study before we do it. I hope this motion does not prevail.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to make a comment on the statement of Senator Wyman of Washington that we have just one new paper mill in the State. There is a reason for this. In committee we were told by the paper companies themselves that they were not using all the raw material, the timber that is being grown on their lands. Don't you think that the reason might be that we have no chance for competition in this field because the lands are controlled by the same groups, and an outside party interested in this same raw material cannot acquire it because it is under control?

I ask you members of this Senate today to search your soul and find the merit in this bill. We are

now back in the boom days of the State of Maine when the State of Maine was a lumber empire and timber empire, and the largest cut was 80,000,000 board feet. In the northwestern part of the State of Maine just last winter there was 285,000,000 board feet marketed.

So the control of these lands is in the hands of the few. I don't say it should be removed, I am glad that they have it, but I want them to pay their way. I want them to pay their way and assist in the problem that we have existing in the State of helping our elderly people enjoy a better standard of living.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: How far away we have drifted away from the prime purpose of this tax. The prime purpose of this tax, in all our discussions so far during this Special Session, has been to provide a financial way of taking care of the cost of tax relief for the elderly, and that is the only reason that I have been for this tax right along.

The tax would raise \$900,000. The cost to us for tax relief for the elderly is \$400,000 more. This proposed tax will not do it, and I am not quite sure where we are going to find the other \$400,000. The Special Appropriations Table doesn't give any hope of finding an extra \$400,000 out of the general fund. So, in any event, we are going to be short of what we need to finance a good tax relief program for the elderly.

I think the Committee on Taxation has come up with a very interesting bill on tax relief for the elderly. It is not a perfect bill, but it has one very, very pragmatic accomplishment, that it is capable of being passed without financial problems at this session. It may very well be that it will have to be deferred to a future date, but at least we can get a program in front of us that meets the human needs that is within our ability to pay.

Now, I have said that I would support a tax in the unorganized territories on wildlands, but I have

a small mill in Augusta, and it is a small, reasonably inefficient mill, and before I vote to raise their cost of living, their cost of doing business, I want a reason. And if a tax bill for the elderly is no longer a reason, then I have no reason to pass a tax. I will clue you that we could sit here and pass taxes from now to the end of the session and we could find ways to spend the proceeds of it. If we had \$2,000,000 or \$5,000,000 more in front of us, we could spend and we could find reasons and worthwhile programs to spend them on. You can bet your boots this is true, because we have more needs than we have possible methods of solving them.

But this little mill in Augusta perhaps is typical of some businesses. We have a river outside that we are proud of, and we are going to insist that this little mill in town clean up its effluent in the river, and it is going to cost them a bushel and a peck. But perhaps on this basis maybe we will get a wonderful recreational asset for the community one of these days. We put an income tax on them, we have raised their sales tax, we have raised their cost of transportation, and in the process of putting on a wildlands tax we are going to raise their cost of the raw material.

Someone said that they don't know whether the wildlands are undertaxed or not, and I don't, but I am not going to vote to put a new tax on just for the sake of putting a new tax on unless there is some overriding reason. If we succeed in passing L. D. 1839 the reason will be removed.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In answer to Senator Katz from Kennebec regarding the tax relief to the elderly bill that is before us, this was railroaded through the Taxation Committee the other day and when I arrived in committee the docket was signed except for my signature. This put the whole cost back to the communities. If the cost to the communities exceeds three per

cent, the State will come back and refund the communities ninety per cent of the loss. This is going to cost the towns a million dollars. I am against this cost definitely. I am for the tax relief for the elderly, but I am definitely opposed to the method of financing this bill.

Also, in answer to Senator Katz's question about his little mill in Augusta, I just want to point out to you that this little mill owns 32,000 acres of land, out of eight million acres of land. This little milltowns just ten times more land than I own. On the land that I own I pay as high as a \$1.05 an acre tax; this little mill pays \$.15 an acre tax. Is that fair?

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: In reply to the Senator from Kennebec, Senator Katz, we are not imposing this tax just for the sake of imposing a tax. We are increasing the wildlands tax because, at fifteen mills, I honestly believe that it is scandalously low. Don't you think that fifteen cents an acre is really ridiculous, while other people pay two and three hundred dollars an acre?

The trouble is that the people up there, these few owners, they look at it as a raw material. They don't look at it as land that they can sell. A lot of this land has tarred road going through it, and the demand for land is greater every year. This is good land which they can use for cutting timber or they can sell it off, and when they sell it off they make a good profit. So, that is the reason we are asking for an increase in the wildlands tax, because it is the thing to do.

When I say I don't know whether it is low or not, what I am saying is that I can't prove it, because how do you prove it until the paper companies sit down and tell you their net earnings and all their financial picture? And this they never do.

But in my own mind, and in the minds of many of us, this tax is much too low and should be raised, and we are not doing it just to raise the tax. It is \$900,000 closer

to getting tax relief for the elderly. If we pass it, maybe we are short three or four hundred thousand dollars, but nobody really knows how many claims there will be for tax relief. But if we don't pass the wildlands increase we have nothing, and if we pass it at least we have \$900,000, and that is a long way there.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I hesitated a long time before getting on my feet to speak on this issue. I want to make one thing very clear, and that is that I am certainly in favor of relief to the low income elderly people on their property taxes. I think that every member of this body is, and I think there are other ways to provide for that. So, I want these folks sitting in the back of the room to know that I am their friend as much as the people that are promoting this piece of legislation.

Now then. I heard a statement made in the Senate the other day that anybody who would vote against the increase in tax on wildlands either owns a lot of wildlands or they have been bought by the lobbyists or by the wildlands owners. Well, I can assure the people in this body today that they haven't bought me, and I can also say this: That I am not in the employment of any wildlands owners and have no connection with them whatsoever.

A lot has been said about the strong lobby around here, and I want to tell you at this time, and I say this in all truthfulness, that I have not been lobbied by one single person in regards to this bill. I have made up my mind that I am going to oppose this bill to increase tax on wildlands not on the basis of lobbying because, as I say, I haven't been lobbied, but on the merits of the bill, and I see no merit in it at this time.

Our good Senator from Cumberland, Senator Stuart, kept saying over and over again that the tax is too low. He also said he doesn't know whether this is right. Well, if he is promoting this piece of

legislation, this document, and he doesn't know it is right, certainly I am not going to be in favor of anything if the sponsor of this piece of legislation doesn't know whether it is right.

Now, we say that fifteen mills is too low, and we like to create the impression that perhaps that is the only tax that these wildland owners pay. I would like to call your attention to some other taxes that they pay, in addition to this wildlands tax. There is the forest fire tax, a county tax, a school tax, a school capital tax, a road tax, a fire protection charge. These are all included in their total overall taxes that they pay. So, this fifteen mills that we are talking about is, in effect, not the whole story.

Originally this bill, as it was constructed, provided for tax relief for the elderly. Now, we have another bill, L. D. 1839, that does just that, so I can't see how we can justify passing an increase in the wildlands tax in order to take care of tax relief to the elderly when there is no connection there whatsoever. I am opposed to this and I am going to vote against it.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: This, of course, is not the original bill that came before our committee in the first place. Unfortunately, I was home ill, and the chairman of the committee asked the clerk of the committee to come down to the house and I tried to read the bill. At that time, because of antibiotics and so forth, I don't know as I could really digest really what the bill said but, nevertheless, I signed it Ought to Pass.

I want it made very clear that I am very much in sympathy for relief for the elderly with their tax problems. I also want it understood that I have not been approached by any lobbyist.

I may approach this from a little different angle than possibly some of the others have. The good Senator from Aroostook, Senator Barnes, covered the question of

other taxes besides the fifteen mills that the paper companies are paying, which we do know about and which is, of course, the corporate income tax, county tax, school tax, where the population warrants it, the forest fire tax. But nobody has mentioned the multiple use of their wildlands or the donations that these companies have made to the State of Maine for the welfare of the citizens and our tourists who enter the State.

If you will remember correctly, in 1965 we increased the mill tax from eleven to fifteen mills, if I remember correctly, and shortly after that was passed I believe that many of us were criticized by the press, the radio, possibly TV, I am not sure, as to what we were trying to do in regards to promoting industry within the State of Maine because, if I remember correctly, I think it was the Great Northern Paper Company that went south and constructed a new plant which cost them twenty-five or twenty-eight million dollars. Now, I don't think that this was the main reason they went down there but, nevertheless, some of us were criticized for it.

I would like to read a statement, if I may, which was a news release, which is dated November 22, 1968, and this came from New York. "Two of the most scenic sections of the Allagash Wilderness Waterway were donated today to the State of Maine by the Great Northern Paper Company, according to the chairman and chief executive officer, Peter S. Paine.

"The blocks of land total 770 acres and include Allagash Falls, a natural drop of approximately 40 feet on the lower river and the company's partial ownership in the south shore of the Allagash Lake.

"In accepting the lands, Governor Kenneth M. Curtis sincerely thanked Great Northern and commented, 'These gifts reaffirm Great Northern's long history of cooperation with state resource projects dating back to the establishment in September, 1931, of Baxter State Park. Much of this 200,000-acre wilderness area came from the Great Northern properties.'

"Mr. Paine said, 'Great Northern has always been interested in providing for the multiple use of timber and water resources. We feel state management of the Allagash area will continue to insure visitors a unique wilderness experience, without altering the availability of the timber supply so necessary to the economy of our company and the State of Maine.'

"Great Northern purchased Allagash Falls as a possible power site in 1943. It is the only natural barrier to river traffic in the 90-mile waterway.

"Mr. Paine said that Allagash Lake is considered the most beautiful of the headwater lakes and offers beaches, excellent fishing and heavily wooded islands and shores. Great Northern's gift includes over two miles of lake shore and about 2¼ miles of river frontage.

"On Thursday, the Maine Park and Recreation Commission announced that it had reached agreement with Great Northern for the purchase of 20,000 of the 55,000 acres it plans to acquire in the Allagash Waterway.

"In 1965-66 the Maine Legislature passed an act creating the Allagash Wilderness Waterway to preserve the Northern river and many of its lakes, ponds, and streams in substantially their natural state for public recreation. A nationally famous canoe route is included."

I also have a clipping which came from the Bangor Daily News, which shows a picture of that waterfall. But I know that I am not the only person in the State of Maine who greatly enjoys riding through the wilderness, the privilege of hunting, fishing and so forth, on those properties that are owned by the various paper companies. I think that we should also take into consideration their multiple use as well as just this fifteen mills tax which, in my opinion, is a basic figure.

I really feel, after the years that I have been on the Taxation Committee, that there should be a committee which would make a thorough study of this and come back so that we would have the facts, and no guess work. I think

right here this evening that we do have a bit of guess work as to whether they are paying a real low tax or paying their equal share or not. When the vote is taken I request a division.

The PRESIDENT: The Senator from Piscataquis, Senator Martin requests leave of the Senate to speak a fourth time. Is there objection? The Chair hears none. The Senator may proceed.

Mr. MARTIN of Piscataquis: Thank you. Mr. President and Members of the Senate: Since Senator Hanson from Kennebec has approached the Allagash Waterway Land, and the donation by the Great Northern Paper Company of 770 acres of land in this area, I would like to bring to the attention of the members of the Senate that the Great Northern owns two million acres of this land. I would also like to bring to the attention of the Senate members that the Great Northern and other owners have sold land in the Allagash Waterway to a high of \$486 per acre, and a low of \$82 per acre.

I would like to bring it to the attention of the Senate members that we have two areas of discrepancy: We have the area of assessment, and we have the area of tax rate. In bringing assessment to light, the land that was sold for \$82 an acre — this comprises a strip of land 400 feet from the rivers, the ponds and the lakes in the Allagash Waterway — and it involves a great many acres of land. It involves a section of land on both sides of the waters a minimum of 400 feet in depth and a maximum of 800 feet in depth. This is the land that was sold. What was above the 208 feet, which is an acre square, was sold for \$32 an acre, and what would border the lakes, ponds, and streams was sold for a low of \$82 an acre, with a \$7 assessed value. The tax rate of fifteen mills is a contribution of seventeen and a half cents per acre.

It is true that we have a forestry tax. We have a fire protection tax of eight and a half mills. This, in truth, is actually protecting their own property, the same as I protect my own when I reroof a

building or shovel my driveway. So the argument about these great powers that be that give gifts to the State of Maine has no bearing with me whatsoever.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, when the vote is taken I request a roll call.

The PRESIDENT: The Senator requests a roll call. The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Increasing State Tax in Unorganized Territory" (H. P. 1448) (L. D. 1824). A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one - fifth, under the Constitution, of those Senators present and voting. Will all Senators desirous of ordering a roll call please rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Increasing State Tax in Unorganized Territory." 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, Kellam, Letourneau, Logan, Martin, Minkowsky, Peabody, Reed, Stuart, and Violette.

NAYS: Senators Anderson, Barnes, Berry, Dunn, Gordon, Greeley, Hanson, Hoffses, Holman, Katz, Moore, Quinn, Sewall, Tanous, Wyman and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Fifteen Senators having voted in the

affirmative, and sixteen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

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

Sent down for concurrence.

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

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

Pending—Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed in concurrence.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" (H-689) was Adopted in concurrence.

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

Senate Amendment "A", Filing No. S-430, to Committee Amendment "A" was Read and Adopted. Committee Amendment "A" as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence, and the Bill, as

Amended, Passed to be Engrossed in non-concurrence.

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

Mr. Logan of York was granted unanimous consent to address the Senate:

Mr. LOGAN: Mr. President and members of the Senate: The Committee on Business Legislation of the 104th Legislature has completed its work and is passing in the limbo. I would like to recognize the members of the Committee with whom it has been my distinct privilege to work. Senator Berry of Cumberland, Senator Levine of Kennebec; the co-chairman of the committee and a man to whom I am deeply indebted, Representative Scott of Wilton, Representative Harriman of Hollis, Representative Scott of Presque Isle, Representative Trask of Milo, Representative Clark of Jefferson, Representative Gauthier of Sanford, and Representative Fecteau of Biddeford. There has not been a man on this Committee who has not carried more than his share of the burden. There has not been a man on the Committee who has not contributed to the welfare of the State of Maine. Thank you Mr. President.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.