

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 5, 1970

Senate called to order by the President.

Prayer by the Rev. Claude A. Wivell of Augusta.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matter

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

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-399).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-673) and Senate Amendment "A" (S-399), in non-concurrence.

Mr. Katz of Kennebec then moved that the Senate Insist.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have an amendment prepared on this matter which is not on our desks yet. I would hope that possibly the matter could be tabled until later in today's session prior to our acting upon the motion to insist.

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

Mr. KATZ of Kennebec: Mr. President, through the Chair, may I inquire of the Senator from Cumberland, Senator Kellam, as to the nature of the amendment?

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

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would say that the nature of the amendment is having to do with the general purpose aid school subsidy, which is a difficult prob-

lem for us, and I think it would be well to have the matter attended to as quickly as possible to relieve us of any extension of the session any longer than we need to have. I think this would be an opportune time and a very appropriate time to discuss the matter, while the bill is with us.

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

Mr. KATZ of Kennebec: Mr. President, we are particularly anxious to get this appropriations bill rolling. Might I ask through the Chair of the Senator from Cumberland Senator Kellam, whether or not there is not another vehicle, the subsidy question itself, on which his amendment might properly be placed?

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

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would apprise the Senator from Kennebec, Senator Katz, that there is a vehicle available to us. It is the budget document which was presented for enactment at the opening days of the session, being the prior fore-runner of L.D. 1818, in which the general purpose aid subsidy was attended to. Consequently, I would like to have this bill tabled until the amendment arrives so that we can place the matter where it properly belongs.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Mr. Katz of Kennebec was then granted leave to withdraw his motion to Insist on L. D. 1818.

Thereupon, on further motion by the same Senator, tabled and

specially assigned for 10:15 this morning, pending Consideration.

Joint Order

WHEREAS, State Government is becoming increasingly complex with many overlapping programs; and

WHEREAS, the cost of State Government is increasing at a rapid pace; and

WHEREAS, the people of the State of Maine desire greater efficiency in State Government; and

WHEREAS, the people of the State are concerned that their tax dollar be spent more efficiently and effectively; and

WHEREAS, in recent years, new systems of industrial organization, accounting and methods of operation have been successfully utilized by the private sector; and

WHEREAS, the Associated Industries of Maine, with consultation from the organized labor unions of Maine, has volunteered to make available to the State, without cost, experts in the fields of taxation, systems analysis, efficiency experts and experts in modern organizational technology; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the overall operations of State Government to determine whether State Government can operate more efficiently by adopting and applying some of the new methods of industrial organization and operation. Such study shall also include, but not be limited to, determining the feasibility of eliminating overlapping functions, combining related programs and, in general, increasing the efficiency and productivity of state personnel; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the Committee in carrying out the purposes of this order; and be it further

ORDERED, that the Committee report its findings and recommendations, together with any necessary legislation, to the 105th Legislature.

(H. P. 1468)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to express my personal pleasure at this joint order. What it says, in effect, is that we have a potential to make use of the best brains in the State to evaluate State Government.

Are we using personnel ineffectively and inefficiently? Our state house family seems to be growing and growing at almost an uncontrolled rate and perhaps, by making use of the best brains in the State, we can figure ways to effectively control the expansion of State Government and make the use of our existing personnel more effective.

In the field of computerization, which is an extremely expensive field, are we making the maximum use of this tremendous tool, or aren't we?

I feel that this is a magnificent opportunity, not only from the viewpoint of manpower, but in every aspect of State Government to review that which we are doing with the help of some pretty good people at no cost to the State. I am enthused about the order and I move its passage.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The purpose of this order is certainly commendable, but I question the means that is being suggested here, and more particularly the fact that we are, in effect, saying that we must depend upon an organization that represents the vested industrial interests in the State of Maine to assist us in running our State.

I am concerned because, as we all know, there are many, many State agencies and departments that possess the information, the knowledge, the manpower and personnel to review the area that Senator Katz is referring to. We have the Bureau of Public Administration at the University of

Maine, which is being subsidized at a great sum of money. We have the State Planning Office, we have our own Research Office, we have got a Finance Office, Accounts and Control, any number of State agencies that could assist us. I am concerned because we are, in effect, saying that the Legislature and the State are unable to solve their own problems and they must turn to a private group here in the State of Maine to assist them.

I don't quarrel, nor would I disagree, if the Associated Industries of Maine wanted to assist the Research Committee, but I don't believe that the Legislature should publicly state, and make it a matter of record, the fact that we must depend upon the Associated Industries of Maine, or any other interest group, to assist us in running the State. It is a very dangerous precedent and, if we admit that we must depend upon them at this stage of the proceedings, God only knows what might occur in other areas.

I object to this order. I am opposing it because I believe that the Research Committee has sufficient authority and resources without having to specifically state in an order of this kind that we must depend upon an interest group to assist us in solving our problems.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: It looks kind of awkward for me to stand up and disagree with the Chairman of the State Democratic Party, but the time comes when you have got to speak your conscience and say what you think is best for the State of Maine.

In this order it doesn't only mention industry; it mentions labor. That is why I have felt bad throughout this session, because the Democratic Party takes labor for granted. They figure that they have to vote for them, they don't consult them, and they figure they are just second class citizens. That is what I don't like.

I think this order would be very useful. A man can be a laborer

and still have a lot of common sense, and that is where the Democratic Party is lame. Our main advisor to the Governor — and I will name him by name too — Dr. Mavrinac from Waterville, to me, I think he was the worst influence the Governor ever had. Basically, the Governor is a nice honest man, but he took advice from the wrong people. Dr. Mavrinac's idea was that you have got to have two societies in the State of Maine; one of intellectuals and the other of peasants.

They will tell you, if you talk to some of the people there, "Don't worry. The poor people shouldn't worry. We will raise their relief." That is a disgrace to the working people, and that is why I don't agree with my good friend and colleague from Oxford County. It doesn't mention just industry here; it mentions labor too, and they should take labor more into consideration and they shouldn't think, as Democrats, that we have the labor people in our pocket. We should give them some respect.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Joint Order received Passage in concurrence.

Orders

Mr. Stuart of Cumberland presented the following order and moved its passage:

ORDERED, the House concurring, that the State Housing Authority created pursuant to chapter 470 of the public laws of 1969, is directed to study, under the supervision of the Legislative Research Committee, municipal building codes and subdivision regulations of this State to determine whether such codes and regulations impede the construction of low income housing; and be it further

ORDERED, that the State Housing Authority is directed, subject to the approval of the Legislative Research Committee, to submit a report of its findings and recommendations to the 105th Legislature.

(S. P. 664)

Which was Read.

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

Committee Reports

House

Ought to Pass

The Committee on Taxation on Bill, "An Act on Tax Relief to the Elderly." (H. P. 1465) (L. D. 1839)

Reported pursuant to Joint Order (H. P. 1456) that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Indefinitely Postponed.

Which report was Read.

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

Mr. WYMAN of Washington: Mr. President, I move acceptance of the Ought to Pass Report. I hope that this might move along to the second reading and then be tabled.

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

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

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

Senate

Ought to Pass

Mr. DUQUETTE for the Committee on Appropriations and Financial Affairs on Bill, "An Act Repealing the Interest on Unissued Bonds for Water Pollution Abatement." (S. P. 663) (L. D. 1845)

Reported pursuant to Joint Order (S. P. 660) that the same Ought to Pass.

Which report was Read.

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

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Providing for Moratorium on Construction of Certain Industries." (S. P. 602) (L. D. 1773)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 661) (L. D. 1843).

(Signed)

Senators:

BERRY of Cumberland
REED of Sagadahoc
SEWALL of Penobscot

Representatives:

BROWN of York
HARDY of Hope
EUSTIS of Dixfield

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

(Signed)

Representatives:

SNOW of Caribou
COFFEY of Topsham
CURRAN of Bangor
JAMESON of Bangor

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Acceptance of Either Report.

Divided Report

Five members of the Committee on State Government on Bill, "An Act Giving Special Interim Legislative Investigating Committees Access to Certain Records." (S. P. 662) (L. D. 1844)

Reported in Report "A" pursuant to Joint Order (S. P. 657) that the same Ought to Pass.

(Signed)

Senator:

WYMAN of Washington

Representatives:

DONAGHY of Lubec
RIDEOUT of Manchester
DENNETT of Kittery
MARSTALLER

of Freeport

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

(Signed)

Senators:

BELIVEAU of Oxford
LETOURNEAU of York

Representatives:

D'ALFONSO of Portland
STARBIRD of Kingman
GOODWIN of Bath

Which reports were Read.

Mr. Wyman of Washington then moved Acceptance of the Ought to

Pass Report "A" of the Committee.

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

Mr. BELIVEAU of Oxford: Mr. President, I would like to pose a question through the Chair to Senator Wyman of Washington as to what this bill would do, the purpose of the document, and the general effect it would have upon Title 10 generally? I am not too clear as to exactly what this is designed to accomplish.

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington; Mr. President and Members of the Senate: A few days ago we created a committee to study the Maine Sugar Industry, and this act is a necessary piece of legislation to give the committee the tools with which to work.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I want to thank the good Senator for the explanation, but I am not quite clear exactly as to what he is arriving at. However, I think it is apparent to all of us what this bill is intended to accomplish.

I also think it is important for all of us to realize that, aside from the special interim committee that was created, this document will have a greater impact upon the industry than is designed or intended under this bill.

As Senator Wyman stated, the purpose of this is to, in effect, eliminate the confidentiality provision of Title 10, which I believe would be a very serious breach of faith with those industries who have applied for MIBA guarantee loans.

At the time this law was passed, it was not done so out of courtesy to industry, but it was done so because the Legislature recognized that the applications must necessarily be confidential and

privileged. In effect, we promised the businessmen that they could fully and completely disclose their financial status to the MIBA, as well as all kinds of financial support that they were getting for the particular project, without the risk of political exposure which, in effect, could jeopardize the various businesses they were trying to operate.

It is my opinion that the repeal of this privileged section here would have a counter-productive effect. It would make it more difficult for MIBA to secure all the information that is necessary in future dealings before making a judgment as to whether or not a loan should be guaranteed.

Let me review for you in detail and be more specific as to exactly what occurs when a business or an applicant applies for a guaranteed loan through MIBA. An applicant must make a full disclosure of all its assets and liabilities today in a very lengthy and detailed form that is provided by the MIBA. We all know this is the material, of course, that is needed by MIBA before they can make a proper decision. This information should not be released by MIBA unless the corporation involved gives its approval, because we all know that a company, in support of its statement for a loan, must obtain additional business statements from associates to determine the soundness of their proposal and particularly of the applicant's business operations. These applications, more often than not, contain material on business relationships which are appropriate as far as the MIBA application is concerned, but which should not be subjected to public disclosure.

So, in effect, this document that was not given a public hearing, the document that is going to have, as I said earlier, a profound impact upon the business community, upon the effectiveness of MIBA, is not needed.

Let me just dwell a minute on this business of the lack or the absence of a public hearing. As you will recall, earlier this week an order was passed in both houses directing the State Government Committee to report out a bill

similar to the one that we have before us. No public hearing was suggested, nor was any public hearing intended. Members of the MIBA, those who applied for loans in the past, the business community generally, and the citizens of the State of Maine, were not given an opportunity to express their views on this document. This reminds me a great deal of the problems we had during the regular session. Several bills were reported out of committee without public hearing, and we all recall the reaction by the public to this.

The practice of providing public hearings on legislative documents is necessarily resorted to in order to better inform our public and ourselves as to the merits of a particular document. But, I repeat, no member of the public, no citizen of the State, no State official, no one, was given an opportunity to appear before the committee and express his or her views on the merits of this document. This is another attempt, a very clear attempt, by the Majority Party to assert itself, assert its authority, its political superiority, in shoving down the throats of the Legislature and, in effect, the citizens of the State of Maine, a document whose purpose is questionable, which motives are quite apparent and I was hoping, at least, that something as important as this would not be given the usual quick legislative shuffle that the Majority Party has been prone to resort to during this session.

Finally, it has been suggested that the information that is needed by this special committee is not unavailable to them today. It is ironic, of course, that those who are in support of this document are not aware of the fact that most of this information, if not all of it, is a matter of public record. Such matters as the amount of backing that has been extended to an applicant, the period of time involved, the protections for the State if it should assume the full obligation of repaying the loan, all of these are fully revealed, because the provision under Title 10, the one we are attempting to amend, does not in any way prevent disclosure of this information.

So, once again, finally, I would like to ask why the need for this bill? Mr. President, I would request a division on the pending motion.

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

Mr. KATZ of Kennebec: Mr. President, I think that Shakespeare said it much better than I could: "Me thinks thou dost protest too much."

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I want to particularly address myself to this order here. I just want to make one comment, because I know the order is going to pass, and I don't know how troubled I am going to be with it, but I think we are in the position here of applying double standards, depending upon the aims that we want to accomplish.

I recall just a couple of days ago that there was an amendment offered in this chamber to delete Part A of the so-called alleged highly partisan government reorganization bill. The reason why the sponsor of the amendment requested that this part be deleted is that it would raise the possibility of confidential records, confidential information, having been given to some of our governmental departments, possibly becoming available to people that would have perhaps no justifiable right to see them, and these figures and this information, having been given to some of our governmental departments, they could possibly then be in a position of violating this trust. I am very anxious to see, in the light of this, how these people are going to vote on this order.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I wasn't here when this order passed, and I am sorry that I was out the last couple of weeks. It was really sickness — a lot of people thought that I was a sorehead, but I wasn't a sorehead. I feel it was the wrong order.

The sugar industry in the State of Maine, as far as I can see it now, is dead under the present management. One thing you are doing is giving Mr. Valshing a way out. If he closes his plant next year he is going to say that because the legislature is investigating him he is going to close, because the farmers definitely — I am in contact with all the farmers in the State of Maine; I do business with all of them — and they say they will definitely not raise for him any more, so you are giving him a way out.

I don't know if it is true or not that this order came from Washington, but I heard some rumors that our President, the way that they call him his nickname, "tricky Dick", did it. I don't know if it is so. I wouldn't accuse anybody or say anything, but I feel that the Democratic leadership was wrong too because they indicted the wrong leaders. They shouldn't have made a party issue of it, because it could have backfired at the Republicans if the Democrats hadn't made an issue of it. By making an issue of it, they indicated, and now our leaders are on trial. It is very wrong, and I hope you vote this order down.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I hesitate to speak on this order because I don't know that I can add anything to what has been said.

I did oppose the order in question as far as the investigation of the sugar beet industry. I guess probably I was sort of upset when I read the Sunday Telegram the next day, in which it said — and I guess without question I did say it — that I didn't see how anyone could oppose that order. Basically, I don't. I objected to the way it was written and the way it was handled, I still felt as if a day or two more could have been allowed the Legislature to study the order. As yet that committee is not in operation, and I think that was more than a week ago.

I also concur with the Senator from Aroostook, Senator Violette, in regards to it sort of making a difference how you look at things as far as confidential files are concerned and materials, but I am not going to oppose this order personally. I don't know whether it is correct or not. There is going to be an investigation and, I think, rightly so. If there is a cloud, we should get rid of it one way or the other.

I talked with several on the MIBA board, and they felt as if there was nothing to hide, the records were available, all their meetings were taped, and they didn't seem upset, or at least they didn't say there was anything confidential that could not be looked at. I know that probably if I looked at it I wouldn't understand it or know what it meant anyway, so it would be safe as far as I was concerned, if I should happen to be on that committee.

So, I don't know that I am speaking for the Democrats, the Republicans or who, but I am speaking for myself in that I am not going to oppose the order. I guess probably as good a reason as any is that we are going to get beaten. But, even if I thought we could sustain this order and defeat it, even at that, I am not sure — if there are confidential records not available to the Legislature, then I don't know but what in the long run this is good. I kind of feel that government is public business, and anything that government does has got to be public business. Therefore, this particular order doesn't upset me that much, and I will support it.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Ought to Pass Report of the Committee. A division has been requested. As many Senators as are in favor of accepting the Ought to Pass Report "A" of the Committee will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty-three Senators having voted in the

affirmative, and eight Senators having voted in the negative, the motion prevailed and the Bill was then Read Once.

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

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

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

Non-concurrent Matter

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

Pending—Consideration.

Mr. Kellam of Cumberland then moved that the matter be retabled until later in today's session.

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

Mr. KATZ of Kennebec: Mr. President, directing our attention to the timing of the tabling, I would hope that this could be disposed of in the morning session so it won't be held over until later. So, I would encourage the Senator to table to a time certain, perhaps 11 o'clock.

The PRESIDENT: The Chair would inform the Senator that by tabling until later in today's session, the Senator from Cumberland, Senator Kellam, could remove it from the table at any time.

Thereupon, on motion by Mr. Kellam of Cumberland, retabled until later in today's session, pending Consideration.

Orders of the Day

Mr. Martin of Piscataquis moved that the Senate reconsider its action of yesterday whereby it accepted the Ought Not to Pass Report of the Committee on Bill, "An Act Increasing State Tax in Unorganized Territory" (H. P. 1448) (L. D. 1824)

Mr. Katz of Kennebec then moved that the matter be tabled until later in today's session, pend-

ing the motion by Mr. Martin of Piscataquis to reconsider.

On motion by Mr. Stuart of Cumberland, a division was had. Sixteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the tabling motion prevailed.

Mr. Levine of Kennebec was granted unanimous consent to address the Senate.

Mr. LEVINE: Mr. President and Members of the Senate: I voted against this tabling motion because I have an amendment to this bill that will raise the exemptions for the first five dependents from \$1,000 to \$2,000. A family of five earning \$10,000, under my exemption, will not have to pay any more State income tax.

I feel that if we are going to levy another tax we might as well relieve the people that need the relief. It will cut down on the new employees that the Taxation Department needs now because it will take off quite a few people who have to pay 25 cents, fifty cents or a dollar a week in taxes, so they don't need quite so many men in Mr. Johnson's office, and that will be quite a saving. The saving might amount to just as much as the money it is bringing in. Thank you.

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

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

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

Pending—Passage to be Engrossed.

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

Senate Amendment "B", Filing No. S-431, was Read and Adopted.

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

Mr. BELIVEAU of Oxford: Mr. President, I note from this amendment that they are deleting the Washington County Vocational-Technical Institute from the bond issue. Does this mean that they intend to fund this through the general fund or surplus rather than including it in the general bond issue itself?

I would like to have the Chairman of the Appropriations Committee, Senator Sewall, clarify the exact intent. It is apparent what they are doing, but I am wondering where they intend to get the money.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair which the 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: This amendment does remove \$110,000 from this bond issue, and I would say that the funding of this item will be under consideration from the surplus moneys.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, as Amended, be Passed to be Engrossed?

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

Under suspension of the rules sent down forthwith for concurrence.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Joint Order

Out of order and under suspension of the rules, Mr. Sewall of Penobscot presented the following order and moved its Passage:

WHEREAS, a genuine widely-held concern for man's ability to damage and even destroy his environment has recently developed; and

WHEREAS, the cause of conservation has acquired new popularity and respectability attracting the attention of the nation; and

WHEREAS, the Maine Legislature reflects this concern with innovative and far-reaching steps to halt and regulate those forces which threaten our natural resources; and

WHEREAS, it is appropriate and proper to pause and recognize the efforts of a man who had the foresight to see long ago what many now see today; now, therefore, be it

ORDERED, the Senate concurring, that the members of the House and Senate of the 104th Legislature in special session now assembled, honor and pay tribute to the:

Honorable

Ezra James Briggs

who, in a day when the abundance of our natural resources seemed limitless, when our rivers were accepted as a means of conveying sewage and industrial waste, when exploitation was applauded and commercial greed condoned, had the courage to speak forcefully in defense of our future and fought a lonely fight in behalf of generations to come with the courage to be unpopular and the tenacity to be effective; and be it further

ORDERED, at a time when the Maine Legislature is attracting national attention as a very symbol of man's efforts to respect his environment, that this tribute to be paid to Senator Briggs and recorded upon our journals for his unrewarded, unapplauded efforts in the Maine Legislature, which truly represents the first stirrings of a conscience now awakening.

(H. P. 1471)

Which was Read and Passed in concurrence.

The PRESIDENT: The Chair would ask the Sergeant - at - Arms to escort Mr. Briggs to the rostrum for any remarks that he may care to make.

Thereupon, the Sergeant - at - Arms escorted Mr. Briggs to the rostrum.

Mr. BRIGGS: How sweet it is. Times have changed. I remember

a few very interesting sessions here more years ago probably than I should even reflect on, although there are a few familiar faces, and it is a great pleasure to see them again. A number of years before that even, when I was much younger, I attended a year of school at the Maine Central Institute at Pittsfield, and at the same time it was my privilege to be a friend of one of your members, Carl Cianchette. He and Roosevelt Susi had a lot of difficulty with pronouncing "Caribou" because it had so many syllables, so they called me "Moose", which they could get out rather easily.

We had a lot of troubles with the conditions of the streams and rivers since that, a lot of water has gone over the dam, so to speak, a lot of the pollution c a m p a i g n e r s have worked very hard in a dedicated effort to try to improve conditions. I want you to know how very much I appreciate your charity and kindness in taking this time that you have taken to give small recognition to one of those persons who has attempted to be a forceful factor in this worthy cause.

I would like to take the opportunity to congratulate you on the aggressive manner in which you have put forward the two principal conservation measures of this session. I would like to encourage you further — I may as well take advantage, this is a nice spot up here, Ken — if you can find it in your heart, give yourselves time for another session, a real full-length, full - style session, to bring careful consideration to bear on just what action you shall ultimately take in regard to these very crucial environmental concerns.

I believe that you are going to consider a moratorium bill very soon. I hope that you will feel that it is possible to support that to the fullest, so that this next full session can more carefully consider the serious nature of this problem before you. I felt, as I mentioned a few minutes ago, with an opportunity like this a fellow really ought to be running for something, probably ought to be running for the border, except it is very bad across the border now

— they are awfully unhappy about the effluent discharges that are being sent their way from the great State of Maine. You may have heard about that. I bought two eggs over there on my way to the Mirimachi last summer and they charged me four dollars for them. I got to the counter and I said, "what is the idea, eggs scarce?" She said, "No, Americans are." So this is the kind of thing that we are up against. We are throwing our eggs and feathers, heaven knows what, and a little sugar, I hear.

For fear that you might leave here and not have the realization again of my appreciation, and the appreciation of all my friends, for the good work that you are trying to continue to do on behalf of conservation, I want to say a second time, most emphatically, how very much we do appreciate the good judgment which you are bringing to bear on these issues. Thank you, again. Thank you very much.

Thereupon, the Sergeant - at - Arms escorted Mr. Briggs to the visitors section in the rear of the chamber, amid the applause of the Senate.

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

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

Bill, "An Act Relating to Interest Earned on Investments of Special Revenue Funds." (S. P. 654) (L. D. 1837)

In the Senate February 3, 1970, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-698), in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

Enactors

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

Emergency

An Act Abolishing Full - Time County Attorneys and Increasing Salaries of Certain County Attorneys and Assistant County Attorneys. (H. P. 1449) (L. D. 1825)

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.

Emergency

An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors. (H. P. 1466) (L. D. 1840)

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have an amendment which is being prepared for L.D. 1840 and which, in my opinion, will perhaps police this bill a little more than it proposes. The amendment calls for the movie theaters to have a police officer, constable, or a deputy sheriff available when these movies are being shown to assure that no minors will be admitted.

Now, this amendment is not ready, and I don't want to delay the legislative process, but I would appreciate it if somebody would table this matter. If you agree with this amendment, perhaps we would have a division on the tabling motion, and if this body feels that such an amendment is worthwhile they perhaps would vote with me on tabling the matter. I would appreciate it if one of my fellow members would so move that this matter be tabled.

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

Mr. Holman of Franklin then moved that the Bill be tabled until later in today's session, pending Enactment.

On motion by Mr. Katz of Kennebec, a division was had. Twenty-three Senators having voted in the affirmative, and five Senators having voted in the negative, the tabling motion prevailed.

Joint Order

WHEREAS, for over 200 years the rivers and streams of the State of Maine have been used for the commercial transportation of logs and pulpwood to feed the mills of

the lumber and paper industry; and

WHEREAS, through purchase and legislative action certain legal rights have been required for such use; and

WHEREAS, through the continuation of such use the rivers and streams of the State have had deposited within them quantities of bark and sunken logs which have contributed substantially to the pollution load of such streams and rivers: now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study such practice, its effects on said streams and rivers, the alternative means of transporting said logs and pulpwood, possible time-tables for eliminating or phasing out such river use, and the effect on whatever legal rights may presently exist by curtailing or limiting such practice; and be it further

ORDERED, that the State Department of Forestry and the Water and Air Environmental Improvement Commission be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the provisions of this Order; and be it further

ORDERED, that the Committee report its recommendation, together with such proposed legislation as it may deem appropriate, to the next regular session of the Legislature.

(H. P. 1470)

Comes from the House, Read and Passed.

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

Joint Resolution

WHEREAS, the New England Music Camp Association of Oakland is incorporated as a nonprofit educational institution under the laws of this State; and

WHEREAS, the camp was founded to promote Maine music and musicians and encourage a deeper appreciation for the "universal language of mankind"; and

WHEREAS, the true value and significance of the institution's cultural contribution to the State is the musically enriched lives of hundreds of boys and girls; and

WHEREAS, the New England Music Camp Association has completed a third of a century of successful accomplishment in advanced music pedagogy; and

WHEREAS, weekly summer concerts, one of the delights of the camp, will have special significance to summer tourists and visitors during this Maine Sesquicentennial year; now, therefore, be it

RESOLVED: That we the members of the Senate and House of Representatives of the 104th Legislature assembled this day in special session unite in commending the New England Music Camp Association, its officers and staff, for the high and lasting worth of this achievement over the past 33 years and offer our support and encouragement with best wishes for many years of continued success; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to Mrs. Paul E. Wiggin, President of the Association.

(H. P. 1469)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

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

Bill, "An Act on Tax Relief to the Elderly" (H. P. 1465) (L. D. 1839).

Pending—Passage to be Engrossed.

Mr. Stuart of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-435, was Read.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to just explain this amendment. Without the amendment the towns would be

paying a considerable amount, and with this amendment the State will reimburse the towns the full amount. I figured out what it would be for the town of Brunswick, with a tax levy of about \$3,000,000. With that three per cent in there, Brunswick would have to pay the first \$90,000, and I am sure that would be very unacceptable to them. So, I think that we have an opportunity here to pass a bill that will give property tax relief for low income elderly, the municipalities will administer it and the State will reimburse them. I hope this will be adopted.

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

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

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

Bill, "An Act Repealing the Interest on Unissued Bonds for Water Pollution Abatement" (S. P. 663) (L. D. 1845).

Pending—Acceptance of the Committee Report.

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

Mr. Dunn of Oxford then moved that the Bill be tabled until later in today's session, pending Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, I want to express my concern at this tabling and retabling of bills. Mr. President, may I ask the Senator to withdraw his motion for just a moment?

The PRESIDENT: The Senator was out of order.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. Dunn was then granted leave to withdraw his motion to table.

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

Mr. KATZ: Thank you, Mr. President. I wonder, Mr. President if it would not be possible to move this bill along if it is not going to get further amending. We are extremely concerned about the necessity to engross, to push papers back and forth, and if there is any way out of delaying this bill I hope that we would pursue it.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There is a necessary amendment, and I believe that it is upstairs being reproduced at this time. It changes the language — there is a letter from the Attorney General's Department saying that this change did need to be made — it says it would be difficult for the office to write the intent and the content the way it was worded. It also changes the date of the referendum to the next general election, which would be in November instead of June. So, if somebody would hold this up long enough for that to be reproduced, I would appreciate it.

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

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

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

Bill, "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 602) (L. D. 1773).

Pending—Acceptance of Either Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I will move, Mr. President, to accept the Majority Ought to Pass in New Draft Report on this, and I will speak briefly to it.

The moratorium bill is one of the three bills which were put in and may be considered the major

pieces of legislation in our current attempts to cope with our environmental problems which are arising.

The moratorium bill has two parts. The first part sets forth the need for the moratorium, and it says that by March 31st of 1971, which is about a year and a month from now, that a study which is provided in section two, to be conducted by the Environmental Improvement Commission, shall be submitted to the 105th Legislature in proper form to implement the recommendations of the commission with respect to our environmental legislation as the study reveals.

I should say that this bill, in essence, applies only to a petroleum refinery. There has been talk of a heavy metal refining industry being interested in locating in the State, but according to our news reports this does not appear to be a viable operation, and within the period of this bill, before March 31, of '71, will not present itself in the form of an operation looking for a location in the State.

Now, it may be said, where we have passed such milestone legislation as we did yesterday, there appears to be little or no need for a moratorium bill. First, let me say that this is a moratorium and it is not a prohibition. It is not an attempt to block the arrival of a refinery in the State of Maine. These two measures we passed yesterday, as we all know, represent the collective efforts of many dedicated and capable people in all fields of legislative research ability. It has involved attorneys, biologists, various task forces, various committees, and they certainly have labored well and have come up with what we, I am sure, all consider good legislation.

But as an example of the problems that have not been solved by legislation, and something that makes us very aware of the problems that we will face, we know for a certainty that the oil transport bill will find itself immediately in the courts, and out of this judicial action is bound to come some suggestions for reform, for new legislation, for rules and regulations to be set up by the Environ-

mental Commission in administering this law, which only time will show we need.

As to the refinery bill we passed yesterday, or the site location, this too is open and, without question, will be challenged in several respects in our courts. Here again, technological advances, practical administrative problems, which will arise immediately when the commission starts to administer their responsibilities in the site location field, all these will very promptly arise in the need for legislation and for rules and regulations of the commission.

It would be a mistake to interpret this legislation in any way, shape or manner as an attempt to discourage the State of Maine in its efforts to attract industry. We want, encourage, and invite industry to locate in our State. What we are saying in this bill is that we want a refinery here, but we know very well in our efforts to cope with the problem, to for the future, that, while we have labored well and hard, we just have not arrived at a solution to all of the problems, and we know very well that when we start implementing these two bills of yesterday we are going to need some additional work.

An original moratorium date has been suggested, and the furthest date was ninety days after the 105th adjourned its regular session. Then we moved it back to the 31st of March, by which time the 105th, in having three months to operate, can review the situation. If there is anything that is of an emergency nature, of course, it could act at any time, as could this Legislature if called back in special session.

Now, a moratorium is constitutional, as I said, if it has a reasonable objective date, and if it proposes the means by which a solution can be arrived at by that date. This bill does both. It has a modest appropriation to the Improvement Commission, which will provide it with the funds for consultants, a little for its own staff, and it can make up some additional monies from its own appropriation and assignment of people to this project.

This is an extremely important piece of legislation to put on the books because the decisions we make, as has been said before, at this legislature are going to affect our State for many, many years to come.

May I add that in the correspondence that your committee has had from people around the State that the correspondence has not been of a local parochial view. We have had letters from Madawaska to Kittery and from Calais to Rangeley. These people express a sincere concern as to the future of their State. The concern has ranged from children in the second grade to an elderly group of citizens from Biddeford who were up here several weeks ago, who certainly make some of us, who haven't quite as long to live, very proud of their awareness of the problem.

The Governor has had prepared a report on petroleum refinery operations, and I think we should not feel that this is the answer to our particular problem. This report deals principally with the operation itself of a refinery in an attempt to reduce its polluting capabilities to a minimum. What we are talking about are the practical administrative and legal procedures necessary for the siting of a petroleum industry so that it will conform with the guidelines that we set up in our legislation yesterday.

I would hope, Mr. President and Members of the Senate, that with this explanation the Senate would vote for the acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft, Read once. Under suspension of the rules, the Bill in New Draft, was given its Second Reading and Passed to be Engrossed.

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

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

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

Pending—Consideration.

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

Mr. KELLAM of Cumberland: Mr. President, I would appreciate your instruction: Is the pending motion to recede, or am I in order to present an amendment at this time?

The PRESIDENT: The only motion that would be in order would be to recede and concur or to recede.

Mr. KELLAM: In order to present a motion, Mr. President and Members of the Senate, I move that we recede.

The PRESIDENT: The Senator from Cumberland, Senator Kellam moves that the Senate recede from its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Kellam of Cumberland then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-433, was Read.

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

Mr. KATZ of Kennebec: Mr. President, I agree completely with the amendment. The only thing that makes me something less than enthusiastic is the \$969,531 price tag on it. On that basis, I would move that the amendment be indefinitely postponed, and ask for a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Senate Amendment "C" be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have prepared two

amendments on this matter on successive pages, Senate Amendment "C" and Senate Amendment "B", having to do with the replacing of the school subsidy money and L. D. 1818.

I personally feel that we have a commitment, by our prior action in the regular legislative session, to distribute the amounts of money promised at that time, and to supplement the bond issue passed in the November election in the amount of \$969,531 in order to do so.

If it is the feeling of the Senate that they do not wish to take from the surplus funds or to make the money available to provide the \$969,000 necessary to carry out this commitment, then I would urge that the Senators consider Senate Amendment "B", which is a bill that effectively accomplishes the same purpose as Senate Amendment "C" but does it by transferring funds from the fiscal year '70-71 to the fiscal year '69-70.

Now, I would like to explain this a little bit, and I sometimes get the feeling that many of the members would like to have the school subsidy problem become a little less complex, and I certainly agree with them, and possibly some of them wish it would just disappear altogether, but unfortunately we do have the problem and we do have to try to provide a quality education throughout the State. I believe that we discussed this matter at great length during the regular session, we made our commitment to appropriate \$45.8 million dollars for this purpose during the second year, and we should carry out our commitment. We are not going to do so unless we add \$969,000 to the current biennium. The reason for this, of course, is the obvious one that the Department of Education desires to get on a monthly payment basis with the administrative districts, and the administrative districts, of course, would prefer to have the money coming in monthly. It is a better situation all the way around. The difficulty arises that in the first year, for some reason, an error was made in the request for the bond issue in that it was

only twenty - two million dollars instead of an amount equal to one - half of that which was appropriated in the bill which, of course, was \$45.8 million. We are consequently \$900,000 short for this biennium.

If we do not add \$969,000, we will appropriate less than \$45.8 million during this calendar year. The previous method of paying the subsidies was the payment in August and December, and during the calendar year every community received the amount that was appropriated.

If we go into the monthly payment schedule, and we do not add this amount now, and only distribute \$22,000,000 in the first six months, and half of the \$45.8 million in the second six months, obviously we will distribute \$900,000 less to the municipalities than they had reason to believe they were going to receive during this calendar year. It is as simple as that.

I don't see the reason for the objection at all for the transfer of the funds; we have done it a number of times before. We have at this session, a week or two ago, transferred educational subsidy monies from the 69-70 year to the 70-71 year, due to the way the money was being spent. This is perfectly reasonable to transfer the \$900,000 back from '70-71 to '69-70 because of this other factor that we are confronted with. I would prefer, obviously, to appropriate the money outright, added to the amount to be appropriated, but I don't really feel that is necessarily the only way to effectuate the result. If we did add \$969,000 we would, in effect, be adding money to our school subsidy program which we had not already committed. If we transfer the funds, obviously, we are only paying the money which we were committed to pay.

Now, I have anticipated just a little bit the objection that some may have, as has been registered in the corridor that they may have difficulty next spring when they come in and will not have this \$969,000 then in that current fiscal year in order to pay the subsidies that are coming along monthly at that time. I only say that any

deficit at that time would not be particularly a problem because we are going to pay monthly. We are going to have to appropriate more money anyway because the subsidy money is going to run out in June of that year, and we will have to do something on an emergency basis in order to continue payments beyond June of 1971. If it happens in 1971 in January that we do not want to pay as much money as we have previously anticipated paying, at that time we could prorate this \$900,000 deficit.

I would urge that we all do as we had intended to do, or at least as the legislative document had called for when it was submitted, that is, L. D. 1632 before its redraft by the Appropriations Committee, if we appropriated the money out of surplus, and met our obligation that way. But I do say that if you feel that you do not want to do this, you certainly should consider very seriously adding the money to the current biennium and taking it from the second year of the biennium in order to meet our obligation.

That is the gist of my proposal. I would say that L. D. 1818 contains many worthy projects. Many of them are not of the same nature as the general purpose aid. I believe that this budget appropriation bill should more properly contain those items which are needed for the on-going program which we are already committed to, and that, of course, is what this bill does. It allows us to meet our previous commitments. It does not engage us in an additional program, it does not add to the burden; it merely allows us to meet the obligation we are already committed to the various administrative districts.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: It seems to me that our problem is with the six months that we are starting on at this time. As far as I am concerned, it will be a grave mistake to go ahead and take some of next year's money and bring it back into this year.

I think we should meet our problem here and now. If we want to raise another million dollars, or \$969,000 let's do it here but let's not go out and upset our subsidy that is set up for the second year of the biennium.

One of the things that has caused difficulty is the fact that the State raises money for each year of the biennium, and the 45 million that was raised for the second year does not start until July, and that is good for the last six months of this year and the first six of the next. Certainly I think it would be a grave mistake to go and take money that is set up for the second year of the biennium and bring it back into this year.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise at this time to at least state the position of my school district in the area that I represent, how it will be affected unless we find some way of balancing the question of restoring or, at least to a considerable degree, carrying out the subsidy level which the Legislature at the regular session established for the second year of the biennium.

I know that there may be certain ways that this can be established either partially or totally, but I do want to state to you for your deliberation the situation that my school district, the school district from which I come, and indeed all of the school districts in the part of the State that I come from will find itself unless we, either through this means of restoring in the second year of the biennium the \$969,000, which is now lacking to pay in total the subsidy that we told our municipalities that they would receive in the second year of the biennium, or unless we are another vehicle to substantially accomplish this. But I want to say to you that, unless we find some way of doing this, that the School District Number 24, which is within my district, is going to lose \$145,000 in school subsidy for the second year of the biennium.

It would be totally impossible for this district through raising addi-

tional municipal taxes to meet this amount, and I don't particularly say at this time how this Legislature is going to go about carrying out this commitment, but I would find that outside of my ability to comprehend this Legislature would allow this type of inequity to be fully carried out at this Special Session.

Now, I don't know at this time whether the amendment, amendment "B" or Amendment "C", is the best way of allowing the State to carry out the commitments that it made to all of our municipalities for the second year of the biennium, but I do say that I would find it inconceivable that this Legislature would tell my school district, and the children in my district, and its taxpayers that you are going to lose \$145,000 of the subsidy that we promised to give you to operate your schools. This is what will happen unless we find some way of carrying this out.

I hope that, whether we choose this way of doing it or another way of doing it, we will not allow this Special Session to terminate and allow this kind of an injustice to be carried out. I speak for this particular district alone, but I know of many other districts that will fall in the same position, and who will find no conceivable way of putting that money into their budget unless they can go to their taxpayers and these are districts that have a very, very low state evaluation. They are districts that now have the highest tax rate effort in the State on their own levels to support their educational system. It would be impossible for these districts to carry on the educational levels that they now have for their children unless we find some way of restoring this balance for the second year of the biennium.

So, whatever way this Senate or this Legislature chooses to restore these, I am willing to listen to several avenues, and I understand that there are, but I could not accept, and I hope that this Legislature and this Senate would not be part of, being a cause of these poor districts up in my area losing this amount of subsidy.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Let's state a few facts and few opinions. The fact is that an appropriation of \$969,000 will be of substantial aid to the community. It will not be completely acceptable to all communities. If you want to make every community in the State happy with our action, it is going to cost about \$1.7 or \$1.8 million, trusting my memory, which we don't have. We don't have \$969,000 either.

Now, the other body has just taken action which, in effect, puts everybody back on the 1966 valuation. I disagree with this action, and I hope that when we get the bill this afternoon we will have a more palatable approach from the Senate's point of view.

But I would point out to the Senator from Aroostook, Senator Violette, that I do not feel that this body will in any case go along with the action of the House. And any action that we take, other than the House action, will be more advantageous to his particular problem.

I point out to the Senate that if we do absolutely nothing now, if we do absolutely nothing, if we don't appropriate this \$969,000 if we do not pass any legislation whatsoever pertaining to school subsidies, every community in the State will get bruised a little bit, but hopefully not that much. And perhaps this is the action we should pursue when we get the subsidy bill, probably during our next recess period if it is not being distributed now. I would urge the Senate reluctantly, reluctantly, purely and simply from the practical point of view that we just don't have this \$969,000, to vote against Senate Amendment "C" to this appropriations bill.

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

Mr. VIOLETTE of Aroostook; Mr. President and Members of the Senate: I have seen the print-outs on what would happen — I don't know the exact nature of the bills,

but I suppose if we stand still and do nothing, as had been indicated by the Senator from Kennebec, Senator Katz — let me say at this point that, while my district would certainly like to see the entire subsidy paid out in the second year of the biennium, that if it does come to it, I think that we could live with some of the print-outs that I've seen on what would happen if all communities did perhaps take an equal cut in insuring the loss of a lack of revenue caused by the failure of the full funding of the subsidy program in the bond issue. I think my district could live with that, and I undoubtedly would go along with it. So for the time being, I will abide by the wishes of the Senator from Kennebec, Senator Katz, and see what happens, but I hope there is full faith and credit being given here, and I take it on that basis.

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 clear up any misunderstanding there is in relation to this bill. What this does, pure and simple, is to continue our assistance in the method which we provided for. If, in fact, the bill that the House has now passed were to go through, there is no question about it, that the area represented by Senator Violette would lose, I believe, the dollar amount that he has stated. Obviously, if all of the districts in the State were prorated on an equal basis he would lose considerably less. The difficulty here is that a lot of times these bills do go through and they keep right on going, and we get people who are getting a certain level of subsidy who, on the basis of the mathematical formula involved are not entitled to it. It makes a great deal of difficulty to have them be reduced.

At the last session, the last regular session, we discussed at great length the impact of 1968 valuations upon the school subsidy law and, unfortunately, this body decided, certainly not with my

consent, decided to retain 1966 valuation figures in order to compute the subsidy. Obviously, by doing that, many district figures are inflated, the amount they are going to receive is inflated. Once you give it to them they become addicted to this preferential treatment and now, of course, they don't want to go down in 1970 to the 1968 valuation computation, even less than they wanted to go down during 1969. That, of course, is the crux of our problem. We had a one year schedule that was passed, probably the poorest type of legislation we could pass, and it has created the difficulty here.

I believe the law is clear and that we do have our formula, the formula is far better than we had before, it is a great advance for the State, and we have got to, at some particular stage, place our feet within that formula. That is what I am asking you to do basically, by appropriating this money either through the appropriation or through the transfer, to just look around, check the calendar, realize that it is 1969, and go along with that fact. So I would hope that all of you would vote for the passage of Senate Amendment "C", the pending motion, and certainly, if you really feel that you can't do that, you ought to give great concern to Senate Amendment "B".

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

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Senate Amendment "C" to L. D. 1818 be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that Senate Amendment "C" to L. D. 1818 be indefinitely postponed will please rise and remain standing until counted. Those

opposed will rise and remain standing until counted.

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

Mr. Kellam of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-432, was Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This is transferring money from the second year back into the first. I move indefinite postponement of the amendment.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Senate Amendment "B" to L. D. 1818 be indefinitely postponed. Is the Senate ready for the question? As many Senators as are in favor of the indefinite postponement of Senate Amendment "B" to L. D. 1818 will say "Yes"; those opposed will say "No".

A viva voce vote was taken and the Chair, being in doubt, ordered a division. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

Mr. Berry of Cumberland then presented State Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-436, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the second tabled and unassigned matter:

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

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

Pending — Passage to be Engrossed.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In an endeavor to make the size of the University of Maine bond issue more palatable to the members of both branches of the Legislature and, hopefully, to the electorate, we have cut approximately a million dollars from the present level. In other words, we have reduced, by an amendment which I will be offering very shortly, and which has been distributed under Filing S-442, reduced this level to \$14,985,000. We have accomplished this cut by removing approximately \$280,000 of planning funds together with \$722,000 in small buildings and some repair items. I hope that the members of the Senate will cooperate with my attempt to remove the several Committee, House and Senate Amendments on this bond issue and, after we have removed them, I will then offer Senate Amendment "A" which will result in the reduction of approximately one million dollars.

Mr. President, I now move that under suspension of the rules, we reconsider our action whereby we adopted Committee Amendment "A" (S-411).

The motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment "B" (H-688) to Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" (S-413) to Committee Amendment "A" was Adopted and on subsequent motion by the same Senator, Senate Amendment "A" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, Committee Amendment

"A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-442, was Read.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The good Senator from Penobscot, Senator Sewall, said that this revised figure represented a savings of approximately a million dollars. I wonder whether he would list those items which were deleted from the bond issue specifically so that we could have both the project itself, the location, and the amount of money involved.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair which the 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 answer to the question of the good Senator from Oxford, Senator Beliveau, we have deleted the following items: classroom building in Farmington in the amount of \$50,000, auditorium at Fort Kent in the amount of \$56,000, renovations and repairs to Bailey Hall and dining room at Gorham in the amount of \$118,000, a utility building at Fort Kent \$61,000, alterations and additions at the University of Maine in Portland \$150,000, physical education field at Aroostook \$87,000, farm relocation in Orono \$50,000, completion of dormitory at Washington State \$65,000 and acquisition of parking lot at the University of Maine at Portland \$85,000. In addition to this, we have also removed from the bond issue approximately \$280,000 which was earmarked for planning funds for buildings to be built in the future.

There will be another amendment to Senator Duquette's appropriations bill — I don't know the number of that offhand — which will replace, to be funded from surplus, the first three items which I enumerated, in other

words, the item in Farmington, in Fort Kent, and in Gorham in the total amount of \$224,000. There will also be in that amendment the \$50,000 for planning funds.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I certainly don't object to deleting these projects, but I am concerned with the deletion of the utility building in Fort Kent. As I recall the campaign that the friends of the University of Maine undertook last fall to convince the electorate that substantial capital improvements were needed, one of the items that was referred to, one of the projects that I recall seeing on television, was the dilapidated building on the campus at Fort Kent. This apparently was a priority item, and now I find that apparently it was priority as far as convincing the electorate, but as for being a real priority for capital expansion of the State University that doesn't appear to be the case. At least I am sorry to see that Fort Kent will be required to continue using that dilapidated outbuilding that they have there to house their utilities and other equipment. It will be interesting to see what course the public relations people will be taking in the future when they are attempting to cite instances of change and need for the University of Maine. I doubt very much that we will ever see that utility building again.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I would answer the good Senator's comment pertaining to the utility building at Fort Kent simply in this fashion, that apparently it didn't convince the members of the Appropriations Committee.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I would inquire through the

Chair, if I may, of the good Senator from Penobscot whether there were any additional items added to this proposed bond issue that were not there originally — I seem to be somewhat confused — if he would care to answer.

The PRESIDENT: The Senator has posed a question through the Chair which the 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: Very distinctly in the negative. We have not added any items which were not on the previous bond issue. We have deleted, not added.

The PRESIDENT: Is the Senate ready for the question?

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.

The PRESIDENT: The Chair would ask the Majority Floor Leader to approach the rostrum. The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby Bill, "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818), was Passed to be Engrossed and sent down forthwith for concurrence.

House Amendment "A", Filing No. H-673, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I move that this House Amendment be indefinitely postponed. I think it strikes down the autonomy of this chamber and I think that it is inappropriate.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that House Amendment "A"

be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As I understand it, House Amendment "A" was Adopted and, as the good Senator from Kennebec has suggested, it would provide that the Secretary or the President of the Senate will approve for payment accounts pertaining to the Senate, and the same would apply equally in the other body apparently. May I inquire as to what the practice is today, and why the need for the change of Title 3?

The PRESIDENT: The Senator has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: By and large, the ordinary expenditures of the Senate have sometimes been taken care of down at the other end of the hall during the interim sessions. There is a little difficulty sometimes between the two chambers being in complete agreement. This would put the provinces of the Senate back where they belong, in the Senate, and let the provinces of the House remain those of the House.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, House Amendment "A" was Indefinitely Postponed 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Appropriating Funds for Maine Historical Society" (H. P. 1319) (L. D. 1648).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On subsequent motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" (H-625) was Adopted.

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

Senate Amendment "A", Filing No. S-444, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Appropriating Funds for the Union River Anadromous Fish Restoration Programs" (S. P. 580) (L. D. 1707).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On subsequent motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" (S-358) was Adopted.

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

Senate Amendment "A", Filing No. S-438, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Appropriating

Funds to Combat the Drug Abuse" (H. P. 1365) (L. D. 1714).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-441, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department (S. P. 581) (L. D. 1708).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-443, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependant Children Grants" (S. P. 576) (L. D. 1703).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On subsequent motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" (S-389) was Adopted.

The same Senator then presented Senate Amendment "A" to

Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-439, to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: The last amendment which I offered to the so-called ADC bill does more than move money from one column to another. It also changes the date when this program, if it is passed, is instituted. In other words, it changes it from July 1, 1970 to January 1, 1971, thereby cutting the necessary appropriation in half. This would seem to be within the realm of our financial capability at this point in time.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal, (H. P. 1310) (L. D. 1624).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On subsequent motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment "A" (H-653) was Adopted.

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

Senate Amendment "A", Filing No. S-440, to House Amendment "A" was Read and Adopted.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: You will note on this amendment that the amount of money which is suggested might be appropriated for a ferry terminal in the City of Portland has been reduced from the original number of \$400,000 to \$250,000, so that this change, again, involves more than moving it from one column to another. It does result in a change in the total amount of \$150,000.

Thereupon, House 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.

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

On motion by Mr. Hoffses of Knox,

Recessed until 2:15 this afternoon.

(After Recess)

Called to order by the President.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act on Tax Relief to the Elderly" (H. P. 1465) (L. D. 1839) was Passed to be Engrossed in non-concurrence and sent forthwith to the House.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I would like to explain that I would like this bill tabled unassigned because we are going to have to do some parliamentary work on it. I want to assure the Senate that this bill is not in jeopardy, at least insofar as these motions are concerned, and I hope that someone would put it on the table unassigned.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled pending Passage to be Engrossed.

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 Education on Bill, "An Act to Appropriate Funds for School Subsidies." (H. P. 1453) (L. D. 1831)

Reports pursuant to Joint Order (S. P. 647) that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec
STUART of Cumberland

Representatives:

CUMMINGS of Newport
MILLETT of Dixmont
ALLEN of Caribou
CHICK of Monmouth
RICHARDSON

of Stonington

The Minority of the same Committee on Bill, "An Act Relating to Distribution of Funds for School Subsidies." (H. P. 1454) (L. D. 1832).

Reports pursuant to Joint Order (S. P. 647) that the same Ought to Pass.

Signed:

Senator:

KELLAM of Portland

Representatives:

WAXMAN of Portland
KILROY of Portland

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill (H. P. 1453) (L. D. 1831) Passed to be Engrossed as Amended by House Amendment "A" (H-700).

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to explain to the Senate just what these two bills do or, in effect, what they are not going to do.

These two bills came out of committee because of a difference of opinion within the committee as to how our existing moneys could be divided if we did not appropriate the \$969,000 that we had before us this morning. Apparently we are not going to

have the \$969,000. So, this was a difference of opinion.

One group said that if we didn't get this money that the available money should be prorated amongst all communities in the State. The other group said that the money should be prorated, but that no community which had been guaranteed at least 90 per cent of its funds from the previous year should be further jeopardized. I hope that this is clear. I am sure it is.

Now, before you we have one of our famous print-outs, which gives me vertigo, to say the least. The other chamber this morning took an action that I presume is completely alien to the thinking in this body. They adopted a prorating based upon the 1966 State valuation that you will find in column 1.

Now, we have an interesting choice in front of us. I am going to propose that we kill off all legislation facing us at this moment pertaining to school subsidies, and have this Legislature take no action at all. If we take no action at all, then your subsidy will be in the second column from the right which, in effect, says whatever moneys are available as a result of our actions at the regular session will be prorated amongst all the communities and districts in the State. I think that this means they will receive something like 96 per cent of all the funds that we said they would be getting. This is a completely unsatisfactory solution and really doesn't solve anything, but it points up to us very, very vividly, despite the very substantial progress that we have made in this and the previous legislative sessions, that we are not keeping up with the needs of our communities for school subsidies.

I wish I could paint you some glowing terms and tell you what a fine job we have done, but it just isn't so, because local costs have far exceeded the Legislature's ability to put more money back in the school subsidy program.

I certainly would answer any further questions that anyone has. I am not pleased with this approach at all, and I don't try

to sell it to you on the basis that this is great and everybody is going to be happy, but it is a solution that will keep us out of being in non-concurrence with the other body and having legislation passed back and forth in these last few hours, because if we attempt to kill these pieces of legislation we won't have to be in concurrence.

Mr. President, I am parliamentary wise at sea as to how to kill these two bills, so I will move that we accept the Majority Report, in concurrence, and presumably, when the bill is in front of us I will move that it be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Majority Ought to Pass Report of the Committee, in concurrence, the Report pursuant to Joint Order Senate Paper 647. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I now move that L. D. 1831 be indefinitely postponed in non-concurrence.

The PRESIDENT: The same Senator now moves that Legislative Document 1831, Bill, "An Act to Appropriate Funds for School Subsidies," be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would hope that we could go along with the action in the other body and pass this bill with the House Amendment on it.

This House Amendment does make this so that the towns would get the same subsidies as they got under the 1969 year, and the 1970 subsidies would take effect July 1st, which it will do as planned.

Now, back in the regular session we passed Section 308, and in that section the subsidy, during the first six months, would be one-half of the amount computed for the first year of the biennium.

This is a memorandum from Mr. Gordon, dated January 5th, to Samuel Hinds, Appropriations Committee, and this provision was

inadvertently — and that is his word — repeated by the passage of Chapter 496 of the public laws which was signed into law July 2nd. Now, by his use of the word “inadvertently”, I think he believed it was the intent that this 1969 formula should hold through that year, the fiscal year.

Now, if we drop these and do as has been suggested, 118 units would receive an increase, and 163 units would receive a decrease. With the suggested procedure, where it is prorated across the board, they will receive a much greater decrease than had been anticipated.

I would hope that we could pass this bill with the House Amendment, and the \$22,000,000 bond issue that we passed will finance that, and leave \$400,000 over. Otherwise, this suggested plan would be just to take the \$22,000,000 and prorate it. The list of towns that lose money, there are many of them, and I would like to read a few. I'll skip to the SAD's, and then I think that, rather than going on individual towns, perhaps that would be effective. These that I name lose varying amounts of money, and some of them are considerable. The first one is SAD No. 2 which would lose \$8,000. I don't have one of the new print-outs, so I don't know what they would lose under the prorated, but it would be more than that. Districts 2, 3, 4, 5, 7, 8 and 9 all lose under this suggested procedure. 12, 15, 16, 19, 20, 26, 34, 36, 37, 40, 41, 42, 44, 45, 47, 48, 50, 53, 54, 55, 60, 61, 63, 65, 68, 69, 72, 73 and 75, those are the SAD's that will be hurt if we do as the Senator from Kennebec Senator Katz, suggests.

I would hope that we could go along and pass this L. D. 1831 and accept the House Amendment, which would leave us on the 1969 subsidy for this first six months of the year. I am sure, when we passed this originally, that was the intent, but when we put in the new subsidy formula, that was dated to go into effect January 1st, and of course supersedes this. This was in effect for about three months, October 1st to January 1st. I would hope now that we could go along

and pass this bill and accept the House Amendment.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to answer my good friend, Senator Dunn, as to what happened, how come some of the towns he claims are going to get a decrease. When the first year of subsidies \$4,900,000 was passed, that was really an injustice to most of the bigger cities in the State of Maine. They are bigger cities but they have more poor people in them and they pay more taxes per unit.

I went and checked on the so-called small towns, some of them, and there are few of them that really need it. Some of them have pieces of property that sell for 60 or 70 thousand dollars and they pay \$100 taxes on it. In the City of Waterville, for the same kind of property, you pay from \$1500 to \$1800 dollars. I think we have done wrong when we took the \$4,900,000 and we didn't divide it percentage-wise to all the districts and to all the cities and towns. And us that suffered the last time, went along with it because we thought we would be good Joes, weren't smart enough maybe at that time, we didn't object to it, didn't fight it, we went along and let the small towns get the whole of it, and we didn't get anything out of it.

Now, the same people are coming back and they want really to take away from us what is coming to us. How are we going to face the voters in our cities? What are you going to tell them, that we came down here to the Legislature and appropriated \$4,900,000 to give it to the small towns? They call themselves poor towns. Because you have a piece of property that's worth a hundred thousand dollars, you don't pay much of a tax, so you call yourself a poor man. The value of your property is not how much tax you pay on it, if a town is poor or rich. There's a lot of towns that have a piece of property, and if you had equal assessment all over

the State, they would be paying \$2,000. Some of them are paying \$75 or \$100 and they call themselves poor, because they don't pay the right tax on it. I think that Senator Dunn would agree with me that there would be an injustice done. I wouldn't call it dishonesty, but it is pretty close to that line when you take away money from the people in the cities, take away their share, and give it to somebody else who pretend that they are poor because they are paying a small tax on the property they own.

What this is going to come down to some day is that you will have to revalue all the State, and then the other towns will get hurt worse than they are now, if the whole State were revalued, because they would have to pay according to what the towns are worth. So, I think that Senator Dunn should change his mind. I think he would hurt these towns that he is talking about, because that is what he is going to bring it down to, and justice will have to prevail.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: The more I listen to the debate on this the more I am confused. With your permission, Mr. President, I would like to pose a question through the Chair to either the good Senator from Oxford, Senator Dunn, or the Senator from Kennebec, Senator Katz, to see if I understand this correctly. If I don't, would they please clarify it for me.

If I understand this correctly, if we pass this bill, adopt House Amendment "A", the figures that would be applicable would be the second column from the right in this print-out. Is that correct? If we kill the bill completely, then those figures that would apply would be the second ones from the right. Is that right?

The PRESIDENT: The Senator has posed a question through the Chair which evidently has been answered.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am in the somewhat novel position at this particular time of agreeing with the good Senator from Kennebec, Senator Katz, that this is probably the best disposition that can be made at this session of this particular problem. Therefore, I would join with him in urging the indefinite postponement of this particular bill.

I would like to point out to the members of the Senate, and particularly Senator Dunn, that the inadvertence that he refers to as having come from someone in the Finance Department does not coincide with my knowledge of the facts that took place in the last session of the Legislature. We discussed subsidy programs on numerous occasions and we did come out with a commitment that 45.8 million dollars would be distributed according to a particular formula. We knew at that time that that formula would go into effect on January 1st despite the fact that tucked away in one of the minor procedural bills, passed early in the session having to do with a bond issue, there was a statement as to the continuation of 1969. It is purely and simply a matter of including this particular item early in the session, and then when the bills are finally hashed out and finally agreed upon, and the amount of money to be distributed is agreed upon, and the formula was passed, how that distribution would be made.

By all rights, the money should be distributed according to the new formula, an additional amount of money should be added in order to make up the deficit, and in that way we would be keeping faith with the public in the State of Maine. Since we are not apparently going to put any additional money into this program, the only fair thing to do would be to apportion all the communities involved, so that everyone loses something like three and a half per cent or

so of what they might have otherwise expected.

I think we should all realize that the great difficulty in this area is that the cost of public education is increasing substantially all the time, and there is probably very little that we can do about it. In the second year of the biennium I believe the cost of public education is going up something like ten or eleven million dollars, and the contribution to be made by the State is something on the order of about an additional two million dollars. With this situation existing, there just isn't any way we can avoid someone being hurt.

At the regular session I did propose legislation which would add sufficient funds to the program which would have taken care of these various problems we had. Unfortunately, many members of the Senate are somewhat more economically minded than I am, and they worked very diligently against increased funds so, consequently, I, as all of you, have got to live with the facts as they exist and, since we are not going to have sufficient money to carry out the formula, we would have to go under the existing general law, which has been on the books for many years, and prorate equally all units.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: You all remember well when we came here in the regular session what a spot all of our 245 towns in the State of Maine were in. We had had a new revaluation in the State and no one believed it was fair — and I still don't — but the towns in all of these different districts here that we mentioned were in serious trouble.

Now, the intent of the subsidy law for the first year was to give those people some relief so that the impact wouldn't be so tremendous on them as it would be if we accepted the full valuation as it was. Then it was understood — and I am sure that the good Senator from Kennebec, Senator Katz, will agree with this — it was understood that we would get

a better break in '69-'70 than we would in '70-'71 to kind of equalize this out. It looks to me as though that is being taken away, and I would like to hear a comment from the Senator from Kennebec, Senator Katz, on that.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope, if I come back in the Senate next time, I can find a good spot on the Veterans Affairs Committee. I think two terms of this is enough for any man.

I can't answer the comments of the Senator from Cumberland, Senator Moore. We are the victim of all kinds of problems. I think the bond issue was of an incorrect size, and I didn't know about this until long after the session had ended.

I think too that we are forcefully having pointed out to us today — and let me drive this home if I can — that there are two things that this Legislature must do — not this one, but subsequent Legislatures must do — let me say three. In the first place, we are going to have another stupid crises facing us when we come in because of the fact that when we come in in January the communities are going to be on their own little calendar years, and we are going to be on our fiscal year, so it is going to haunt us again.

The second thing, and I look at the Senator from Piscataquis, Senator Martin, the second thing we have got to do is what he has been pleading with us to do and that is to adopt some kind of comprehensive, fair, knowledgeable, equitable statewide assessing practice. We don't have it now, and here again is a magnificent opportunity of a pickle that the Legislature is in purely and simply because of this large contributing factor.

The third thing we are going to have to do is to try to arrive at some other method of financing or some other approach to education because the costs are going up far faster than the local communities can handle it and far faster than the Maine Legislature can handle

it. On that basis, I will just throw myself on the mercy of the Senator from Cumberland, Senator Moore, and say that we are acting in as good faith as we can.

As a matter of fact, Mr. President and Members of the Senate, this course of action we are taking today is not my personal preference, but it is a pragmatic answer to the fact that we are in substantial disagreement with the other body.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to just say one word in answer to the question from the Senator from Aroostook, Senator Barnes, and I would ask the Senator from Kennebec, Senator Katz, to make sure that I am right in this statement. What would happen if we followed the procedure of the other branch would be the figures in this first column. There is no appropriation, but that is at the 1969 rate, the first column. The second column requires an appropriation. Then the other alternative, as suggested by the Senator from Kennebec, Senator Katz, would be the fourth column, prorating all units. I believe that is correct. I just wanted to make sure that everyone had the right set of figures to compare.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Item 6-1, Bill, "An Act to Appropriate Funds for School Subsidies," be indefinitely postponed in non-concurrence.

The Chair will order a division. As many Senators as are in favor of the indefinite postponement of this bill will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Thereupon, the Minority Ought to Pass Report of the Committee on

L. D. 1831 was Accepted in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: We now have L. D. 1831 in front of us. This would attempt to do precisely the same thing as the first bill, except it would protect those communities whom we protected with the ninety per cent factor during the regular session. For the same reasons, and with the very same regret, I move this be indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act relating to Distribution of Funds for School Subsidies," House Paper 1454, Legislative Document 1832, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

Enactor

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

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

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

Mr. BERNARD of Androscoggin: Mr. President, I would ask that the rules be suspended.

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, asks that the Senate suspend its rules. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I wonder if Senator Bernard of Androscoggin would explain what is behind his request?

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: In staying up several nights and going over the original document, which was under 1770,

and the redraft out of the committee, which is now an amended version of L. D. 1828, I have come up with an amendment which is being reproduced. I would like to have the courtesy of bringing forth the amendment so that we might discuss it on its merits.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In view of the late hour of the day, I am sure the President would indulge the Senator from Androscoggin, Senator Bernard, if he would explain what his proposed amendment would contemplate.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I could go into considerable detail in explaining my amendment but I feel that the document, being of some technical nature, should be before us so we can go over the several technical points.

We have been here the last couple of days, some of us have been in the headlines, and the Legislature is getting national attention because of the bills that we are passing on environmental improvement and control. Now, in looking over the original intention of An Act Relating to Water Quality Standards, we have before us an additional tool where we might make one further inroad into the control of our environment. This is what I am asking this Senate to allow me to bring before you in proper form so that I might bring out a few points.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled until later in today's session, pending the motion by Mr. Bernard of Androscoggin to suspend the rules.

The President laid before the Senate a matter tabled earlier in today's session, by Mr. Katz of Kennebec: Bill, "An Act Increas-

ing State Tax in Unorganized Territory" (H. P. 1448) (L. D. 1824).

Pending — Motion by Senator Martin of Piscataquis to Reconsider Acceptance of the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I request a roll call, please.

The PRESIDENT: A roll call has been requested. 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 recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, I don't know what bill we are talking about. I haven't been able to get that straightened out yet.

The PRESIDENT: Bill, "An Act Increasing State Tax in Unorganized Territory", House Paper 1448, Legislative Document 1824. The Chair will state the question. The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate reconsider its action whereby the Minority Ought Not to Pass Report of the Committee was accepted. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, will you state the question again, please?

The PRESIDENT: The pending question before the Senate is the motion of the Senator from

Piscataquis, Senator Martin, that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Increasing State Tax in Unorganized Territory." A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Kellam, Letourneau, Levine, Logan, Martin, Reed, Stuart and Violette.

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

ABSENT: Senator Greeley.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with one Senator absent, the motion to reconsider did not prevail.

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

Mr. Martin of Piscataquis was granted unanimous consent to address the Senate.

Mr. MARTIN: Mr. President and Members of the Senate: By failing to enact an increase in the property tax in unorganized townships to provide tax relief for our elderly citizens, Republican Senate leaders have identified themselves as pawns of the paper companies and large land owners of the State. It is shocking that these few land owners who own 45 per cent of the land area of Maine pay annual

The PRESIDENT: The Chair would ask the Senator to start at the beginning again, please.

Mr. MARTIN: By failing to enact an increase in the property tax in unorganized townships to provide tax relief for our elderly citizens, Republican Senate leaders have identified themselves as pawns of the paper companies--

The PRESIDENT: The Chair would inform the Senator that he is out of order.

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

An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors. (H. P. 1466) (L. D. 1840).

Pending—Enactment.

Thereupon, on motion by Mr. Tanous of Penobscot, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

(see later action)

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

Mr. KATZ of Kennebec: Mr. President, may I ask your ruling that I was very close to the simultaneous banging of the gavel in asking to be recognized?

The PRESIDENT: The Chair would agree with the Senator.

Mr. KATZ: Mr. President, might I ask through the Chair for the proposed amendment that the Senator from Penobscot, Senator Tanous, would like to put on?

The PRESIDENT: The Senator has posed a question through the Chair which the Senator from Penobscot may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, the proposed amendment is under Filing S-445, which has been distributed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Purely and simply taking cognizance of the fact that it takes two-thirds to suspend the rules, and just a majority vote to take further action, I noticed that this amendment will require the presence of an authorized police officer, sheriff or deputy sheriff to be present during the showing. Presumably this means that all over the State of Maine every theater is going to have to have

a policeman to enforce this. It seems to be an incredible expansion of the bill and, on that basis, I for one would oppose the motion to suspend the rules.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Yesterday we debated this bill quite at length, and the members of this body are aware of my position on the bill as it stands. I feel that, in its present form, the bill will not serve any purpose in this area whatsoever.

My intention in submitting this amendment is that it will require the theater owners, when they do show films of the type that are prohibited under L. D. 1840, that they will have a police officer at the door to police the youth who may attempt to enter the movie hall.

I don't think that this is such a great request to make, because I understand that the margin of profit on these movies is enormous. In speaking with a member of the other branch who operates a theater, and who has shown movies of this type in his establishment, his place of business, I found out that the profit on these movies ranges anywhere between \$3,000 to \$6,000. Now, \$10 or \$10 to be paid to a police officer to police the intentions of this bill certainly doesn't seem to me to be an exorbitant request to make of these people.

This individual I am referring to has cleared this amendment with his superiors whom, I understand, are owners of this establishment and live in Boston. He does not think that this would be rejected by the theater owners and, in fact, they may welcome such a request from the Legislature. It would at least relieve them of the responsibility to police their own theater.

I feel that if we do seriously intend to enact L. D. 1840 that you should permit my amendment to be admitted and made into law along with the bill. As I say, I don't think it is an unreasonable request, and I ask your support in my motion. Thank you.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I vigorously oppose the adoption of this amendment, and I hope I won't be associated with obscenity or dirty movies, because I have never seen one yet and I don't intend to go to one, but I can see the fallacy in such an amendment as this.

In the first place, it isn't always going to be possible to obtain the services of a police officer, sheriff or deputy sheriff. I think that the manager operating the theater can police this just as well as bringing in a deputy sheriff. I don't mean to reflect on the abilities of the deputy sheriffs in any way, shape or manner, but I think some of the operators of these theaters, some of these managers, are as intelligent or more so than some of the deputy sheriffs we have.

I can't see how this is practical. I don't see how it will work out and, if a division hasn't been asked for, I would ask for a division at this time.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: You are perhaps familiar with our law pertaining to the sale of alcoholic beverages in public places. We place quite a responsibility on these owners to check the ages of every individual that they serve. Perhaps you are familiar also with the public dances, that we require a police officer at the door where a public dance is held that will admit minors. I don't think that this is an exceptional demand to make of the theaters, when they show a movie in this particular area, that they require the presence of a police officer, who probably would scare away these minors who otherwise might try to enter.

I certainly think that you should support me, and I ask that you do in my request. Thank you.

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

Mr. QUINN of Penobscot: Mr. President, may I ask a question of the good Senator from Penobscot, Senator Tanous, through the Chair? Might this police officer be a ticket taker at the door of the theater?

The PRESIDENT: The Senator has posed a question through the Chair which the Senator may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, there is nothing in this amendment that would prohibit the ticket taker from being a police officer. They could use him in this manner as well.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel that if we placed a little bit more trust in our youth and the children we would do better. Before they go into a movie theater, if they see an officer, and they see one of them break the law by lying to him, that will encourage the others. I think that usually with children, from whatever I have had to do with them, the more trust you give them the better they will do for you. That is why I will vote against the motion.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I personally have no objection, as such, to the amendment, but I seriously question what is going to be the function of the officer there and what will be his duties? Is he the one who is going to decide whether the film is one that is objectionable or is unlawful to be shown to a so-called minor under this act? Somebody at some time or other is going to have to make a judgment as to whether any particular movie being shown comes within the purview of this legislation. Who is going to be making that? Is it going to be the officer who is around the theater who says that this is a movie that cannot be seen by one who is

determined to be a minor under this law and so they can't go in?

We set certain standards and we say that any movie that falls within that classification cannot be seen by a minor, as we define it in this act. I submit to you that this may possibly be one of the weaknesses in this law, that somebody has not made a prior judgment as to which movie falls within that category. I question whether the officer is going to be the one who can make it. I just don't know how it is going to work.

I have no objection to having an officer at the door once adjudication has been made that this is a movie that falls within that classification, but when is that determination going to be made? This is the trouble that this amendment presents. I see no personal objection to it, but I just don't think it is workable.

The PRESIDENT: The Chair would inform the Senate that the pending question before the Senate is the passage of this bill to be engrossed. There is no amendment before the body.

Is it now the pleasure of the Senate that this bill be passed to be engrossed?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I am sorry, but I was under the impression that you had not permitted my motion to reconsider our action on this bill.

The PRESIDENT: If that had been the case the pending question would be passage to be enacted.

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

Senate Amendment "B", Filing No. S-445 was Read.

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

Mr. HOLMAN of Franklin: Mr. President, I move indefinite postponement of the amendment.

The PRESIDENT: The Senator from Franklin, Senator Holman, now moves that Senate Amendment "B" (S-445) be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Holman, that Senate Amendment "B" (S-445) be indefinitely postponed will please rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I had not seen the document until about five minutes ago and, recalling the interest it has attracted, I thought it would make interesting reading.

To put it bluntly, I think this is pretty poor material to put on our law books. I am going to move indefinite postponement of this bill. I think that the volume of the statutes that contained this would probably be a best seller in the prurient sense of the word.

We are trying to do something here that, of course, is extremely laudable but also extremely difficult. We are trying to say by law what people should want to do.

I can appreciate the emotion involved here. We are talking about censorship and we are talking about keeping our young people pure, but the practical objections which have been raised overshadowed, in my opinion, what I would consider very poor material to put on the books. I hope the members of the Senate will join me in my motion.

The PRESIDENT: The Senator from Cumberland Senator Berry, now moves that the Bill be indefinitely postponed, in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would arise to oppose the motion made by the Senator from Cumberland, Senator Berry.

I am not fully sold on the merits of this bill the way it is worded. I don't know what the answer is, but I do know that in my area, the twin cities, where we have a large number of theaters, that there are some motion pictures that are shown there that are rather obnoxious. I have seen one or two this past summer and I was kind of sorry I attended really. I am not ashamed to say it. Now, I noticed that at the gate there was a police officer, and he noticed my license plates and smiled. Sitting next to me was a rather young looking lady, and he never did ask for any I.D. or anything. Of course, she was my wife and she is of age. But I noticed in the car directly in front of us was a young girl from one of my skin-diving classes at the "Y" who has just barely turned 16, and she had gone to see this movie. The movie was held over for five or six weeks, so I think that the monetary value received from the movie must have been considerable.

The point I am trying to bring out — and perhaps I do agree with Senator Berry on this one aspect — I think the problem is with our youth, and I think the problem is the fact that they have lost their respect for their elders. I think this is the reason perhaps that they want to go and see these types of movies.

I am voting for the bill because I am in hopes that the movie industry will see the light and say that maybe they had better take the responsibility upon themselves to come out with either cleaner movies or more strict regulations.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: As this bill is submitted, and as we debated the other day, it is a long distance from the original bill that was submitted by Representative Cox before the Judiciary Committee.

First of all we took out the censoring counsel and, as I said, this bill is shorter than the New Hampshire statute, but the wisdom of the New Hampshire Legislature dictated that they put in similar legislation.

I don't think there are any words in this law that can't be found in the ordinary dictionary, or at least a medical dictionary. There is nothing suggestive at all in the statute.

I believe there is demand for this at the present time. We debated it thoroughly the other day, and I think it is much more important that we have this on our books for the causes which have been suggested to us here, and I move that we accept this without the amendment. Thank you, Mr. President.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I would like to have seen the bill in its original form pass, because I think that dirty movies have gone much too far. I hear a tremendous lot of criticism, and I am sure that I am not the only one who got letters from constituents asking support of this bill.

I think that possibly the bill they have come out with now will make the movie operators a little more conscious of what they are doing. They are being watched and probably they will be a little more careful, especially of letting children in, youngsters who aren't supposed to be seeing movies listed as X, Y, Z, or something. This could be a deterrent and make them a little more careful. I hope that you will not go along with the motion to indefinitely postpone.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: We had a very large hearing on this bill before Judiciary. There is an awful lot of feeling about these movies they are putting out and allowing these minors to attend them, pictures that should not be seen by these

minors, and we have attempted to take a step in the direction of placing some responsibility on the theater managers to keep the minors out of these theaters when they have X pictures or other pictures classified unfit for minors, and setting a penalty so that if they are allowed in the theater then the theater operator becomes responsible for a penalty of up to \$1,000 or imprisonment of up to 11 months. In other words, by putting that penalty in this bill, we feel that the theater operator will be very careful that minors will not be allowed in to see these obscene pictures.

I hope you will go along with us and continue to support this bill, and vote against indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors, be indefinitely postponed, in non-concurrence. The Chair will order a division.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. 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 recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I withdraw my motion.

Thereupon, this being an emergency measure and having received the affirmative votes of 30 Senators, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Repealing the Interest on Unissued Bonds for Water Pollution Abatement" (S. P. 663) (L. D. 1845).

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-447, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

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

On motion by Mr. Hoffses of Knox,

Recessed until 5 o'clock this afternoon.

(After Recess)

Called to order by the President.

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table Bill, "An Act on Tax Relief to the Elderly," (H. P. 1465) (L. D. 1839).

Tabled — February 5, 1970, by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-450, was Read.

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

Mr. STUART of Cumberland: Mr. President, I wonder if the Senator from Penobscot, Senator Tanous, would explain his amendment.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, has posed a question through the Chair to the Senator from Penobscot who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Apparently the tax relief bill that we have enacted today is contradictory to a similar provi-

sion which we enacted at the regular session, so we have to repeal the bill which we passed at the regular session last year in order to clarify L. D. 1839.

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

The motion prevailed.

Thereupon, House Amendment "A", Filing No. H-697, was Read.

On motion by Mr. Katz of Kennebec, House Amendment "A" was indefinitely postponed in concurrence.

Thereupon, House Amendment "B", Filing No. H-699, was Read and Adopted in concurrence, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I feel in a bit of a dilemma and I would like the record to show my position. I supported the wildlands tax on the basis — not for itself alone — but as a method of financing this measure. We are now going to enact something without any provision for funding, and when we come back we are going to be faced with a de facto program going. I don't consider this to be fiscally responsible. I am sorry to see it happen this way. I am going to support the measure, but it is not the way I would like to do it. Thank you, Mr. President.

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

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

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

Pending—Motion by Senator Bernard of Androscoggin that the rules be suspended to reconsider action whereby the Bill was Passed to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The amendment which is on our desks, under Filing No. S-449, is the amendment which Senator Bernard advised us was coming and would be put on this, and on which I queried him in order to expedite the legislative process. I think this matter should be debated right now before we reconsider under suspension of the rules.

This amendment puts the bill back to where it was in its original form, and this was unacceptable to practically everybody involved but the federal authorities. I do not understand at this late date why this is being attempted. The objections are many and carry a great deal of weight. These are, to a large extent, over restrictive.

The language of the degradation clause, which is the very first item under Section 3, is completely unacceptable. The tolerances which are written in here are too close to be workable. I would oppose the motion for suspension of the rules.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I realize that this is a late hour, however, I strongly feel and am entirely committed to the ideas proposed within this amendment.

In checking back over some of the material that I have received at my home from the federal office in Washington, D.C., I note a letter from the Department of Interior, Federal Water Pollution Control Administration, and I will quote from that letter:

"A statement that we suggest that you submit to your legislature for adoption in your statutes reads as follows:" That statement happens to be on my amendment, which is on our desks under Filing No. S-449, under Section 3 on the first page.

Under the bill that was reported out of the Committee on Natural Resources, under the redraft of 1828, which came to us on January 29th, gentlemen, which wasn't that long ago, in looking over that particular document I do not see

where Section 3 is spelled out in exactly the same terminology.

From talking to people in our Water Improvement Commission, I have been led to the conclusion that they too are not amply satisfied with the wording in the redraft.

In the mandate that I have before me from the federal government, and I would quote again: "We recommend that numerical temperature criteria be adopted for Classes B-1, B-2, C, SA, SB-1, SB-2 and SC at an early date. The U. S. Fish and Wildlife Service must give approval to all temperature criteria, and we have found that they do not divert from the recommendations of the National Technical Advisory Committee, which is referred to as the Green Book. Accordingly, we recommend the following: For coastal waters: Temperature before the addition of heat of artificial origin should not be raised by more than 4 degrees during the fall, winter and spring, or by more than 1.5 degrees Fahrenheit during the months of July, August and September."

Now, I think the reference can be pointed out here that we have one industry in this State which is seriously affected possibly by these recommendations from the federal government, and I am talking about the Maine Yankee Atomic Plant that is going in at Wiscasset. Someone mentioned that these particular temperature coefficients that we see, the temperature criteria, will be mandatory throughout the country. If that is a fact, then I can't see where an atomic plant in California or Texas, or anyplace down along our southern coast, would have difficulty in complying, but certainly the temperatures up here in Maine must be, on an average, a lot lower. They clearly state that a maximum temperature of 84 degrees Fahrenheit is required.

I noticed in the redraft which came out of the Committee on Natural Resources, which is L. D. 1828, on Page 2 specifically, they have reported out the following statement: "Shall be discharged in such waters which will raise the

temperature above 89 degrees Fahrenheit." Already L. D. 1828 would be in violation of federal standards.

Now, I have been told that possibly the federal government could use this as a deterrent not to give us federal funds. It seems logical, the way this country is going today, that if we don't have the laws on the books that meet some criteria of federal standards, then naturally they are going to blackmail us and say "Well, you people haven't got the laws so you are not in line to receive any pollution abatement funds." This is part of my concern.

I think that the bill originally sponsored by Senator Reed of Sagadahoc follows the criteria right down to the letter. I can't see where any industry in this state couldn't live with this bill, as I have amended it, at this time. Central Maine Power will not be ready to create electricity by atomic energy for perhaps at least another year or two. Somebody said that the temperature coefficients may be changed. I haven't been able to get any kind of a letter from the federal government stating this to me. Therefore, I would submit that this amendment is in line with the thinking on increased protection for our environment. And I would like to state that everything I have stood for in this session of the Legislature was to promote the best environmental improvement legislation that we could possibly put out. I can't see why some people would oppose putting in federal regulations when we have a vehicle that will do it, and I can't see anyone not wanting to put forth the best that they are able to.

When the question is put, Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I will be the first to say that Senator Bernard from Androscoggin County has worked long and hard on many of the natural

resource matters which this body has considered.

His statement that federal funds are in jeopardy is incorrect in that we all recall Governor Curtis's office announced not too long ago the receipt of several millions of dollars of our federal grant for pollution measures.

Professor Donaldson Coombs, the Chairman of the Environmental Improvement Commission, has stated that the existing rules and regulations and laws are adequate, and that he is perfectly satisfied. He would prefer to have the bill in the final form in which it is now for enactment rather than have this language here.

Finally, the federal standards are going to be changed by the federal authorities, and at that time the next session of the Legislature can consider them.

I assure this body that the bill which is up for enactment is the result of compromise by everybody concerned, and I hope you would vote against the motion for suspension of the rules.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I probably should begin by saying I am hungry, but since this is my bill, and I feel as if I have spent what time I have in this Legislature primarily trying to defend and do something about the water quality in our State, I would just like to say a few words in regard to it.

I certainly think the Senator from Androscoggin, Senator Bernard, is upset by what has taken place with this bill, and I am also. The one problem here is that this is a result of a lack of enthusiasm, I guess, on the part of everyone.

I put the bill in because I was requested and asked if I might not. It was discussed at the regular session, I feel as if temperatures should be written into our law somewhere. I would like to say that presently temperatures are under the complete control of the EIC, and they feel as if, where they do have the complete control, that they really don't need

numbers, but the federal government says that they need numbers. So, what happens is that the federal government sends them a set of numbers and they like dutiful servants, I suppose, put the numbers in and I put the bill in.

But it is very difficult to go before a legislative committee of this Legislature and try to defend these figures, these temperatures, and say well, these are what the federal government says we need. I mean, I have been here, and you have, and you have seen us here as legislators have to prefund the federal share. Now, the federal government is important and we need their funds, yet when they mistrust us we become very skeptical also of them, because I don't think they have kept complete faith with us.

The Chairman of the Water Improvement Commission, the Chief Engineer, the Commissioner, none of them really could defend this piece of legislation beyond saying that these are the standards that the federal government gives. To me, this is a prime example really of administration sort of thwarting the will of the people. What we are interested in is cleaning up our rivers, and I must admit that I am not that enthused about temperatures, because I drive up and down the Kennebec River every morning and night, and I am building a bridge across the Androscoggin, and I see what is coming down those rivers, and it is not temperature that is the problem.

Now, I suppose we do have the atomic plant in Wiscasset, which is in my area, and there are problems. You have large tidal areas, you have this sheet of water, you have mixing zones. It is an area in which the federal government has come out flatly for these figures, and now they are pulling their horns in. Everyone seems to admit that, so it seemed to us at this time that this was the best that we could come up with.

I certainly can understand the position of the Senator from Androscoggin, Senator Bernard, because I partly share it, but being on the committee and trying to

be responsible, and trying to help this cause along, I felt as if there was no other alternative other than to come forward with what we did.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that the rules be suspended in order to reconsider our action whereby Bill, "An Act Relating to Water Quality Standards," was passed to be engrossed.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would like to make it clear that I haven't got any axe to grind with Central Power or Maine Yankee Atomic or any of these industries that may be or shall be or have been probably contributing thermal pollution to our State of Maine. I think we all realize that the project at Wiscasset is here to stay, and I know they are going to have problems meeting the federal standards.

Now, the federal government sent down to us a list of standards that they want us to abide by. I can't see why some of the lobbying that has been going on in these last couple of days—they shouldn't have anything against us; they should be lobbying in Washington, because these standards are set in Washington. And, as Senator Berry of Cumberland has stated, sooner or later we have got to enact these standards here in Maine. I am just saying that now is the time to do it. If we do it now, we will have this on the books, we will have time to know what is before us, and I think that if there are changes that we can make then we will have the instruments to make them.

I would ask a question through the Chair, Mr. President. I know a division has been requested, but I wonder if I would be in order to ask for a roll call.

The PRESIDENT: The Senator requests a roll call. In order for the Chair to order a roll call, under the Constitution, it requires the

affirmation vote of one-fifth of those Senators present and voting. As many Senators as are in favor of ordering a roll call will please rise and remain standing until counted.

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

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I want the record to clearly show how I feel. After I sat down someone asked me what my position was. My position is to vote against the motion to reconsider. The reason I say this is because no one can defend the temperatures that are in this bill. They don't try to. The only answer we can get is that these are the standards the federal government told us to put in the bill. To me, that is not good enough.

I am disappointed and it kind of gripes me when I think that I put in a bill and that is the only defense I can give for it. I am disappointed in the Commission for not coming forward and really defending these temperatures. I hate to take a beating, and I have on this bill. I deserved one because I couldn't defend my position and they couldn't defend theirs. The industrial lobby just beat us: that was all.

I am not voting against reconsideration because of this. I just feel that we got beat on this one. I suppose you can put me on record as being for dirty water. That is all right, but I don't think that I am. I feel as if I like to take a position and defend it, and the temperatures that are in here no one can defend. That is why they are not there, and that is why I am against against the motion to reconsider.

The PRESIDENT: The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that the rules be suspended in order that the Senate can reconsider its action whereby Bill, "An Act Relating to Water Quality Standards", was passed to be engrossed. A "Yes" vote will be

in favor of suspending the rules; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Boisvert, Kellam, and Levine.

NAYS: Senators Anderson, Barnes, Beliveau, Berry, Cianchette, Conley, Dunn, Duquette, Gordon, Hanson, Hoffses, Holman, Katz, Letourneau, Logan, Martin, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Tanous, Violette, Wyman and President MacLeod.

ABSENT: Senators Greeley and Stuart.

A roll call was had. Four Senators having voted in the affirmative, and twenty-six Senators having voted in the negative, with two Senators being 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act to Carry Out Duties of the Legislative Research Committee (H. P. 1316) (L. D. 1645).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-452, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: A word of explanation might be in order to the members of the Senate on the item. Again, this is pretty much a bookkeeping matter. This amendment would take the moneys requested in this L. D., in the amount of \$13,000, and move them from the general fund column into the surplus fund.

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.

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

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

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

In the House February 4, 1970, Passed to be Engrossed as Amended by House Amendment "A" (H-673) and Senate Amendment "A" (S-399), in non-concurrence.

In the Senate February 5, 1970, Passed to be Engrossed as Amended by Senate Amendment "A" (S-399) and Senate Amendment "D" (S-436), in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Providing for Moratorium on Construction of Certain Industries." (S. P. 661) (L. D. 1843)

In the Senate February 5, 1970, Passed to be Engrossed.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-451, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

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, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-706) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the concept of enacting a uniform fiscal year for cities, towns, counties and school units is deserving of an in-depth study prior to further action by the Maine Legislature; now, therefore, be it

ORDERED, that the Senate concurring, that the Legislative Research Committee conduct a study of the advantage and disadvantage of developing and implementing a uniform municipal fiscal year; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations to the next regular session of the Legislature. (H. P. 1472).

Comes from the House, Read and Passed.

Which was Read.

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

**Committee Reports
House**

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Promote Governmental Reorganization and Efficiency." (S. P. 641) (L. D. 1812) ask leave to report: that the House recede from its action whereby the Bill was passed to be engrossed as amended by House Amendments "A" and "B"; recede from its action whereby House Amendments "A" and "B" were adopted and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment

“A”; that the Senate recede and concur with the House.

On the part of the House:
RIDEOUT of Manchester
DENNETT of Kittery
ROSS of Bath

On the part of the Senate:
TANOUS of Penobscot
BARNES of Aroostook
CONLEY of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment “A” (H-705), in non-concurrence.

Which report was Read and Accepted in concurrence.

The Senate voted to Recede and Concur with the House.

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

Non-concurrent Matter

Bill, “An Act to Appropriate Funds for School Subsidies.” (H. P. 1453) (L. D. 1831)

In the House February 5, 1970, Passed to be Engrossed as Amended by House Amendment “A” (H-700).

In the Senate February 5, 1970, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having insisted and asked for a Committee of Conference with the following Conferees appointed on its part: RIDEOUT of Manchester, BRAGDON of Perham and MILLETT of Dixmont.

Thereupon, on motion by Mr. Kellam of Cumberland, the Senate voted to Adhere.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Establishing a Human Rights Commission, (H. P. 1439) (L. D. 1814).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment “C” and moved its Adoption.

Senate Amendment “C”, Filing No. S-453, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Briefly, to explain the various amendments which you have on Filing S-453, as perhaps most of you are aware, I had some very serious thoughts about voting for the human rights bill because of various aspects contained in it.

Now, if you will refer to your Filing No. S-453, that first section removes from the bill itself the subpoena powers that were originally granted to this commission. Time and time again I have supported my good friend, Senator Beliveau from Oxford on bills which have given subpoena powers to commissions of this type, and these bills have been defeated time and again. I certainly feel that this type of power given to a commission like this was away out of line insofar as our precedence was concerned in the State of Maine.

Also, the complainant in the original bill itself did not have to swear out a complaint under oath. We have now amended it so that the complaint which he files will be under oath, and he will be subject to penalty under the law if the statement which he files is untrue.

Also, we have amended out of the bill the long-standing rule of this country that an individual is innocent until proven guilty. The bill originally contained a clause in there whereby an employer could have been guilty if an employee of his was discriminating against other people in the course of his business. The proof would have been upon the employer to prove his innocence, which is contradictory to our entire constitutional provisions of this country.

We have also increased the appropriations because it was felt that the Department of Education is going to need \$5,000 to implement the provisions of this bill.

I would be most pleased to answer any other questions which the members of the Senate may have.

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

Mr. BERRY of Cumberland: Mr. President, I have one question I would like to ask Senator Tanous from Penobscot. In Section 4 of the proposed amendment it says in part, paraphrasing: "Such hearings and testimony may relate to the existence of practices of discrimination not prohibited by this act." That seems to me to open up a very, very wide range of area here. If the act is going to deal with hearings that are violations or alleged violations of this act, fine, but it seems to me this very plainly stipulates that any kind of a hearing can be held on any sort of a subject not in violation of this act.

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

Mr. TANOUS of Penobscot: Mr. President, in answer to Senator Berry of Cumberland, there is no question but this bill does give this commission pretty much unlimited authority in the investigation of any alleged violation. I don't deny that.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I think Senator Tanous has answered my question with the fact that this is an extremely broad, unlimited body which can get into anything. Now, if they are going to receive, discuss and rule on alleged acts of violation of this document, fine, but why in the world are we passing an act which permits them to hold hearings and take testimony on acts which are not in violation of a discriminatory nature? This is an extremely wide and flagrant area we are opening up here.

It seems to me if this is the interpretation, and Senator Tanous, I think, is one hundred per cent right, this is the interpretation of this Section 4, if this is the case, then I am sure this is not what is intended to be done. These hearings should be limited to the violations or alleged violations of the act. Now, if this can be straightened out, fine; if not, I

think this is extremely dangerous. We don't want this.

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Salary of the Assistant Director of Legislative Research. (H. P. 1314) (L. D. 1643)

An Act Appropriating Funds for Employment of an Occupational Safety Engineer by the Department of Labor and Industry. (S. P. 557) (L. D. 1704)

An Act to Provide Protection for the Consumer Against Unfair Trade Practices. (S. P. 578) (L. D. 1705)

An Act Appropriating Funds For Construction of Phase Two of the Marine Research Laboratory at Boothbay Harbor. (H. P. 1388) (L. D. 1737)

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

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Appropriating Funds to Greater Bangor Chamber of Commerce to Aid in Defraying Costs of a Promotional Film. (H. P. 1402) (L. D. 1758)

This being an emergency measure and having received the affirmative votes of 27 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Providing Additional Funds for Salaries in the Depart-

ment of the Attorney General. (S. P. 594) (L. D. 1765)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Amending the Municipal Public Employees Labor Relations Law. (H. P. 1410) (L. D. 1776)

This being an emergency measure and having received the affirmative votes of 26 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court. (H. P. 1432) (L. D. 1805)

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

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

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Relating to Retirement Allowance for Widows of

Governors. (S. P. 635) (L. D. 1810)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table An Act Relating to Property Tax Administration. (S. P. 644) (L. D. 1819)

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 a matter tabled earlier in today's session, by Mr. Violette of Aroostook:

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

Pending—Adoption of Senate Amendment "C".

Thereupon, Senate Amendment "C" (S-453) was Adopted and the Bill, As Amended, Passed to be En-grossed in non-concurrence.

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

(Off Record Remarks)

On motion by Mrs. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.