

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

Friday, February 6, 1970

Senate called to order by the President.

Prayer by The Honorable Richard N. Berry of Cape Elizabeth.

Reading of the Journal of yesterday.

**Committee Reports
House**

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Clarify the Education Laws and Subsidy Payments." (H. P. 1309) (L. D. 1623) ask leave to report: that the Senate recede and concur with the House in passing the Bill to be enacted.

On the part of the House:

RICHARDSON

Of Stonington

MILLETT of Dixmont

CUMMINGS of Newport

On the part of the Senate:

KATZ of Kennebec

KELLAM of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I disagree with this committee report and I would like to clarify my position.

Again, to save you from looking up the amendment under Filing No. S-420 attached to L.D. 1623, "An Act to Clarify the Education Laws and Subsidy Payments", let me read it once more. "The board may approve," that is the board of education, "The board may approve the formation of a School Administrative District when 2 or more municipalities located on the same island make proper application even though the total number of resident pupils is less than 100. The application shall state the educational, economic and geographic reasons for the formation of the proposed School Administrative District."

Now, to further clarify my position on this matter, and begging your indulgence, I would like to read a letter that I sent to the Bangor Daily News: "The Bangor Daily News printed the statement I made Saturday, January 24, in which I deplored the construction of a proposed two million dollar high school in SAD 73 to be located in the town of Sedgwick. My thinking was, and still is, that it would be a needless financial waste with a functioning academy within a few miles of the proposed building site, whose board has promised new construction and alterations to accommodate all students in the SAD area. I realize that the transportation of students to the Blue Hill Academy would be a hardship on the towns of Deer Isle and Stonington, but I feel that the Dept. of Education, realizing the geographical handicap of these towns, would not oppose special legislation to amend the number of students required to form this dual district.

"Since my statement came out in the Bangor Daily News I have been subjected to many abusive telephone calls.

"Through the medium of this letter let me answer one of the derogatory remarks thrown at me by saying that nobody puts words into my mouth. What I said in my statement I have said many times before.

"I ask all who read this letter to look up the announcement of my candidacy on or about January 8 in the Bangor Daily News, Ellsworth American, Bar Harbor Times, Blue Hill Packet, Bucksport Free Press and the Stonington Island Ad-Van-Tages.

"The last paragraph of my announcement reads: 'He is an ardent supporter of educational programs and feels that more stress should be placed on dedicated, qualified teachers, rather than the modern trend of fabulous school buildings which are sorely taxing our citizenry. He particularly feels that elementary teachers who mold the formative years of our youth should be carefully screened and the degree of

their ability should be the guide line for adequate compensation.

"The result of Monday's voting on proposed construction of a new high school in Sedgwick will be known before this letter reaches the public.

"If it is voted to build, then let me be the first to hope that it will be a successful reality, and that the towns in SAD 73 will pool their efforts to make it the best little high school in the whole SAD program.

"As for retracting any statement that I have made, the answer is No."

Mr. President, I am not satisfied with the committee report, and I will ask for a roll call on this when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am not quite sure what I could say except that the committee of conference, of which Senator Anderson was a member, has agonized over this. The amendment in question does not do anything new in the law. That which the Senator from Hancock, Senator Anderson, sought to do by the amendment already exists in Maine Law in Title 20.

The school in question has 145 students and under existing law, without any further amendment, that which he seeks to accomplish can be done. On that basis the conference members from the House were unanimous in opposing it. Reluctantly the other conferees, the Senator from Cumberland, Senator Kellam and myself, realized that this was the end of the session, that this bill hadn't even been engrossed yet — it is an important bill on which this amendment is placed — and reluctantly I will ask you, with full respect for everything that the Senator from Hancock has said, to vote for the acceptance of the committee report.

The PRESIDENT: The pending question before the Senate is whether the Senate should accept the report of the committee of con-

ference on Bill, "An Act to Clarify the Education Laws and Subsidy Payments." 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 pending question before the Senate is the acceptance of the report of the committee of conference on Bill, "An Act to Clarify the Education Laws and Subsidy Payments" (H. P. 1309) (L. D. 1623). A "Yes" vote will be in favor of accepting the Committee of Conference Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Dunn, Kellam, Letourneau, Reed, Stuart, Tanous, Violette and President MacLeod.

NAYS: Senators Anderson, Barnes, Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Hoffses, Holman, Katz, Logan, Minkowsky, Moore, Peabody, Quinn, Sewall, and Wyman.

ABSENT: Senators Greeley, Levine, and Martin.

A roll call was had. Eight Senators having voted in the affirmative, and twenty - one Senators having voted in the negative, with three Senators absent, the Senate rejected the Report of the Committee of Conference, in non-concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Jurisdiction of District Court in Divorce Actions." (H. P. 1337) (L. D. 1666) ask leave to report: that the House recede from its action whereby the Bill was passed to be engrossed; recede from its action whereby Committee Amendment "A" was adopted and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Confer-

ence Committee Amendment "A"; that the Senate recede and concur with the House.

On the part of the House:

BERMAN of Houlton
BRENNAN of Portland
MORESHEAD of Augusta

On the part of the Senate:

VIOLETTE of Aroostook
HOLMAN of Franklin

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-703) in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur and the Bill, as Amended, was Passed to be Engrossed in concurrence.

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

Orders of the Day

Joint Order

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

ORDERED, the House concurring, that the Director of Legislative Research is directed to have printed in pamphlet form, and distributed to the members of the Legislature and the public, the Acts and Resolves passed at the first special session of the 104th Legislature.

(S. P. 665)

Which was Read and Passed.

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

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Minkowsky of Androscoggin,

ORDERED, the House concurring, that the State Department of Education is directed to study, under the supervision of the Legislative Research Committee, the aims, purposes and general activities of the State Principal's Association; and be it further

ORDERED, that the State Department of Education is directed to report, subject to the approval of the Legislative Research

Committee, its findings and recommendations to the 105th Legislature. (S. P. 666)

Which was Read.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act to Pay for Fifty Per Cent of Health Insurance Plan for State Employees Beginning July 1, 1970 (H. P. 1306) (L. D. 1620).

On further motion by the same Senator, the Bill was Indefinitely Postponed 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**, Appropriating Funds for Purchase of Equipment at Washington County Vocational-Technical Institute (S. P. 587) (L. D. 1742)

The same Senator then moved the pending question.

Thereupon, the Resolve was Finally Passed 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 Extend Medical Assistance to the Medically Indigent (H. P. 1397) (L. D. 1753)

The same Senator then moved that the Bill be Indefinitely Postponed in non-concurrence.

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

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

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

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that House Paper 1397, Legislative Document 1753, be indefinitely postponed in non-concurrence. A "Yes" vote will be in favor of indefinite postponement of the Bill; a "No" vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I know of no man in here that is opposed to this legislation, but I hope that anyone who is tempted to vote for it just to have a good public image realizes that there is not a living nickel within our financial capabilities to finance this.

The PRESIDENT: The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Greeley, Levine, and Martin.

A roll call was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with three Senators absent, the Bill was Indefinitely Postponed in non-concurrence.

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

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

Mr. KATZ: Mr. President and Members of the Senate: This bill was discussed with the leadership of both parties. The Minority Party accepted responsibly the fact that there wasn't any money to finance this bill whatsoever, and the Minority Leadership knowingly and

willingly went along with the Majority Party. If there were any objections, they weren't expressed audibly. All of us within the room wished that we could have financed this. The performance this morning, even asking for a roll call on a million dollar item for which not a nickel exists, speaks for itself. I think it is probably a lot easier to be in the minority membership than the majority membership when it comes to splitting up a pie.

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

Mr. BELIVEAU: Mr. President and Members of the Senate: I would think that the position would just be the converse. I would not agree with my good friend, Senator Katz from Kennebec County, in that it certainly is easier to be the Majority Party because it is the Majority Party that determines what legislation will pass, whether it be this bill which would extend medical assistance to the medically indigent, whether it be the bill that was defeated just previous to this one, one which provided for additional assistance to our thousands of state employees, but to place the burden or the onus upon the Democratic Party is clearly improper.

As I said a few days ago, we are the Minority Party. If we wanted to change the course of events, we just can't do it. We don't have the votes. We don't have the strength in this body. I don't believe that the good Senator, the Majority Leader from Kennebec County, Senator Katz, can continue to place the onus of defeat of all or many of these worthy documents upon the Democratic Party, because that just isn't so and the record will so indicate.

Mr. Stuart of Cumberland was granted unanimous consent to address the Senate.

Mr. STUART: Mr. President and Members of the Senate: I would like to try to shed just a little light on this subject of Medicaid. You probably recall that I stood up here and spoke for it at quite

some length, but after making that speech I did some homework.

I called the Executive Secretary of the Maine Medical Association and we talked this over. I talked it over with Dr. Fisher. The Secretary of the Maine Medical Association took a whole day off, came here to Augusta and talked to people. He told me he talked to about fourteen people altogether on this subject.

I agonized over whether we should spend a million dollars on Medicaid. It is nice to be for the poor and for the sick, but I really think that you have to go a little deeper and find out what they are going to do with this money? Is there demonstrable need for it? I suppose you could say there is always a need for this, but we have the question of priorities and we don't have too much money.

Perhaps another time we can afford to put more money into our Medicaid Program, but we are putting \$14,000,000 in now, taking care of 35,000 people who are state welfare cases. I guess what I am trying to say is that the program, whatever we were going to do, whatever they wanted to do, with this million dollars was not thought out very well. There was no good program presented. Certainly it would have been great to have the million dollars, I am sure that it would have done some good but, in case some of you are wondering why I voted as I did this morning, it is because of the research, the homework, that was done.

I don't know of any other way to make a decision. You just can't stand up and wave flags for the poor and for the sick unless you really look into it. I looked into this matter of Medicaid and decided that this was not such a high priority as I thought it was. That is a hard statement to make and it might boomerang on me, but at least I made the effort to consult with people that are knowledgeable, that were writing the program, the doctors who would benefit most from the program, who saw the problem, and the conclusion was: where is the demonstrable need?

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

Mr. KATZ: Mr. President and Members of the Senate: The Senator from Oxford, Senator Bellevue, completely misses the point. I am not, under any circumstances, pointing a finger at the Democrats and trying to put any responsibility on them — quite to the contrary: I think that the cooperation between the two parties this session on important matters has been something for the textbooks, it has been wonderful, it has been pleasant and productive.

The establishment of priorities and splitting up a pot of only \$1,540,000 has to be bi-partisan. And that is all of the money that there is, \$1,540,000. I am almost tempted to reconsider the vote whereby we indefinitely postponed the fifty per cent of health insurance plans for State employees, to give those who wish to a chance to vote against indefinite postponement or a chance to vote indefinite postponement. The money isn't there and everyone knows the money isn't there. It doesn't take an awful lot of political sagacity to figure out why a roll call is voted for on a million dollar item for which there is no money.

Actually, a little later on we are going to be looking at ADC which takes \$1.1 million dollars plus, an item that has been in both party platforms for years and, hopefully, an item that we will fund this session. That is all there is to the ball game, not that anybody is for an item or against an item but how do you stretch \$1,540,000? I was disappointed by the request for a roll call because the reason was so patently clear.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act Establishing a Consumers Council (H. P. 1447) (L. D. 1823).

On further motion by the same Senator, the Bill was Indefinitely Postponed in non-concurrence.

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

On motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

On motion by Mr. Katz of Kennebec, the Senate vote to reconsider its action whereby the Committee of Conference Report was rejected on Bill, An Act to Clarify the Education Laws and Subsidy Payments (H. P. 1309) (L. D. 1623).

Thereupon, the Committee of Conference Report was Accepted in concurrence.

This being an emergency measure and having received the affirmative vote 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.

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

In the House February 4, 1970, Passed to be Enacted.

In the Senate February 5, 1970, Passed to be Engrossed as Amended by Senate Amendments "A" (S-410), "B" (S-453) 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: McTEAGUE of Brunswick, RICHARDSON of Cumberland and MORESHEAD of Augusta.

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators:

BERRY of Cumberland
TANOUS of Penobscot
LETOURNEAU of York

Joint Order

ORDERED, the Senate concurring, the Legislative Research Committee is directed to study the coordination of public higher education established pursuant to the private and special laws of 1967, chapter 229, to determine if a cohesive structure of public higher education in the State of Maine has in fact been developed or overdeveloped and realized anticipated savings, increased efficiency and in general become a more effective educational system. Such study shall also include but not be limited to an assessment of the aims and purposes of the law to determine whether it has been carried out in full recognition of the principle that each institution of higher education shall have its own operation; and be it further

ORDERED, that the Department of Education is directed to provide such professional and technical assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee report its findings and recommendations, including any necessary legislation, at the next regular session. (H. P. 1473)

Comes from the House, Read and Passed.

Which report was Read.

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

Joint Order

WHEREAS, certain activities of the State involving State employees are covered by liability insurance while others are not; and

WHEREAS, experience indicates a substantial increase in the number and dollar amount of civil actions against state employees for official acts; and

WHEREAS, many of these employees become personally liable in civil actions even though acting in an official capacity in good faith and without liability insurance; and

WHEREAS, the provisions of existing law preclude a defense by the Attorney General of most state

employees even though acting in such capacities; and

WHEREAS, a substantial amount of time, expense and inconvenience results in processing such actions through the courts and the Legislature; now, therefore be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study existing procedure for settlement of liability claims against employees of the State to determine a more appropriate means of assuring that liability claims against such employees will be promptly and fairly settled and that individuals acting in good faith in official capacity shall not be held personally responsible for their acts or omissions. Such study shall also include, but not be limited to, an economic and effective way of resolving the present uneven liability insurance coverage; and be it further

ORDERED, that the Department of Insurance and the office of the Attorney General are directed to provide such technical advice and assistance as the committee deems necessary or desirable; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the amount of \$5,000 to carry out the purposes of this Order; and be it further

ORDERED, that the committee report the results of its study to the 105th Legislature. (H. P. 1474)

Comes from the House, Read and Passed.

Which report was Read.

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

Enactors

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

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

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

An Act Giving Special Interim Legislative Investigating Committees Access to Certain Records. (S. P. 662) (L. D. 1844)

Mr. Beliveau of Oxford then moved that, under suspension of the rules, the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

Mr. HOFFSES of Knox: Mr. President, may I pose a question through the Chair of the good Senator from Oxford, Senator Beliveau, as to why he desires this action?

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, the purpose of my request is to have an opportunity to present an amendment to this document. This probably would be as good a time as any to discuss the amendment itself.

The title of the enactor, L.D. 1844, suggests that this bill would apply only to that special order relating to the Legislative Investigating Committee but, in effect, it will have a greater impact in that it completely amends that section of the statutes which declares that certain reports and records are confidential.

The amendment that I propose and that I will be submitting, if I succeed on my motion, and which is before you under Filing No. S-448, would permit this committee to have access to all these records, all the figures, the statistics, and all the other information that is available to it, but it would say that as far as a public report from this committee, in order to preserve the confidentiality of the application, it would prohibit the committee or any other state agency from disclosing the names of the tenants or the names of the applicants for MIBA guaranteed loans. I'll read the pertinent language for you.

"Such public records as may be issued by the committee on the basis of its investigation shall contain only information of a generalized nature in such a way as not to identify information as having been furnished by a particular tenant, tenant company, or by particular persons in applications or reports submitted to the authority."

At the present time there are several applications pending for MIBA guaranteed loans and, in support of these applications, many of the individuals must, in addition to supplying the MIBA with a financial statement of a corporation, must also supply MIBA with their own personal financial statement. This would preserve again the confidentiality, yet it would not frustrate the purpose of the order itself. It would permit this special committee to have access to all these records and use them in any way they want. It would just prevent the committee and other State agencies from disclosing the names of those involved, because if there is anything that should be considered sacred, privileged and confidential it is the personal financial statements of the officers or applicants who are seeking guaranteed loans by the State.

That in effect, is the purpose of my amendment, and I would hope that the rules would be suspended so that I could offer my amendment. It does not affect it in any way, if you analyze it very closely. We don't strike out any of the real language which prohibits the disclosure of the information. The information will be available, but it will just protect the names of the people, particularly as it applies to the personal financial statements.

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

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: I fail to see, Mr. President and

Members of the Senate, the concern of Senator Beliveau from Oxford, because the language of L.D. 1844 says this in each of the three separate sections: "Such information, records or files may be used only for the lawful purposes of the committee. It seems to me that this takes care of the problem.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In answer to Senator Berry's explanation, again, this does not preserve the confidentiality of the individuals or corporations who are seeking guaranteed loans. That is very broad language.

It would, in effect, permit the committee to disclose anything that it wanted to and to retain anything that it wanted to. My amendment very simply would say that, "Fine, you can have access to these records, you can use them in any way you want, but you cannot disclose the personalities involved." So, let's reduce it right down to a hypothetical case. If any one of us in this room, or any corporation in this State, was seeking a guaranteed loan from MIBA, they would be forced or be required to file a personal financial statement, and of course a corporate financial statement if that is the case. These records would be available to this special committee. But I don't believe that that committee should be permitted to disclose them, because what is going to happen is that the result would be that no one will be seeking these MIBA loans, and we are going to be frustrating the purpose for which this MIBA was created.

The language in the original order is very broad, and I know that if this bill had been given a public hearing that many, many if not all, of those who were involved in MIBA, the corporations that have applications pending, the businessmen in this State who are aware of the workings and the benefits that MIBA has given to the citizens of the State of Maine, would certainly have forcefully and very vocally raised the same point.

But since they were not given an opportunity to be heard, since public hearings were not conducted, and since witnesses were not able to explain their positions on this, we of course must resort to this amendment in order to protect and safeguard the confidentiality of these applications.

Again, I would hope that the rules would be suspended and this courtesy would be extended at least to offer my amendment so that we could have a vote on the merits of the amendment itself.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The language of L.D. 1844, once again, says a "Special Interim Legislative Investigating Committee." I can't imagine that Senator Beliveau from Oxford is misinterpreting the language of this bill to say that this is going to interfere with the activities of MIBA. The bill and the resolve are oriented to the subject of the resolve, and only to it, and in no way is anybody else affected. It seems to me that the language is as crystal clear as the English language can be in this respect.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I think that if Senator Berry would read a little further he would find that it also requires this special committee to submit a report to the legislature. This, of course, would then expose all of these businesses to having their names and other confidential material available to the public for scrutiny. Again, this is not desirable in this type of an application, and I do believe that if we don't adopt this language in my amendment that this is going to seriously jeopardize the effectiveness of MIBA in the future.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't know that what I have

to say really is, in one sense, directly related to this amendment, and I am not one to read the financial pages too much, but I do feel that this is quite a sensitive area that we are dealing with. As I said, I am not opposed to lifting the cloud or the investigation, but it does say in this morning's KJ — and I will just read one paragraph — "By the closing of the market Thursday, MSI", which is the Maine Sugar Beet Industry, "stock was down to 62-½ cents a share. It had been selling for \$2.50 a share before the legislative probe was announced."

I am not saying that the reason for all this is the legislative probe, but that possibility does exist, and I feel that when we talk about jeopardizing the future of the MIBA, or trying to help businesses come in here and establish, that that is of grave concern, and I think that this should be looked over very closely. I don't pretend to be an expert on the particular amendment but, even at this late hour, I will vote to reconsider so that the amendment can possibly be studied further if the feeling is that it needs to be.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I happen to be an avid reader of the financial page and I do recall about three years ago this stock was \$23.00 a share then.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Beliveau, that the rules be suspended and the Senate reconsider its action whereby L.D. 1844 was passed to be engrossed. A division has been requested. As many Senators as are in favor of the rules being suspended will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

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

Mr. Katz of Kennebec then moved that the Senate reconsider its previous action on Bill, "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814), whereby the Senate voted to Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby on Item 1-1 the Senate insisted and joined in a Committee of Conference.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, may I inquire of the Senator from Kennebec, Senator Katz, what the purpose of his motion is?

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

Mr. KATZ of Kennebec: Mr. President, I am a little disgusted at the directness of the question. I favor this bill; I would like to see it enacted. I notice on the present proposed conference committee the names, the majority of whom apparently have proven themselves to be hostile to this particular bill. I was hoping through negotiations, if we reconsidered, to table and reevaluate the situation so that those of us who do favor the enactment of this bill might have a more favorable climate in which to work.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My memory doesn't tell me that there was an adverse vote in connection with this bill yesterday, and I consider myself a proponent of a good bill, and always have been. It seems to be that the Committee appointed, as a result of the action that we have just taken, is a fair representation of the viewpoint of this body.

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 the motion by the same Senator to Reconsider.

Emergency

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

This being an emergency measure and having received the affirmative vote 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.

(Off Record Remarks)

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$3,825,000 for the Construction of New Facilities and Equipment at Northern, Southern, Eastern and Central Vocational - Technical Institutes and a Diagnostic Facility for the Boys Training Center. (H. P. 1452) (L. D. 1829)

This being a Bond Authorization Act 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.

(Off Record Remarks)

Enactors

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

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

An Act Appropriating Funds for Union River Anadromous Fish Restoration Program. (S. P. 580) (L. D. 1707)

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

(On motion by Mr. Hoffses of Knox, temporarily set aside.)

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)

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

The President laid before the Senate the matter previously set aside at the request of Mr. Hoffses of Knox, An Act to Promote Governmental Reorganization and Efficiency. (S. P. 641) (L. D. 1812)

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This is the much discussed governmental reorganization and efficiency bill which has been discussed at great length here. We now have before us an order which will, in effect, give a very thorough and complete study by a team of experts who I have every reason to believe will render to the State an outstanding job in giving to the next legislature a real progressive outline for governmental reorganization and efficiency.

I would hasten to say that I am not opposed to governmental reorganization. I realize that our State needs revamping and improvements, but I believe that we should discuss it at some other time than at a special session, and after we have had complete studies by learned men who are far better qualified than we as legislators in a very limited time are prepared to do.

We have had a House Amendment which, in my opinion, is not in the best interest of the State. I do not believe that we should in the waning hours of this special session enact such a piece of legislation as this is. I would, Mr. President, therefore move that Item 8-3, An Act to Promote Governmental Reorganization and Efficiency (S. P. 641) (L. D. 1812), and all of its accompanying papers be indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Knox, Senator Hoffses, now

moves that Bill, An Act to Promote Governmental Reorganization and Efficiency 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 the good Senator from Knox, Senator Hoffses, he suggests that the order that was passed earlier this week, in effect delegating to the Associated Industries of Maine, with the assistance, guidance and direction of the Research Committee, the authority to review State government proceedings, the mechanics and so forth, is the only solution to our problem.

I would like to remind the good Senator that last year an order was passed during the regular session appropriating \$25,000 and creating a Special Interim Legislative Committee to Investigate the Highway Commission, and to make recommendations to the next regular session. The intention of that order was to review in detail the workings of the Highway Commission, and that was done prior to the rejection by the voters of the 21.5 million dollar bond issue last fall.

At the time that I presented this order I was assured by the leadership that it would receive a great deal of support and in fact, of course, it was passed by both bodies. This order was concerned with only one State department, one agency of our State government, the Highway Commission. Now, the good Senator from Knox, Senator Hoffses, is suggesting that they are going to make a real genuine effort to review State government and come up with their own suggestions on governmental reorganization and government efficiency.

Let me tell you that this special committee that was formed, appointed by the Republican Leadership, met on two occasions, and to date has accomplished absolutely nothing. This is another area where, if the Majority Party were generally concerned in enacting or at least in suggesting and recommending governmental

reorganization, they could certainly have acted. But the bill before us, in its final emasculated form, represents at least a beginning in this area. It is a result or the product of the Citizens Committee on Governmental Reorganization, that bipartisan committee, that studied the problems of State government in great detail and at length, which held public hearings. It was a bipartisan effort, it was done not in a political year, not in an election year, yet, the Assistant Republican Leader is suggesting now that we should reject their recommendations because they are suggesting an alternative, and that is that this be referred to the Legislative Research Committee.

If the Republican Party is opposed to governmental reorganization then, of course, they should defeat this bill, they should defeat L. D. 1812. For those of you who will take the time to review this document, and compare it with the original bill that was introduced, you will find that many of the areas that were focused upon, many of the reforms that were suggested, have been deleted. As a matter of fact, in its present form it contains an amendment by the good Senator from Penobscot, Senator Tanous, which would, in effect, allow or permit—as a matter of fact direct—the Research Committee to play an active role in those areas.

I hope that the pending motion will be defeated so that the reorganization and the efficiency that the citizens of this State are clamoring for, which is reflected by their vote on these various referendums, can be acted upon, and we can at least begin to review our State government in depth with the hope that ultimately — although I am wondering at times if we can actually accomplish this — ultimately we will have retained or at least regained some of the control over our State departments which do not exist today.

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 the motion by Senator Hoffses of

Knox to Indefinitely Postpone the Bill in non-concurrence.

Resolve, to appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1310) (L. D. 1624).

Thereupon, this Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department (S. P. 581) (L. D. 1708).

This being an emergency measure and having received the affirmative votes of 30 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 Appropriating Funds to Combat the Drug Abuse (H. P. 1365) (L. D. 1714).

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.

Bond Issue

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

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

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Wyman of Washington,

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House appoint a Special Tax Committee from the membership of the Senate and House.

The Committee shall be composed of 7 members, 3 Senate members and 4 House members, of the 7 members the President of the Senate and the Speaker of the House shall serve as members and joint chairmen of the Special Tax Committee and shall appoint the remaining 5 members from among their membership as designated by this order. The Committee shall organize and meet on call of the Joint Chairmen and all members serve without compensation, but shall receive their actual expenses which shall be paid from the Legislative Appropriation.

The purpose of the Committee shall be to study and evaluate the present feasibility of our State Government Tax structure, including but not limited to taxes on wildlands, and shall include all taxes presently in force, further the Committee shall explore any other tax source potential or alternate tax plan; and be it further

ORDERED, that the Committee is authorized to employ such professional assistance and clerical assistance as they deem necessary and reasonable and the expense for same shall be paid from the Legislative appropriation; and be it further

ORDERED, that the duration of the Committee shall be from the date of formation and until the 105th Legislature shall convene in January of 1971; and be it further

ORDERED, that the Special Tax Committee shall complete its study and evaluation of the present State Government Tax structure and alternate tax plan or sources prior to the convening of the 105th Legislature and shall submit a detailed comprehensive report of its findings and recommendations to the people, the Governor and the 105th Legislature in January of 1971. Such report shall also contain recommendations for legislation believed necessary to correct any irregularities in the existing State tax source or structure, and be it further

ORDERED, that there is appropriated from the Legislative Appropriation to the Committee the

sum of \$5,000 to carry out the purposes of this Order. (S. P. 667).

Which was Read.

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

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

Papers From the House

Non-concurrent Matter

Bill, "An Act Appropriating Funds for Maine Historical Society." (H. P. 1319) (L. D. 1648)

In the Senate February 5, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-625) as Amended by Senate Amendment (S-444) There-to, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-625) as Amended by House Amendment "A" There-to, (H-710), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

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

February 6, 1970

Honorable Harry N. Starbranch
Secretary of the Senate

Sir:

The House today voted to Adhere to its action whereby it indefinitely postponed Bill "An Act on Tax Relief to the Elderly" (H. P. 1465) (L. D. 1839)

Respectfully,
(s) BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered placed on File.

Enactors

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

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

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

Emergency

An Act 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)

Thereupon, on motion by Mr. Berry of Cumberland, 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 "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.

Emergency

An Act Appropriating Moneys to Carry out Duties of the Legislative Research Committee. (H. P. 1316) (L. D. 1645)

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

The President laid before the Senate Joint Order, Senate Paper 667, tabled earlier in today's session, by Mr. Beliveau of Oxford.

Pending—Passage.

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

Mr. BELIVEAU of Oxford: Mr. President, I haven't received a copy of the Joint Order. Has it been reproduced and distributed?

The PRESIDENT: The Joint Order has been reproduced and distributed.

Mr. BELIVEAU: Mr. President, I would make a parliamentary inquiry as to whether or not the procedure being followed complies with Joint Rule 16, and whether or not it will be necessary to refer this document to the Appropriations Committee before action can be taken by this body.

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would rule, in answer to the inquiry posed by the Senator from Oxford, Senator Beliveau, that under Joint Rule 16 this Joint Order has not been referred to the Committee on Appropriations and Financial Affairs and should be referred to that committee before receiving Passage.

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, Mr. Wyman of Washington was granted leave to withdraw the Joint Order.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action of earlier in today's session 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, under suspension of the rules, sent down forthwith for concurrence.

On further motion by the same Senator, Senate Amendment "D" (S-436) was Indefinitely Postponed.

On subsequent motion by the same Senator, 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. Katz of Kennebec:

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

Pending — the motion by Mr. Hoffses of Knox, to Indefinitely Postpone the Bill in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President, there is presently an amendment on this thing that amends Section A. Might I inquire as to the filing number?

The PRESIDENT: Would the Senator state his question once again?

Mr. KATZ: Mr. President, it is my recollection that the Senator from Penobscot, Senator Tanous, has previously offered an amendment, a committee of conference amendment.

The PRESIDENT: The committee of conference amendment is Filing No. H-705.

Mr. KATZ: Mr. President, I would ask that, if the Senate is indeed going to take action of this, and strike any part of it down, that it strike the conference committee report down rather than kill the whole bill. I felt that there was pretty much unanimity of opinion as between both parties that this question of voter registration and Part C were meaningful approaches that didn't offend anybody. I would resist the motion to indefinitely postpone and, if this motion is withdrawn or defeated, perhaps then we might address ourselves to Conference Committee Amendment "A", under Filing No. H-705. I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, May I inquire as to the motion before this body.

The PRESIDENT: The pending motion before the body is the motion of the Senator from Knox, Senator Hoffses, that Bill, "An Act to Promote Governmental Reorganization and Efficiency," be indefinitely postponed in non-concurrence.

Mr. BERRY: Thank you, Mr. President. I would just like to take a very brief period to explain why Senator Hoffses's motion is an excellent one.

The bill is essentially in its original form. There has been

some verbiage changed and some commas moved around, and a few things, but A, B and C are still in there.

The first part, which is the amendment as a result of the committee of conference, and is essentially the same as Part A of the bill, sets up a group of people called secretaries: Secretary of Manpower, Secretary for Natural Resources, Secretary for Transportation, and a Secretary for Cultural Affairs.

The responsibilities under Section 5 lead one to conclude that we have here the blueprint for reorganization itself. The minds are made up in the group, the consolidation of the different departments is very well indicated.

It doesn't seem to me that this is going to do what is desired to be done, and that is a dispassionate study without any preconceived opinions. The other day in the debate on this I quarreled with Part B. Subsection 43, on the Boards of Registration of voters in the different towns wherein, the Senate will recall, the third member, according to this bill, shall be elected by the legislative body of the municipality from the major political party with the largest total enrollment in the municipality. This language would permit appointment of somebody who really doesn't represent the majority of the people in the town, it completely disregards the independent voter and, as I pointed out, there is at least one municipality, to my knowledge, where you have a larger enrolled voter registration in one party than you have in the other and yet the municipality always votes in the Minority Party direction.

Then Part C is historically something which many of us have found considerable trouble with, and that is the beginning of consolidating our various State credit groups under one head. I will grant that this set up, as proposed here, merely says that the authority shall share, co-ordinate, and so forth, said employees. I think that this is going to be a major step towards putting our credit of the State under one head. If you may

recall the debate in the Legislature when MRA was brought out, there was a substantial effort made to put MRA under and in MIBA. I think history has really shown how smart we were in not doing that. MRA has engaged in an entirely different realm of financing, and its directives indicated recreational areas for issuing State credit. This is an area in which there are no guidelines, and it is very difficult to say what sort of an operation can support how much credit. I would hope that the legislature would always resist in future legislatures the consolidation of MIBA with MRA.

Now, the Municipal Securities Approval Board, or the former MIRFAB operation, is an entirely different thing, because most of this is done at the local level using revenue bonds.

I don't like this wholesale attempt to defeat a bill, but I really honestly believe as we look at these three sections that each one of them has very serious faults.

The body has passed, as Senator Hoffses has indicated, an earlier order which will provide for a study. I agree with the critics who don't like the Associated Industries of Maine named. I don't think that is right, but I have supported the order. Accordingly, I would strongly encourage the voting of the members of the Senate in support of the motion of Senator Hoffses.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: We have passed an order, and it was opposed by some of the Minority Party, but the Republicans thought it was an excellent idea.

If we passed part of this bill, which would happen under the amendment that Senator Tanous of Penobscot has introduced, it could conflict and possibly, if we accepted the report of this study committee that is going to take place, it could mean that it would be changed over again. I don't think that anything is going to be changed or that we should change anything until we have a final look

at the report that we are going to come out with at the end of the year.

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 basically am just going to rise and ask that when the vote is taken it be by the "Yeas" and "Nays". I guess at this stage of the game no matter what anyone says it is going to be taken politically and, therefore, there is little object to say much of anything.

I just feel, as someone said that it was wholesale slaughter of a bill, that this one died a pretty painful one. As I said, it in one sense is not any great surprise, as far as I am concerned. I suppose when you start talking about any type of bill going through with the Governor's blessing, so to speak, on government reorganization, at this time in the special session, with an election coming up this fall, that realistically you may have to think that in the ultimate end it will be defeated.

I do feel that the order that was presented—and again I have no strong objections to it—but I think that when you start talking about Associated Industries and labor trying to organize government, I just question it. I think a lot of us are in business here or try to be but sometimes it is a different world here in Augusta, and when you start talking about human relations and dealing with people that some of the hardnose businessmen miss the point.

I don't really think that this is going to result in a great deal. I hope that it does, but I don't think that it is quite right to say you are going to kill this and you are going to have a whole new look and report for the next session of the legislature. Mr. President, I would request that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I must confess that on the committee of conference amendment I was delegated to have this prepared in working with the Attorney General's Office. I apparently neglected to report that Section 4 of the amendment should be left out. Things move so quickly here in the last few days that it is almost impossible to try to keep up with each amendment and read them thoroughly and try to determine whether you have what you want before you, before you get them printed. I must confess that Section 4 should not have been in this committee of conference report.

I feel sort of guilty that this thing is presented to you in this fashion, because it makes it difficult to vote on this issue impartially in view of the fact that a section in there was not intended to be in there. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: If, as the good Senator from Penobscot says, Section 4 should not be in this measure, I question whether we should pass this matter at all and perhaps should kill the whole measure.

What disturbs me was this conference committee report as a whole. Now, perhaps I shouldn't say proponents, but at least the committee, have offered a section here which they feel is not in keeping and should not be here, therefore, I cannot in good conscience consider the measure in any other light than that we should completely dispose of the thing. And as I mentioned before, I am not opposed to governmental reorganization, but do we need to do it at this time?

As I also mentioned before, we have this committee set up. It looks like a duplication of effort here somewhere along the line, and I question the good judgment of passing a measure which seems to have so much confusion attached thereto.

The PRESIDENT: The pending question before the Senate is the

motion of the Senator from Knox, Senator Hoffses, to indefinitely postpone the bill in non-concurrence. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I shall vote against the motion to indefinitely postpone. It was my understanding last week that there was pretty broad agreement within our ranks that we would strip out Part A and vote for Part B and C. If the motion to indefinitely postpone does not prevail, then I would hope we would reconsider the offensive amendment which re-established Part A.

The PRESIDENT: The Chair will state the question once more. The pending motion before the Senate is the motion of the Senator from Knox, Senator Hoffses, that Bill, "An Act to Promote Governmental Reorganization and Efficiency" (S. P. 641) (L. D. 1812), be indefinitely postponed. A "Yes" vote will be in favor of indefinitely postponing the bill; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Hanson, Hoffses, Holman, Logan, Moore, Peabody, Quinn, Stuart, Tanous and Wyman.

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

ABSENT: Senators Greeley and Levine.

A roll call was had. Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

Mr. Katz of Kennebec then moved that, under suspension of the rules, the Senate reconsider its 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, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, a point of inquiry: As the bill now stands is the amendment in the bill, the House Amendment?

The PRESIDENT: That is correct.

Mr. VIOLETTE: So, House Amendment "A" is part of the bill?

The PRESIDENT: Conference Committee "A" has been adopted in both branches. It is part of the Bill.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't mind denying that I am thoroughly confused as to the procedures on this bill right now. My intention, when I voted "Yes" on this particular matter, was in hopes of perhaps getting another committee of conference on this to straighten out the part in the bill which should perhaps not have been here. I don't know precisely exactly which way to vote on the pending motion to attempt to accomplish what I want. I wish that somebody would explain it to me.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In order to get a committee of conference you have to reconsider your action whereby the bill was passed to be engrossed. The pending question is the enactment of this bill, isn't it, Mr. President?

The PRESIDENT: The Senator is correct. The pending question is the enactment of the bill.

Mr. KATZ: Mr. President, I suspect then, under the circumstances, as I noticed the very, very sparse rising for the reconsideration motion, and I noticed that the Minority Party were remaining firmly seated, then I imagine the best thing now for those of us who want to strip the bill down, I guess, would be to vote against enactment, and send it down in non-concurrence. With a heavy heart, I would ask those who favor this point of view to vote against enactment at this time.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, to suspend the rules in order to reconsider our action whereby the bill was passed to be engrossed.

Mr. KATZ: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator withdraws his motion.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would just like to inform the Majority Floor Leader that I will go along with the motion to reconsider. I don't know what the other Democrats will do here, but I am just interested to see what actually might be passed, if anything, and I will go along with that. If the pending motion is enactment then I would ask for a roll call on it, But I would go along with a reconsideration motion.

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

Mr. KATZ of Kennebec: Mr. President, on that basis, I will reinstate my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that under suspension of the rules the Senate reconsider its action whereby Bill, "An Act to Promote Governmental Reorganization and Efficiency", was passed to be engrossed. A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I will very happily go along

with our fearless leader, that we reconsider this matter so that it will be given further consideration.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that the Senate suspend the rules for the purpose of reconsidering its action whereby this bill was passed to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, on motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby Conference Committee Amendment "A" (H-705) was Adopted.

On further motion by the same Senator, Conference Committee Amendment "A" (H-705) was Indefinitely Postponed in non-concurrence and the Bill 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. Katz of Kennebec:

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

Pending — the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby the Senate Insisted and Joined in a Committee of Conference.

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

The PRESIDENT: The Chair, in examining the debate and records of this bill in this body, is using the prerogatives of the Chair and is changing the Committee of Conference to:

Senators:

TANOUS of Penobscot
 VIOLETTE of Aroostook
 CONLEY of Cumberland

(Off Record Remarks)

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

**Committee Report
 House**

Ought to Pass as Amended

The Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (Emergency) (H. P. 1412) (L. D. 1779).

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (L. D. 1846).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (L. D. 1846) as Amended by House Amendments "B" (H-709) and "C" (H-714) thereto and House Amendment "B" (H-711).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" (L. D. 1846), was Read and House Amendment "B" (H-709), to Committee Amendment "A" was Read.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, a point of inquiry: What are the Filing Numbers of House Amendment "B" and "C"?

The PRESIDENT: The Filing No. of House Amendment "B" to Committee Amendment "A" is H-709. House Amendment "C" to Committee Amendment "A" is H-714.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We have House Amendment No. 709 to Committee Amendment "A", or House Amendment "B" to Committee Amendment "A", which removes a feature put in the omnibus bill to correct an error in a bill that has been passed and enacted dealing with the requirement for getting permits from the State for dredging and filling of great ponds and tributaries thereto, and which was an attempt to regulate the issuance of licenses where developers are creating bodies of

water adjacent to great ponds and don't have to get permits to do it because of the technicality. The bill was passed, as I say, enacted, and signed by the Governor and became law. It was found out that in the bill, by error, was put the words that this was on state land. This was not what was intended; it was intended to apply everywhere.

This had a full hearing, it was thoroughly discussed, and it was an attempt to create this wasting of our landscape. The purport of House Amendment 709, House Amendment "B" to Committee Amendment "A", is to negate this provision which was put in the omnibus bill to correct it and, consequently, I would move the indefinite postponement of House Amendment "B" to Committee Amendment "A" in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that House Amendment "B" to Committee Amendment "A" be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

House Amendment "C" (H-714), to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "C" thereto, was Adopted in non-concurrence.

House Amendment "B" (H-711), was Read and Adopted in concurrence.

The PRESIDENT: The Senate will be at Ease.

(Senate at Ease)

Called to order by the President.

On motion by Mr. Katz of Kennebec, the Senate then voted to reconsider its action whereby it Adopted Committee Amendment "A" as Amended by House Amendment "C" thereto in non-concurrence.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Indefinitely Postponed House Amendment "B" to Committee Amendment "A".

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would hope that the Senate would adopt the action of the House in concurrence without any further amending. This is a lengthy complicated bill. It may very well be that any one specific amendment is not completely to your liking — they are not all that good or all that bad — but they have had a substantial amount of debate and I hope you would go along in concurrence on this bill to advance our adjournment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: That is about the most specious argument I have heard here this session. We have plenty of time to debate these things, and just to say that because a bill is in the engrossed stage and if we defeat an amendment on a time angle alone — this is a pretty poor argument. The defeat of this amendment, as this Senate acted, will put on the law books of the State an L. D. which this legislature passed, and it is a technicality that it didn't. I don't see the argument that it is poor legislation to correct an error of this magnitude. I would hope that this body would defeat House Amendment "B" (H-709) to Committee Amendment "A" (L. D. 1846).

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I certainly would agree with the comments that we just heard from Senator Berry of Cumberland. This amendment deals with a bill that has to do with environmental improvement, no matter how you look at it. I know that during the regular session we worked very hard in this area. I certainly hope that the members are consistent in putting forward a good strong bill to protect our environment.

The PRESIDENT: The pending question before the Senate is the adoption of House Amendment "B" to Committee Amendment "A". As many Senators as are in favor of

the Adoption of House Amendment "B" (H-709) to Committee Amendment "A" (L. D. 1846) will say "Yes"; those opposed, "No".

A viva voce vote having been taken and the Chair, being in doubt, ordered a division. Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

House Amendment "B" (H-709) was then Indefinitely Postponed in non-concurrence.

Committee Amendment "A" (L. D. 1846), as Amendment by House Amendment "C" (H-714) thereto, was Adopted in non-concurrence.

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

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

On motion by Mr. Katz of Kennebec, a division was had. Four Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion did not prevail.

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. Berry of Cumberland, the Senate voted to take from the table: 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)

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

Senate Amendment "E", Filing No. S-454, was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move the indefinite postponement of Senate Amendment "E" and I request a division.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that Senate Amendment "E" be indefinitely postponed and requests a division.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: In looking over Senate Amendment "E", I can realize the importance of this document; it concerns our State Museum. In checking downstairs with the personnel that are involved, I understand a considerable length of time is necessary to prepare a display, and this would fund the museum in order to give them the money that they need to set up this display. It takes a considerable length of time, and I understand that by the time that the building is ready they would just about have ample time to prepare one display. This is what this document will do. I am all for it, and I would oppose the motion by Senator Violette of Aroostook.

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

Mr. KATZ of Kennebec: Mr. President, this is a worthwhile amendment. I am very familiar with it as this is the fourth time that I have seen it within the last few weeks. It is the fifth time, because it didn't quite make it into the pre-legislative leadership meeting, and I approve of the motives. The first time that it went down to the other body it lost 135-0. The second time it picked up some additional support. We are in non-concurrence with the other body now on this. I would request a division, and I shall vote for the motion to indefinitely postpone with great reluctance.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that Senate Amendment "E" (S-454) be indefinitely postponed. A division has been requested. As many Senators as are in favor of the indefinite postponement of Senate

Amendment "E" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The Bill, as amended was Passed to be Engrossed in concurrence.

Thereupon, this being an emergency measure and having received the affirmative votes of 30 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.

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

**Paper From the House
Joint Order**

ORDERED, the Senate concurring, that each officer, board, commission or department of State Government shall make such studies as the Legislative Research Committee Directs pursuant to Maine Revised Statutes Annotated, Title 3, section 163, subsections 9 and 10. (H. P. 1475)

Comes from the House Read and Passed.

Which was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, does anyone have the title, chapter and section numbers which this refers to?

The PRESIDENT: Title 3, Section 163, Subsections 9 and 10.

Mr. VIOLETTE: I would just like to know what they are. Does anybody know what they are voting on? I would just like to know what I am voting on as a Senator. I wish somebody would produce the appropriate statutory section so we can know what it is.

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

Mr. KATZ of Kennebec: Mr. President, I move that this be tabled until later in today's session, pending Passage.

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

Mr. VIOLETTE of Aroostook: Mr. President, we might possibly be voting ourselves out of office here —

The PRESIDENT: The Senator is out of order; a tabling motion is not debatable.

Thereupon, the Joint Order was tabled until later in today's session, pending Passage.

Joint Order

Out of Order and under suspension of the rules, on motion by Mr. Wyman of Washington,

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House appoint a Special Tax Committee from the membership of the Senate and House.

The Committee shall be composed of 7 members, 3 Senate members and 4 House members, of the 7 members the President of the Senate and the Speaker of the House shall serve as members and joint chairmen of the Special Tax Committee and shall appoint the remaining 5 members from among their membership as designated by this order. The Committee shall organize and meet on call of the Joint Chairmen and all members serve without compensation, but shall receive their actual expenses which shall be paid from the Legislative Appropriation.

The purpose of the Committee shall be to study and evaluate the present feasibility of our State Government Tax structure, including but not limited to taxes on wildlands, and shall include all taxes presently in force, further the Committee shall explore any other tax source potential or alternate tax plan; and be it further

ORDERED, that the Committee is authorized to employ such professional assistance and clerical assistance as they deem necessary and reasonable and the expense for same shall be paid from the

Legislative appropriation; and be it further

ORDERED, that the duration of the Committee shall be from the date of formation and until the 105th Legislature shall convene in January of 1971; and be it further

ORDERED, that the Special Tax Committee shall complete its study and evaluation of the present State Government Tax structure and alternate tax plan or sources prior to the convening of the 105th Legislature and shall submit a detailed comprehensive report of its findings and recommendations to the people, the Governor and the 105th Legislature in January of 1971. Such report shall also contain recommendations for legislation believed necessary to correct any irregularities in the existing State tax source or structure, and be it further

ORDERED, that there is appropriated from the Legislative Appropriation to the Committee the sum of \$5,000 to carry out the purposes of this Order. (S. P. 667).

Which was Read.

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

Mr. BELIVEAU of Oxford: Mr. President, I suspect that this is the same order without the money clause on it, is that true? We don't have it before us so again, to repeat what Senator Violette said a minute ago, we have been voting blindly here, which we have been accused of occasionally. Before we act on this maybe Senator Wyman or someone could explain to us exactly what it does.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I will apologize; it was not reproduced this morning, and I was under the assumption it had been. I thought it had been now, but if it hasn't been reproduced then I would table it. If it hasn't been reproduced —

The PRESIDENT: The Senator is out of order on a tabling motion.

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.

Order

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

ORDERED, that the desk, chair and equipment in the office of the President of the Senate, together with the remainder of such supplies as were required to carry out the duties of the office, be presented to the President of the Senate and delivered to his address.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President, I wish that this was possible without you up on the podium, but I would like to say that it looks like we are in the last week or two of our session and it is highly unlikely that we will be convening again in special session. Perhaps in some small measure — you will notice that the order makes no mention of the capitol dome — in small measure I think that this order reflects the respect of the Senate for the work that the President has done in a fair, effective, and impartial manner. If this does indeed reflect this respect, the order will have accomplished its purpose.

The PRESIDENT: Is the Senate ready for the question? Is it the pleasure of the Senate that this order receive passage?

Thereupon, the order received Passage.

Order

Out of order and under suspension of the rules, on motion by Mr. Beliveau of Oxford,

ORDERED, that the majority party and the minority party be permitted to use, after the adjournment of the special session, the senate offices respectively assigned to such parties and telephone service shall be supplied to such offices.

Which was Read.

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

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

Communication
State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine
February 6, 1970

Honorable Harry N. Starbranch
Secretary of the Senate
Sir:

The House today voted to Adhere to its action whereby it indefinitely postponed Bill "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 661) (L. D. 1843)

Respectfully,
(s) BERTHA W. JOHNSON
Clerk of the House

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I will move that this be placed in the files, and speak very briefly on the matter.

The defeat of the moratorium bill, which is indicated here, does not remove the seriousness of the situation which has been covered in the debate. It would be my hope, and I am sure the hope of the people of the State, that the Research Committee continue its efforts in this field, that the Environmental Task Force continue its efforts in this field, and that the Governor of the State of Maine call the Legislature into special session, when and if the need develops, for preventive legislation in this field to permit the installation and construction of a petroleum refinery with due regard for the environment of our State for many years to come.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Communication was ordered Placed on File.

On motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(After Recess)

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

Communication
State of Maine
Senate Chamber
Augusta, Maine

February 6, 1970

To: The President of the Senate and the Speaker of the House of Representatives

Re: Committee Report, Joint Committee on study of Preservation of Building at the University of Maine, Portland.

Your committee pursuant to joint order, S. P. 423, studied the advisability and feasibility of preserving the former barn structure on the University of Maine, Portland campus.

Your committee found that said barn was a product of the architectural skill of Alexander Parris, architect of Boston's Faneuil Hall, was some 165 years old and believed by prominent architects and historical preservation groups eminently qualified for perservation either on its original site or by movement to a new location.

At the urging of your committee and interested citizen groups, an application was filed with the National Park Services for inclusion in the National Register of Historic Places. By virtue of this request made through the State Park and Recreation Department, Advisory Committee on Historic Sites, ultimate success was achieved in securing the recognition by the National Park Service which this edifice so obviously deserved.

Your committee urged that the Board of Trustees of the University of Maine forego any drastic action relative to this building pending the consideration of the National Park Service. A meeting of a subcommittee of the Board of Trustees was held, in which this delay was requested by the committee and many interested citizens and groups. Nonetheless, the Board of Trustees desired that

said building should be demolished and so notified your committee.

Your committee persisted in its request for a delay, pointing to the fact that citizens were interested in moving the building and the fact that your committee had earlier in the summer had a prominent building mover survey the possibility of moving and was advised that this could be done with relative ease without injury to any other structures. Such a moving coupled with an indication as to the original site would meet the goals of those interested in preserving our rapidly diminishing historical architectural heritage. Said building was included in the National Register of Historical Places on August 13, 1969.

Nevertheless, the said building was demolished on August 29, 1969 and the remains have now been properly covered with a layer of earth and grass.

Signed:

Ronald L. Kellam
Richard N. Berry
Gerard P. Conley
Gordon A. Richardson
Percy G. Porter
(S. P. 669)

Which was Read and ordered Placed on File.

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

Papers From the House Non-concurrent Matter

Bill, "An Act to Pay for Fifty Per Cent of Health Insurance Plans for State Employees Beginning July 1, 1970." (H. P. 1306) (L. D. 1620).

In the Senate February 6, 1970, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-712) in non-concurrence.

On motion by Mr. Sewall of Penobscot, the Senate, voted to Recede and Concur.

Enactor

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

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine. (S. P. 603) (L. D. 1778)

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I voted against this in committee. When we started considering the bond issue I had hoped that we could settle on three, four, or even five major buildings and come out with a bond issue for five, seven, or eight million dollars, but it didn't work out that way. So, I voted against it for the reason of the size and the fact that the people had just turned it down.

Also, I think the best reason is that here in my hand is the statement of the office of the Treasurer dated December 31, 1969. It gives our bonded indebtedness as \$135,000,000 outstanding, and \$122,000,000 more authorized but unissued, which makes it \$257,000,000. On top of that we have a potential liability of \$123,000,000 which are bonds that may have to be sold for the Industrial Building Authority, student loans, the School Building Authority and Recreational Authority. On top of that we still have a \$25,000,000 debt of an anticipation loan which comes due next month.

We have about \$256,000,000 or \$257,000,000 sure of debt, and up to over \$400,000,000 of possible debt. I can't see that it makes sense to build this up much higher. \$250,000,000 or \$260,000,000, divided over a twenty - year period, means that you are going to be retiring thirteen, fourteen, or fifteen million dollars a year, plus the interest on that, and it is, I think, a terrific debt. I will oppose this bond issue, and I shall vote against it today.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am going to vote against this bond issue. I know it isn't a popular thing to do, but I have

been going over the figures of the bonded indebtedness of the State, the same as Senator Dunn from Oxford has, and with the bond issues that are already passed and issued, and those that are being sent out from this Legislature, it will bring us up to about an indebtedness, if all of these should pass the people, of \$440,000,000. That is what the State would be indebted for.

Of course, I suppose we are standing here saying, "Well let the people take care of it; the voters will turn them down." But if they don't turn them down, we have certainly put the State of Maine in a great spot.

I feel justified in voting against this bill when the Governor vetoed the bill the other day to allow the trustees to set their own tuition rates for out - of - state students coming in here. When they take a non - resident student at any of our State colleges, except for the University proper, we are asking the taxpayers to pick up approximately \$1,800 of the cost. We don't seem to pay much attention to that, but at the same time we are saying, "Oh, we can't give any more school subsidies to the towns; we can't help them." But yet we can pay \$1,800 for each out - of - state student to come in here. That seems to be quite all right. And we are letting our resident students go in for \$100. There are plenty of work programs from the federal government to help these kids in college, but the money is sent back because the children don't have to work. They can go there for nothing and they can earn enough money in a couple of months in the summer to give them their spending money.

Now, I know that this is going to pass. I guess probably two of us will vote against this bond issue, but the thing that upsets me on this bond issue tremendously, and I think it will the voters, when they see \$4,000,000 for physical education plants, and they can't pay for their own schoolhouses in their own towns because it is breaking their back, but maybe they will accept it.

We increased our budget here by approximately \$90,000,000 in the

regular session, which is exactly three times as much as our budget was ever increased in a biennium before by any legislature. I think probably the 104th Legislature will be listed in history as the last of the big spenders.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Bond Authorization Act and having received the affirmative votes of 25 members of the Senate, with 5 Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Ordered, that the majority party and the minority party be permitted to use, after the adjournment of the special session, the senate offices respectively assigned to such parties and telephone service shall be supplied to such offices.

Pending—Passage.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee to study Women's Correctional Center at Skowhegan (H. P. 1457).

Tabled—February 2, 1970 by Senator Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order received Passage in concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee study of Environmental Improvement Commission. (H. P. 1460)

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

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order received Passage in concurrence.

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

Mr. KATZ of Kennebec: Mr. President, may I approach the rostrum?

The PRESIDENT: The Senate will be at Ease.

(Senate at Ease)

Called to order by the President. On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee Study of Uniform Fiscal Year (H. P. 1472).

Tabled—February 5, 1970 by Senator Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order received Passage in concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee study of Logs and Pulpwood in Rivers and Streams (H. P. 1470).

Tabled—February 5, 1970 by Senator Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order received Passage in concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER (H. P. 1473).

Tabled—earlier in today's session by Mr. Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order was Indefinitely Postponed 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 Special Legislative Research Table: Joint Order 666.

Tabled—earlier in today's session by Mr. Katz of Kennebec.

Pending—Passage.

The same Senator then moved that the Joint Order be Indefinitely Postponed.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: This particular Joint Order, to me, appeared to be very, very feasible, very practical, and very timely and, in my estimation, is a very, very important document which I believe should be referred to Legislative Research.

For the benefit of the members of the Senate who did not receive a copy of Senate Paper 666, I would like to read it into the record: "The House concerning, that the State Department of Education is directed to study, under the supervision of the Legislative Research Committee, the aims, purposes and general activities of the State Principals' Association; and be it further

ORDERED, that the State Department of Education is directed to report, subject to the approval of the Legislative Research Committee, its findings and recommendations to the 105th Legislature."

As many of you are aware there was a public hearing held in reference to this particular matter here on the State Principals' Association and another adjoining matter. It would stimulate a great deal of interest, and I believe really that this is in the best interest of the people of the State of Maine. It will definitely spell out clearly the activities of the State Principals' Association, where they stand. It will definitely clarify a lot of matters that have been left unsaid or undone for quite a few years.

I sincerely hope that I could get the Senate's approval in passing this particular Joint Order and having it referred to the other body, and I would request a division, Mr. President, on this particular Joint Order.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The State Principals' Association has been engaged in the middle of controversy. Presently there is a joint committee of the state superintendents and the state school boards who are reviewing the entire activity of the State Principals' Association, and it is my understanding that they will make a report to the State Board of Education.

The Legislature is not immediately involved in this. If the State Board of Education feels that there are improprieties, or need for legislative involvement, I am confident that they will present their findings to the 105th Legislature. Although I sympathize with the aims of the order, these were the reasons for my moving indefinite postponement at this time.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Very briefly, the aims are very, very clear and the purpose is very clear. As long as we are to provide subsidies to the municipalities and towns throughout the State of Maine, and as long as the State Principals' Association is going to conduct the activities insofar as sports are concerned, I feel that it is very, very important that there is rapport between both organizations to understand how they are using these particular funds, and that this should possibly set a precedent as to what they might do in the future. This is by no means a method of debilitating any organization, but just to clarify the entire matter.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Joint Order, Relative to the Department of Education and the Legislative Research Committee study of the State Principals' Association, 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 this Joint Order be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Joint Order received Passage.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee study of Recreation and Camping Business (H. P. 1463).

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

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order was Indefinitely Postponed 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 Special Legislative Research Table: JOINT ORDER — Relative to Legislative Research Committee study of desired Consumer Credit Code (S. P. 659).

Tabled—February 4, 1970 by Senator Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order was Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to Highway Department Legislative Research Committee study of Road Salts (S. P. 656).

Tabled—February 4, 1970 by Senator Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order was Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: Joint Order (H. P. 1474).

Tabled—earlier in today's session by Mr. Katz of Kennebec.

Pending—Passage.

On subsequent motion by the same Senator, the Joint Order was Indefinitely Postponed 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 Senate Paper tabled earlier in today's session by that Senator:

Ordered, that the majority party and the minority party be permitted to use, after the adjournment of the special session, the senate offices respectively assigned to such parties and telephone service shall be supplied to such offices.

Pending—Passage.

On subsequent motion by the same Senator, the Order received Passage.

The President laid before the Senate: Joint Order Senate Paper 667, tabled earlier in today's session, by Mr. Katz of Kennebec:

Pending—Passage.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I understand that the present order is the one that was just distributed to us. Apparently it differs from the original order in that it does not contain a specific appropriation. I do note that there is language in here that authorizes the committee to employ such professional assistance, clerical assistance, as they deem necessary and reasonable, and expense for the same shall be paid from the Legislative Appropriation. Are we referring to Senate Paper 667?

The PRESIDENT: The Senator is correct.

Mr. BELIVEAU: Mr. President, I note that in both of these that are before us, Mr. President, both carry an appropriation. Would someone explain to me the distinction between the two, if there is any?

The PRESIDENT: The Chair would answer the Senator to his previous inquiry concerning Joint Rule 16, that, upon competent legal advice that the Chair has sought, the second order allocates money from money that has already been appropriated. It is an allocation, and not an appropriation of new money and, therefore, does not have to be referred to the Committee on Appropriations and Financial Affairs. That answers the Senator's inquiry of earlier in today's session.

Mr. BELIVEAU: Mr. President, as I understand it, that distinction is not included in Joint Rule 16. It does not make the distinction the Chair refers to.

The PRESIDENT: Is the Senator referring to the first paragraph of Joint Rule 16?

Mr. BELIVEAU: The first paragraph and the third paragraph. Particularly in the third paragraph, I note, it says every bill, resolve or order involving an appropriation or expenditure of money. It makes no such distinction as the Chair suggests.

The PRESIDENT: The Chair would rule that the Senator is correct insofar as paragraph three of Joint Rule 16 is concerned. Since this Joint Order does involve the expenditure of money, even though it is allocation of monies from previous appropriations, that it should be referred to the Committee on Appropriations and Financial Affairs for examination and recording before it is engrossed.

Thereupon, on motion by Mr. Katz of Kennebec, the Joint Order was referred to the Committee on Appropriations and Financial Affairs for Examination and Recording prior to Passage.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table: JOINT ORDER — Relative to State Housing Authority Legisla-

tive Research Committee study of Municipal Building Codes and Subdivision Regulations (S. P. 664).

Tabled—February 5, 1970 by Senator Katz of Kennebec.

Pending—Passage.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This refers to a study that is presently being undertaken, and it provides only for the involvement of Legislative Research. I move its Passage.

Thereupon, the Joint Order received Passage.

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

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

Mr. KATZ of Kennebec: Mr. President, might I inquire are there any other pending Legislative Research Reports which I do not have?

The PRESIDENT: The Chair would answer in the negative.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act Appropriating Funds for Grants for the Maine School Building Authority, (H. P. 1313) (L. D. 1642).

On subsequent motion by the same Senator, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. DUNN of Oxford: Mr. President, does the Senate have in its possession the order which we passed a few minutes ago relative to the offices to be used in the interim?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. DUNN: Mr. President that bothers me quite a bit. It seems to me poor policy—

The PRESIDENT: The Chair would inform the Senator that if

he has a motion to make that he should make the motion or ask unanimous consent to address the Senate.

Mr. DUNN: Mr. President, I would move that we reconsider our action whereby this received passage.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate reconsider its action whereby we passed the Senate Order dealing with office space. Is this the pleasure of the Senate. The motion prevailed.

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

Mr. DUNN of Oxford: Mr. President, it seems to me that it is poor policy to start anything like this. I disagree wholeheartedly with the use of these offices in between sessions. I will move indefinite postponement of the order and ask for a division.

The PRESIDENT: The Senator from Oxford, Senator Dunn moves that this Senate Order be indefinitely postponed and requests a division.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I would part company with the Senator from Oxford, Senator Dunn, in this matter. I believe firmly that the prerogatives of this legislature in general, and the Senate in particular, should be expanded. Between sessions, I happen to be on the Research Committee, so I have a home up here, I have a place to go, a place I can sit down and work. But for those that are not, they have no place to go, no place to keep anything, no place to talk anything over with anybody, no place to sit down and read. I can't see any abuse that could arise from this. I can't see any expense that could arise from it. I think it is a pretty good idea, as a matter of fact. Thank you, Mr. President.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I concur wholeheartedly with the good Senator from Oxford,

Senator Dunn. I don't think that this is a prerogative of this legislature. When the good Senator from York says that he doesn't have a home up here, doesn't have any office, all during the regular session and this special session there are about thirty of us that don't have any home or office here either. I am opposed to this order and I support the motion by the good Senator from Oxford, Senator Dunn.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Bellevue.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The arguments that have been advanced in opposition to this, to me, are just so illogical. For those of you who are active and who have occasion to come down here during the interim between the regular session and special session, and so forth, have had to deal with department heads on matters involving your constituents. If you have a sympathetic department head, he may let you use his office or his phone, or if you have to be down here when the Clerk of the House, or the President of the Senate or somebody is here, you may have access to an office. The difficulty is that how can they expect us to deal with these department heads and these bureaucrats if we don't have the facilities in which to do so?

By far the biggest weakness, the greatest shortcoming of the legislative process, as it applies to elected officials is that we are not on a par with the bureaucrats, the department heads. We must necessarily depend upon them to use their resources when we are down here.

The chief complaint by various reports that we receive is that the legislature meets fourteen per cent of the time, yet we are expected to pass on a budget of several hundreds of millions in the interim and that as soon as we go home our association with the department heads in State government should cease. Now, we know that isn't the case. I think that if we

are going to properly serve our constituents that we should be given the opportunity to have at least an office available to us. The offices are there, they are vacant, and they are not being used. I fail to see where the danger is. And then, as far as the telephone is concerned, we ask only that the members of the Senate—now this order is limited to the Senate—be extended the same rights that any state employee has, that is of access to a phone. I don't believe that it is going to be abused. I think it is our prerogative. I agree in part with the good Senator from Aroostook, Senator Barnes, that we don't have office space when we are here, and that isn't right.

As a matter of fact, I understand that the Research Committee is looking into the area of office space to see whether or not in the future this can be corrected. I fail to see where this order is going to establish a bad precedent or it is going to be abused; it is only to permit us to use the vacant office space when we are in town, that is all. We don't ask for staff, we don't ask for researchers. Unless you are involved with the Research Committee, or have your own office space here in Augusta, when a member of the legislature is in town to do business, to do work with the department heads or his constituents, or to meet with constituents or anyone, you must necessarily depend upon a bureaucrat.

I hope that the Senate will reject the pending motion so that we can make at least this small step forward to giving us the services that we are all entitled to.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps, living in Augusta, I have a special prerogative. I must admit that I feel like about a third-class citizen a good deal of the time in my relations with other state departments. I understand that something fantastic happened this session and I know you share in the triumph at the moment. It is now possible for the President of the Senate to have access to telephone service on the

equal basis as other department heads, including the Director of Veteran Affairs, among others. He now has a telephone that gives him the same prerogative as other department heads. Gradually, we are establishing ourselves as equal partners.

I think that there is a fear here because the proponent is Chairman of the Democratic State Committee that this will be Democratic State Headquarters. I don't feel that there is any basis for this. If there are going to be abuses there will abuses anyway, and I have confidence in every member of this chamber that they are people of integrity and they will use the telephone and facilities properly, and will not abuse them.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, I have two questions I would like to ask somebody. I have never seen the order. Whether I have lost it or not, or whether it was ever reproduced or not, I don't know. But as I understand from the Senator from Oxford, Senator Beliveau, that it is entirely and only for the Senators. Are we each going to have a key to the office, are we going to have a secretary in there, or how are we going to get into this office? Everytime I come down here your office is locked. Are you going to leave your office unlocked? I would like to have an answer.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Senate Order dealing with the majority and minority party being permitted to use the Senate offices respectively assigned to each party be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the order will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Order received Passage.

The PRESIDENT: I have a hunch that by about 1:30 this morning I am going to be very tired and I will have no remarks to make.

In the closing days of the regular session the Senate presented me with a very beautiful watch, and Bud Reed, without any warning, was asked to come up and make the presentation. I wanted you to know that after the watch had quit, and a very expensive watch, I found out later, too, after the watch quit a week after it was presented to me the Senator from Kennebec, Senator Katz, very obligingly provided me with a completely new movement and it has only gained four seconds in the last seven months. I would like to properly thank the Senate for that very generous gift.

I would also like to thank the Senate for the privilege of having served as your President during the last regular and this Special Session. It has been an honor that I never expected to achieve and one that I have enjoyed very much. I have made my mistakes. I have lost my temper, you people have lost your temper with me, but on the whole I think we have had a fairly harmonious relationship.

Before I close I would like to point out to the Senate one gentleman who I believe has been, to me, the best man to work with with the exception, of course, of my own Ben Katz, of any man that I have worked with in politics or outside since I have become an adult. I understand this gentleman may not remain in politics. I don't think that he has enjoyed politics from the partisan sense, and I know members of his own party have accused him of not being partisan enough. I also have had the same accusation made to me, and maybe this is so, but I think this fellow likes politics primarily, not for the

partisan give and take or the blood-letting, but for the good he can do for the people he represents and the people of this State. I think Bud Reed is one of the finest gentlemen I have ever met.

(Applause — the members rising)

On motion by Mr. Hoffses of Knox,

Recessed until 10:15 this evening.

(After Recess)

Called to order by the President.

The PRESIDENT: There being no business before the Senate, because the engrossing has not been done on the bills between the two bodies, when the Senator from Knox, Senator Hoffses, makes a motion to recess it will be until the sound of the bell, which I hope will be for a very short time. During that period I hope you will go up to the other branch, and also do some telephoning, and find out whether it will be 2:00 o'clock or 3:00 o'clock in the morning when we actually will get some business before us.

We should have adjourned at 5:00 or 5:15 until Monday morning to allow a chance for these complicated bills to be engrossed so we could consider them. We could not adjourn until Monday without joint agreement between the two branches. That is why we are here at 10:25 this Friday evening, and we will be waiting here for some hours, the way it looks right now.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

The PRESIDENT: Earlier in today's session a joint order was referred to the Committee on Appropriations and Financial Affairs for recording and examination. The Secretary will read the report.

The SECRETARY: "Recorded and endorsed by the Committee on Appropriations and Financial Affairs. Joseph Sewall, Chairman"

The PRESIDENT: The paper is Senate Paper 667. Is it now the pleasure of the Senate that this Joint Order receive passage?

Thereupon, Joint Order, Senate Paper 667, received Passage.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

The PRESIDENT: The Chair wishes to apologize to the Senate. An agreement had been made that if at 6:00 o'clock this evening it was apparent that we could not conclude our business by 9:00 P.M. tonight that we would adjourn until Monday morning when we could do it in an orderly fashion. It is very obvious now that it is going to be after 1:00 A.M. before we can get the papers before us for final disposition, and I believe this is too much to ask from the members of the Senate and the staff.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.