

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 11, 1971

Senate called to order by the President.

Prayer by the Rev. Douglas M. Morrill of Augusta.

Reading of the Journal of yesterday.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers**Appropriations and Financial Affairs**

Mr. MacLeod of Penobscot presented, Bill, "An Act Providing Funds for Environmental Growth Chambers for University of Maine at Orono." (S. P. 255) (L. D. 762)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

County Government

Mr. Peabody of Aroostook presented, Bill, "An Act Relating to Procedure to Establish County Budgets by County Commissioners." (S. P. 247) (L. D. 755)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

Education

Mr. Chick of Kennebec presented, Bill, "An Act Relating to Representation of Boards of School Directors." (S. P. 249) (L. D. 756)

Mr. Johnson of Somerset presented, Bill, "An Act Providing Funds for Operation of Kennebec Valley Vocational-Technical Institute." (S. P. 250) (L. D. 757)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating

to Oral Settlements or Releases from Injured Persons Confined to Hospitals." (S. P. 251) (L. D. 758)

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759)

Mr. Peabody of Aroostook presented, Bill, "An Act Repealing the Law Relating to State Licenses for Those Discriminating on Account of Race or Religion." (S. P. 253) (L. D. 760)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity from Public Utilities Commission." (S. P. 254) (L. D. 761)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Schulten of Sagadahoc,

ORDERED, the House concurring, that the Chief Committee Clerk of the Legislature be authorized to employ 4 student interns to assist the Joint Standing Committees on research projects during its regular session; and be it further

ORDERED, that such interns shall be compensated at the rate of \$20 per day and shall be allowed the same travel expenses as a Representative to the Legislature; and be it further

ORDERED, that the Legislative Finance Officer, on lists submitted to him by the Chief Committee Clerk, is authorized and directed to certify vouchers as to compensation and travel expenses of said interns submitted to him in conformance with this Order to the State Controller, which vouchers shall bear the approval of the Chairman of the Joint Standing Committee on Appropria-

tions and Financial Affairs; and be it further

ORDERED, that any change in such compensation so ordered shall be made only by concurrent order of the Legislature.

(S. P. 247)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

WHEREAS, the sugar beet industry in the State of Maine is of vital economic and agricultural concern to the citizens of the State of Maine; and

WHEREAS, the Maine Industrial Building Authority, which has guaranteed approximately \$10,000,000 in loans to portions of said industry has been required to make certain payments on defaulted loans; and

WHEREAS, the Special Interim Legislative Committee created by the 104th Legislature of the State of Maine has been engaged in investigating the loans guaranteed by the Maine Industrial Building Authority; and

WHEREAS, the Special Interim Legislative Committee has not been able to complete all aspects of its investigation because of the pendency of certain bankruptcy proceedings against Maine Sugar Industries, Inc.; and

WHEREAS, the Special Interim Legislative Committee should complete all aspects of its investigation in order that the citizens of the State of Maine and the Maine Legislature be fully informed in the premises; and

WHEREAS, the same is of immediate and vital interest to the citizens of the State of Maine and the Maine Legislature because of the guarantee of the Maine Industrial Building Authority supported by the full faith and credit of the State of Maine; now, therefore, be it

ORDERED, the House concurring, that the Special Interim Legislative Committee, created by the 104th Legislature, Senate Order S. P. 633, dated January 22, 1970, and appointed in accordance therewith and further continued and reconstituted by the 105th Legislature, Senate Order, S. P. 60,

January 2, 1971, be and hereby is continued and reconstituted with all the powers, duties and balance of appropriations provided by the reference order. The committee shall report its findings together with any proposed recommendations for legislative action to the Legislative Research Committee or the next regular session of the Maine Legislature.

The members of the committee shall be compensated for the time spent in attendance at meetings of the committee and of its duly constituted subcommittees, and when engaged in the performance of duties under the instructions of the committee and authorization by its chairman at the rate of \$10 per day and actual expenses incurred. No compensation shall be paid for attendance at any meeting of the committee held while the Legislature is in session.

(S. P. 256)

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: When this body debated at the beginning of this session the extension of the life of the sugar beet committee we were a little bit pressed at that time in the throes of organizing and the initial turbulence of the session. Now that matters have calmed down a little bit and we are moving along in the legislative course, I think this matter has had an opportunity to receive quite deliberate consideration.

I am sure most of the members of the Senate are extremely familiar with the situation which led to the order of the last session creating the committee, the work that the committee has done, and the status of the matter now. The only unfortunate thing connected with it is that we still don't know the eventual outcome of the situation. And in the interim, between when the problem was visualized and now, we have seen the State starting to pay out money under the sugar beet guaranty. This money, as you know, is approximately at the rate of

\$74,000 a month, which results in terms that I can understand the formation of the committee anyway of \$100 an hour being paid out by the State and by the taxpayers of the State to keep this going and, in the meantime while meeting the guaranty, trying to find some kind of a solution to the problem.

During the debate in the 104th on the formation of the committee, while the matter did not take a partisan reflection, the possibility of the matter becoming quite political and partisan in its objective and procedure was raised. I would point out to the members of the Senate that such did not occur, that the action and deliberations of the committee have been on a very functional basis. I am sure that the matter of the continued existence of the committee, which is what we are discussing here today, would see the conduct of the committee's affairs in the same spirit.

The objective is trying to find what can be done to keep this industry going and what can be done in the process to stop the financial drain on the State. We as members of the legislature, representing statewide interests, namely the voters and taxpayers, are all interested in what is going on up in Easton, and we are all sincerely concerned to bring a happy conclusion to this matter.

I see no objection to the continuation of the committee. The proposal has been raised that it can be considered a stumbling block to possible future financing. I see it quite the contrary. I see it as an arm of the legislature, a creature of the legislature, which indicates to everybody, those who may be interested in running the operation in the future to the public, that the legislature is concerned and is ready, willing and anxious to do anything possible to cooperate in bringing about a solution to this problem. Accordingly, I would hope, Mr. President and Members of the Senate, that we would pass this order forthwith.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am hopeful that we all share the concerns that have been expressed by the sponsor of this order, and it is somewhat distressing for me to get up here and oppose this order for more than one reason.

I equally share the concern that the State today is making monthly payments on the default on the first mortgage indebtedness incurred by the MIBA guaranty. I am equally concerned as to the future of this industry and what will happen to it, and it is with this concern that I oppose this order.

I am just as vitally concerned with the possibility of the State of Maine eventually having to pay somewhere between eight and ten million dollars of first mortgage guaranties under MIBA, and I think this would be drastically more costly than the seventy some thousand that now has to be paid at this point, hopefully on a temporary basis, by the State of Maine to meet the defaulted payments.

I am vitally interested in the welfare of Aroostook County and of the State of Maine with regard to its agricultural problems. What the continuation of this committee will do to insure the continuance of this industry, or what it will do with regard to the ability of Aroostook farmers to generate a second cash crop to perhaps save the entire agricultural industry in Aroostook County, escapes me. I don't know what contribution this committee has made to this date with regards to the continued prospects of a second cash crop for the farmers in Aroostook County. If it has done any of that work I am willing to listen to it.

I don't have any criticisms of the members of the committee as such. They are my friends. The chairman of it I regard as a personal friend, and I hope that he would regard me as such. So I am not debating personalities here; I am debating what is the best thing for us to do for the welfare of our State.

While there has been no published report with regard to the work or conclusions of this committee to date, or at least there have been none made public, it has been told to me generally what has been accomplished by this committee to date. What is the final foreseeable conclusion and report of this committee is yet to be determined, but I have yet to be made aware that the work of this committee has disclosed any wrongdoing on anybody's part with regard to this question. I have yet to be apprised of any mishandling, misappropriation of funds that have been guaranteed through MIBA, or that anything of substantial importance has been developed by this committee other than possible recommendations for procedural effects and perhaps procedural work by MIBA itself in relation to some of its future loan policies. And this is very, very laudable if that was to be the conclusion of this committee. But I fail to see what contribution this committee has made to date and what it will make in the future with regards to what everybody professes and expresses to be their concern, which is the prospect of generating a second cash crop, which is not only important for Aroostook County, but indeed undoubtedly important for the State of Maine. And if that is the professed desire of this Senate and of this Legislature, then I suggest that the best thing to do is let this committee expire.

We have had enough problems — and when I say "we", those of us who have been actively engaged and partaking in trying to see what can be done with the floundering industry, something which so many people in our county and in the State have had high hopes of being something which would be beneficial for all of us. We made an initial start in the sugar beet industry, and to this date it has somewhat floundered.

Now, there are two views to be taken of this. There is one view which would say that perhaps the best thing to do is forget about the whole thing. Some people, I

am sure, would wring their hands with glee and say "Well, we knew it wouldn't work." And some people who have been involved in this did not use the very best judgment in developing this thing. I think that if this were the way that we would go, it would not be a laudatory way.

There are those who feel that there is a possibility that we can revive this industry, that we can revive it and make it eventually a viable industry for the County and for the State of Maine. I don't count myself as being the only one of those persons, but I am one of them.

I am not going to spend a lot of time in this Senate recapping the whole background of the start and the inception of the prospects of a sugar beet industry for the State of Maine, but I am going to say this: that there is hope today. And I cannot stand here and assure this body that the hope that many of us have today that we can revive this and eventually make it a viable factor for the economy of our State, I cannot say that it will succeed. But I can say to you that we are trying. There is a Task Force which has been created and operating since last December, established by the Governor, which includes leading people from all traffic of life in Aroostook County: bankers, farmers, public servants, even legislators, and I am one of them, who have been working hard to see what can be done to revive this industry.

There is in Easton a beautiful plant to refine sugar which has cost to this date in excess of \$30 million. Are we going to take the position and accept that the best thing to do is for all of us to throw our hands up and tell the Maine Industrial Building Authority to come in and foreclose, to pick up this plant, junk it, sell it for scrap, and perhaps realize a million or a million and a half and let the rest of the State pick up the tab? Now, this may be what eventually will happen; I don't know. But I would like to see, and there are many other people who would like to see, a second effort, based on

good, sound, logical judgment, trying to revive this industry and make use of these tremendous facilities that are there.

Now, I know that throughout this whole thing there have been a lot of personalities mentioned and personalities discussed, and I am not here talking about personalities. I am here talking about an industry that, hopefully, can survive and be revived in Aroostook County for the State of Maine. Not only Aroostook farmers were planting these beets. They were being planted successfully, perhaps more successfully, outside of the County than they actually were in Aroostook County itself. And we have had tremendous problems, but the problem was that we had a refinery, which in order to make it pay and in order to take care of its capitalized indebtedness had to produce over 20,000 acres of beets, successfully grown every year. And as we look at it now, this was impossible. So we propose now, hopefully, to start out on a modest basis, to start out this year with 5,000 acres of beets. We have organized in Aroostook County a program through one of our leading agricultural cooperatives which has been in existence for over fifty years, and in which the farmers in Aroostook County have confidence, to lead the growing of beets in Aroostook County and to handle the growing of beets for the farmers. And we are hoping that we can start out with an acreage of 5,000 acres, with our good farmers on good land, learn some of the cultivation problems that was the reason we couldn't grow them successfully to begin with, and work from there in the hopes that on a five-year basis we can build this up to where not only would this create a second cash crop profitable for the farmers in Aroostook County, but where this plan can operate and survive.

There is no reason for the existence of this plant, no real significant reason for the continuance of this plant in Aroostook County, unless it will serve as a basis of refining a crop to be grown by our farmers. This is what we are inter-

ested in as well as the problem and the investment that the State of Maine has. So our work to date has been to try to revive it, to try to make it viable again. And I don't have the answers today, but I can tell you that we are much further ahead than we were two months ago in trying to make this a reality.

I beg to differ with some people who feel that the continuance of this committee will not be a stumbling block to the aspirations that we have in trying to make this a success. In order for us to grow beets we need a refinery, and the refinery has to operate.

There is today, admittedly by all parties, as much as some may wish this were not the case, there is no one who can refine these beets other than Maine Sugar Industries at this point. Furthermore, in order for Maine Sugar Industries to process these beets, and to continue operating the plant, it will also have to refine cane sugar. In order to do this, this organization will have to, I assume — not only do I assume, I know — as well as the MIBA people know and as well as our Task Force people know, that we will have to be able to pick up additional money, go into the money market and pick up additional operating money. Now, I am not a financier, but I would expect that as long as we have this in front of us that bankers and financiers are going to continue to regard this as a stumbling block, as another obstacle in the way of something that may eventually fail.

And it is for this reason, Mr. President and Members of the Senate, that I oppose the continuance of this committee. One, to this point, I do not foresee that it will turn up anything that will change the picture from what it is today and, secondly, because I believe that it will continue to be a burden on what is being tried today, and which at this point has prospects of succeeding in creating a viable second cash crop in Aroostook County. So I oppose this order and request a roll call when the vote is taken.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I agree wholeheartedly with Senator Violette that we need a second crop, not just for Aroostook County, but for the rest of the State.

It is true that a lot of sugar beets were raised outside of Aroostook County, and one of the best growers was a farmer from Franklin County, Mr. York.

I know a lot of farmers and I have talked with a lot of them, and I discussed quite a lot with them the refinery in Easton. My impression was, after talking with the farmers, that the main problem with the industry was Mr. Vahlsing. After he didn't pay the farmers the first year there was no appetite for them to go out and raise any more sugar.

When you go and see a man that comes to Augusta in a jet plane that costs \$500,000 to attend a happy occasion, and who doesn't pay the farmers in the State of Maine, it doesn't leave a good taste with them.

I don't know if any of you went to Easton and saw the fleet of trucks and the fleet of tractors that are owned by Maine Sugar Industries that are not being taken care of. They are standing outside getting rusted, and it is money being wasted. That is very poor management.

I would suggest that the only way we can save the sugar industry in the State of Maine, is, in plain talk, to get rid of Mr. Vahlsing and turn over the Maine Sugar Industry to the Maine potato growers. If we give them all the assistance they need, they will grow the sugar, they will refine it and they will see to it that it is made to pay. There is no need for us to dream that Mr. Vahlsing can make a go of it; he can't. He tried it, and he spent his money for planes instead of paying the farmers. I don't think that is a good way of doing business. Most of us are business people and we know that if we don't pay once

that we don't get credit the second time. If I had been a farmer, after I raised for him one year and he didn't pay me I wouldn't try to raise again.

From talking to all these farmers I am sure that as long as he controls it they are not going to raise for him. So why don't we start in a different direction, a straight direction.

Many of us have gone out once in a while and got stuck on a bad road, a muddy road. The best solution was always to back out instead of keeping on and going further getting in deeper in the ditch. I always found that was the easiest way. When I ever got into that trouble and the road looked muddy, if I tried to go any further I always sunk in deeper. But I got somebody to pull me out instead of trying to be a big shot on my own and try to go further, and I always came out all right with the vehicle not broken.

It is a good industry, it can be salvaged, but we have got to take a different direction. Like I just mentioned, we have got to get rid of Mr. Vahlsing, get him out of it. If he tried to be honest and tried to do the right things he could have paid the farmers. He was in a financial position from his other industries to pay the farmers off, and then they would have raised sugar beets for him. But as long as he stays there none of them will do it, and we will be wasting State monies. My own opinion is that it would be cheaper for the State to pay off the \$10 million and give this plant to the Maine potato growers, and I am sure they would make a go of it, rather than to keep on paying for it when nobody is benefitting by it. What we want to do now is have sugar raised in the State, and the only way to do it is by taking it away from Mr. Vahlsing and let the Maine potato growers take it over. They will raise the sugar beets. They know how to do it, and as long as they get paid for their labor they will keep on doing it, because nobody likes to work and not get paid for it, and then see the owner of the plant riding around in a jet plane. I don't think

it leaves a very good taste. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I am one of the most recent members appointed to the sugar beet committee representing this body. Since my appointment to that committee we have had two, or possibly three meetings.

Our last meeting took place on Tuesday of this week, at which time we discussed certainly the conditions or the problems of the sugar beet industry at Easton. It was my understanding at the last meeting that my good friend, the Senator from Penobscot, Senator Sewall, had set up another meeting of the committee for this morning, immediately following today's session.

I am not an Aroostook County boy, and I don't think I have ever planted a pea in my life or an ear of corn, so I am really not that familiar with the agricultural problems of our state. But I am very, very sympathetic to what I see of the second crop in Aroostook County that could very well be jeopardized by the cloud of suspicion or whatever we call it, hanging over this industry.

I am really a little disturbed in one way, mainly because I thought at today's meeting of the sugar beet committee we were really going to sit down and decide as to whether or not this committee would continue to function. In fact, when I look back at the time I was appointed to this committee, I thought at the time that it was probably going to be one of the shortest-lived appointments that any member could possibly have, realizing that an order had been introduced to extend the committee, I believe, until the 15th of this month. I have always tried to serve in what I feel is fairness to everyone, and perhaps by being around here a few years one gets to take scuttlebutt as scuttlebutt, but late yesterday afternoon I heard that the majority party, that is, the members of the other branch, had already caucused on

this order, and then early this morning I heard that the members of the Senate had caucused on this order. So anything perhaps that is said here is only an act of futility.

Certainly it surprised me, in a sense, when I arrived upstairs this morning and picked up the calendar and saw this order for the continuance of the committee on the calendar. Again expressing my honest opinion, my feeling was that after today's session we were going to meet in the committee as a whole and we were going to decide one way or another as to whether or not we should continue to go along with this study.

I can neither say that it is valid or it is invalid, whether it dies or whether it lives because, again being totally honest, I don't know enough about the sugar beet industry or that problem in Aroostook County, particularly where I have only been a member of the committee for a very short time.

I certainly share the feelings as expressed by Senator Violette, and I am certainly concerned also with the amount of money that the taxpayers of the State have invested, but I see, in one sense, really no way at all where this committee stands to serve any real purpose as to whether or not the sugar beet industry continues to grow. In fact, I think that perhaps, as has been expressed by the good Senator from Aroostook, Senator Violette, it is very very likely that it would have more of a bad effect than a good one.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This is a sad day. It is a real sad day for this body. It is sad for this body because a decision has been made in closed caucus, without open debate, without the public knowing why that decision was made.

What we say here today is going to be very futile. I can only think of one sadder day as far as this industry is concerned, and that was the day that this order was passed originally. At that time the industry was in trouble. They were

developing a prospectus to sell stock to the public, to the stockholders of Maine Sugar Industries, and they had a good hope of getting the necessary capital to bring this thing out. However, this original order was passed, and it put the damper on any hope of bringing forth this prospectus and getting approval through the Securities and Exchange Commission. The industry was not able to pay its bills, and bankruptcy ensued.

Some people, and as the good Senator from Cumberland, Senator Berry, has said, "We are trying to help." Well, I suppose you better ask the patient whether he is being helped or not. If you asked the patient, which is the sugar beet industry of Maine, or anyone concerned with it, it would practically be unanimous and they would tell you that this order has had a disastrous effect upon the industry. If you would ask anybody in Aroostook County, if you would ask the some four or five hundred people who have lost their jobs since this order was passed, and if you ask the members of the committee what they have accomplished and what they could possibly accomplish, and what the report has indicated to the public to date for this money which has been expended, and if you would ask the farmers of Aroostook who are now trying to raise \$23,000 to buy the seed—and I can tell you that through their own resources they have been able to raise \$23,000 now to buy this seed—if you would ask the members of the Task Force who are struggling so valiantly to get this thing going, their one hope is that, No. 1, they can take this thing out of bankruptcy, and there is good hope for that. No. 2, the hope is that this committee will cease its vexing the industry and preventing them from organizing and getting started again.

The good Senator from Kennebec, Senator Levine, has raised a question. I would answer his question insofar as the Task Force is concerned that we have been working with. We propose in that Task Force that Mr. Vahlsing will have absolutely nothing to do with any beet contracts. We have gotten a

co-op from Aroostook County to agree to handle all of the contracting with the farmers, the entire thing. We have gotten Mr. Vahlsing to agree that if anybody, any agency, any institution in Aroostook County, can handle the actual operation of that plant that he will let them do it. But so far we have been unable to do that.

The deal will be that these farmers would contract through Maine Potato Growers, Incorporated. They will look to that organization for the payment for their beets. That organization is a responsible organization and it will pay them for their beets. They will be guaranteed that payment. But there is another little problem, and the continuance of this order just practically ruins our chances: we must get the money to finance the growing of these beets, and as long as the industry is being harassed by this type of thing we will not be able to get the million and a half dollars which we need.

If I could think of anything which this order would accomplish to be positive, to be helpful, I certainly would endorse it. But all of the people that have been concerned with this in trying to put it together know very well that it will accomplish no good end. So I know, as I say, it is sad. It is real sad because the people here who might have had open minds and listened to this, and heard what we have done with the Task Force, now have made a commitment that they will vote in a certain way. This is completely incomprehensible to the ordinary citizen of the State of Maine. But we still are on the record, and the people in my area know this, and the farmers in the State of Maine know this: that those who vote for this order are not being their friends, and that those who oppose this order are trying to be helpful to the farmers. The farmers know this, and the people of the State of Maine, I hope, will know it. So I hope that when the roll call is taken you will vote for the saving of this industry and you will vote "No".

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I hate to disagree with the distinguished Senator from Aroostook, Senator Harding. I have spoken to as many farmers and maybe more than any member of this body about Vahlsing and about Maine Sugar Industries, and out of 100 people 99 growers said they would never grow as long as Vahlsing had anything to do with it. So I think the Task Force should make it their main business to see to it that somebody takes over this plant who are reliable and honest people who will pay their bills.

I will quote the farmers when they talk about Mr. Vahlsing, they say he is the biggest crook who ever came to the State of Maine, and they don't want to do business with him. You can't shovel anything down their throats. We need that industry, but the only way we can save it is if we take it out of the hands of Mr. Vahlsing. It will never go as long as he has anything to do with it.

I am about as good a friend of farmers as anybody in this body. I am making a living off farmers. I was a farmer myself. I milked dairy cows, I planted potatoes, I raised beans, I have done everything, and I can do as much on a farm as any farmer living. But I know the make-up of the farmer, I know their thinking, and nobody likes to go out and do business with anybody who is no good and doesn't intend to pay his bills. If he had paid his bills the first year the industry wouldn't be in the position it is in now.

One farmer, the one I mentioned who is one of the best raisers, Mr. York from Farmington, the only way he collected his money was that he went and got beet pulp. He said there was nobody there to even check how many ton he took or what he took, there was no system there, and there was no nothing. You can't take good money and pour it in a fire because it will burn. And once the money burns it isn't worth anything.

What we should spend our energy on is getting this plant into reliable people's hands who will do

a good job with it. They might not perform any miracles the first few years, but people will have confidence in them and they will raise sugar beets, and then the industry will definitely be a success. I have faith in the Maine farmers, but the Maine farmers don't have faith in Mr. Vahlsing.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I just feel a little bit frustrated right now. Usually when we are asked to vote on something we have a little information ahead of time, and I just kind of feel as if I am on the outside looking in.

We have heard a lot about sugar beets, about Freddie Vahlsing and about the committee and so forth, and as near as I can tell about \$75,000 has been spent on the committee, or was appropriated, but that could be wrong. I have been trying to find out something.

With all the material we have here, I don't see anything on sugar beets, and I hate to be asked to vote on this at this time. I am just as nosy as the next guy and I would like to find out where our money is being spent too. And I may vote along with the Republicans, or the Democrats, but I feel as if I should have some information before I am asked to vote. I hate to vote in the dark. I would hope that somebody would table this matter until we get some information on what aspects of this problem the committee has studied so far, what the results have been, and what they intend to study that they have not been able to study so far. I do think then that we could legislate wisely.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I am pleased to respond to Senator Carswell's inquiry as to the status of the committee's study at this point. I do regret that we don't have a report in your hands

this morning. There will be one as a result of our committee meeting after this session. We hope to have a report in the hands of everyone in the legislature this afternoon.

To date the committee has expended approximately \$20,000 from the approved budget, or the budget of \$75,000 which we were allocated. We have attempted to get the study completed but, very frankly, have been prevented from doing this by legal delaying tactics on the part primarily of Maine Sugar Industries. We have been snarled up in legal procedures, we have had to use subpoena power to get certain records. We were told that records were in Maine when in fact they were in New Jersey. We went to New Jersey to see certain records and our people were told that they were in Maine. We have had a continuing planned delaying action, so that it has just been impossible to get the job which we were assigned completed as all of us would like to have done.

We do have more work to do to complete the study, however, I think that to date the committee's work has been constructive in that we will be coming forth with some recommended changes in the basic statutes regarding the Maine Industrial Building Authority. If nothing else, I certainly feel that the committee has spent its funds in the best interests of the citizens of this State in some of the suggestions that will be forthcoming in bill form sometime within the next week or so.

I hope that I have answered the questions of the good Senator from Cumberland, Senator Carswell, and if there are any other factual questions that I could answer for anyone in this body I would be more than glad to do so. Thank you, Mr. President.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: After listening to the distinguished Senator from Penobscot, Senator Sewall, I find that the committee must have had the

same opinion and same problems with Maine Sugar Industries, mainly Mr. Vahlsing, as the Maine farmers did.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I hadn't intended to say anything this morning on this. However, I would like to point out that several speakers have deplored the publicity that this situation is getting, and it seems to me that they are the ones who are responsible for the publicity. If, when this order was first brought up here a few weeks ago, they had been willing to go along with the continuation of the committee we wouldn't be having this publicity this morning.

Now, I would like to bring out one point as I see it on this order. I think the record of the committee is very clear that they have not tried to make politics out of it, nor have they tried to get headlines in the paper to bring embarrassment to any group in Aroostook County that is trying to do something. However, the fact remains, and I have had many years of personal experience with the people discussed here, in that it was my job when I worked for the State to try to get this organization to pay the bills, and many, many times I had to order people working for me to put them on a cash basis, or threaten to put them on a cash basis, if the bills were not paid within generally 24 hours. I believe that is the time I usually gave them. And I am pleased to say that when I left the department no bills were owed by that organization. But, frankly, they have had a long history of trying to operate on the other fellow's money, and that is the main reason today that I am voting for the continuation of this order. As I see it, it is just another tool to try to straighten this situation out.

I was certainly pleased to find out from the distinguished Senator from Aroostook that in their plans for trying to keep this industry alive they are hoping to get Mr. Vahlsing out of the driver's seat.

That will certainly be a tremendous step forward.

Now, I think you all have read the papers and have seen the difficulty the courts have had keeping track of the equipment owned by Maine Sugar Industries, and I don't see why you wouldn't go along and keep this one more tool in the works to be used if the occasion warrants. Thank you.

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

Mr. GRAHAM of Cumberland: Mr. President, I request that this order be tabled until the next legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Graham, moves that this Joint Order be tabled and specially assigned for tomorrow, pending passage.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Just a couple final remarks, and I know they will have no outcome on the voting, but to answer the good Senator from Kennebec in regards to the equipment.

The agreement by all parties, the Task Force, MIBA and MSI, is that this equipment will be turned over to Maine potato growers for use on a rental basis by the farmers who want to grow beets.

Secondly, I think we want to bear very, very much in mind that while this may not be 100 per cent correct there is certainly a very, very general agreement on the part of MIBA, on the part of our Task Force, on the part of many other people, that if beets are not grown this year this matter is dead.

Thirdly, as Senator Harding has indicated, if anyone could be found today or this year to operate this refinery, and if the mechanics

could be worked out, this is what would happen. Now, we are not standing here and saying that MSI must be the party that will operate this refinery, but today it is agreed by MIBA people, agreed by our Task Force, there is no one this year who is in a position to operate this refinery to refine the beets that would be grown. I think this ought to be kept very, very much in mind when you vote.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage of Joint Order, Senate Paper 256. 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 at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question once again. The pending question before the Senate is the passage of Joint Order 4-2 on your advance journal and calendar, Senate Paper 256. A "Yes" vote will be in favor of the passage of the order; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Chick, Conley, Dunn, Hichens, Hoffses, Johnson, Katz, Levine, Moore, Peabody, Quinn, Shulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Carswell, Clifford, Danton, Fortier, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Anderson and Greeley.

A roll call was had.

Mr. Conley of Cumberland was granted permission to change his vote from "Nay" to "Yea".

Thereupon, nineteen Senators having voted in the affirmative and eleven Senators having voted in the negative, with two Senators being absent, the Joint Order received Passage.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I now move reconsideration, and I urge you to vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby item 4-2, Senate Paper 256, received passage. The Chair will order a division. As many Senators as are in favor of the Senate reconsidering its action whereby this order received passage will please rise and remain standing until counted. Those opposed?

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

Thereupon, the Joint Order, having received Passage, was sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Election Laws on Bill, "An Act Providing Separate Ballots for Voting for President and Vice-Presidents." (H. P. 186) (L. D. 243)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act Relating to a Shorter Time for Establishing Voting Residence." (H. P. 188) (L. D. 245)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Veterans and Retirement on Bill, "An Act Relating to Rate of Contributions of Employees Under State Retirement System." (H. P. 87) (L. D. 127)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-16).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Increase the Borrowing Capacity of the Four Corners Community School District." (H. P. 96) (L. D. 140)

Bill, "An Act Relating to Shooting at or Near Wildlife Decoys." (H. P. 99) (L. D. 143)

Bill, "An Act Relating to the Use of Power Boats on Snow's Pond in the Town of Dover-Foxcroft, Piscataquis County." (H. P. 148) (L. D. 203)

Bill, "An Act Relating to Certain Penalties Under Fish and Game Laws." (H. P. 170) (L. D. 228)

Bill, "An Act Relating to Use of Power Boats on Long Pond, Franklin County." (H. P. 226) (L. D. 308)

Bill, "An Act Relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions." (H. P. 68) (L. D. 109)

Bill, "An Act Repealing Bond for Liquor Licensees of Hotels, Clubs and Restaurants." (H. P. 41) (L. D. 73)

Bill, "An Act Repealing the Requirement of Notarizing Applications for Liquor Licenses." (H. P. 42) (L. D. 74)

Bill, "An Act Relating to Maine Beer Wholesalers Association, Inc." (H. P. 120) (L. D. 164)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

House—As Amended

Bill, "An Act Relating to Falsely Assuming to be a Municipal Police Officer." (H. P. 70) (L. D. 111)

Bill, "An Act Relating to Trepass on Enclosed or Cultivated Lands." (H. P. 71) (L. D. 112)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Relating to Qualification of Candidates for the Legislature." (S. P. 95) (L. D. 259)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Orders of the Day

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

JOINT ORDER — Relative to Special Joint Select Committee to study Maine Turnpike Authority. (S. P. 205)

Tabled— February 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, on further motion by the same Senator, retabled and specially assigned for February 17, 1971, pending Passage.

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

SENATE REPORTS — from the Committee on State Government on Bill, "An Act Relating to Offices of Health and Welfare Department Located Outside of Augusta." (S. P. 21) (L. D. 49) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 9, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. **CARSWELL** of Cumberland: Mr. President and Members of the Senate: I feel that we have more to gain than to lose if we pass this matter, so I would hope that the Minority Ought to Pass Report would be accepted.

The **PRESIDENT**: The Senator from Cumberland, Senator Carswell, moves that Minority Ought to Pass Report of the Committee be accepted. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. **JOHNSON** of Somerset: Mr. President, would I be in order to have the Secretary read the vote on this bill of the committee?

The **SECRETARY**: "The Committee on State Government, to which was referred the Bill entitled, 'An Act Relating to Offices of Health and Welfare Department Located Outside of Augusta,' have had the same under consideration and ask leave to report that the same Ought Not to Pass; John A. Donaghy, Lewis J. Marstaller, Percy K. Hanson, Richard W. Stillings, Theodore S. Curtis Jr., S. Glenn Starbird Jr., Harvey Johnson, William Clifford, Henry W. Hodgdon, Leighton Cooney, William F. Farrington.

"The Committee on State Government to which the bill was referred have had the same under consideration and ask leave to report that the same Ought to Pass; J. Hollis Wyman, Kathleen W. Goodwin."

The **PRESIDENT**: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. **JOHNSON** of Somerset: Mr. President, I would request a division on the motion.

The **PRESIDENT**: A division has been requested. The question before the Senate is the motion of the Senator from Cumberland, Senator Carswell, to accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Offices of Health and Welfare Department Located Outside of Augusta."

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. **CARSWELL** of Cumberland: Mr. President and Members of the Senate: I believe that a number of the committee members believe that the bill really didn't have any teeth in it. Even though they believe in effecting a little economy in the Health and Welfare Department they felt that this was not the vehicle with which to do so. This statement has been made several times, however, I feel that it certainly does have a lot of teeth in it. The Senator from Somerset, Senator Johnson, states that the reason he feels that it doesn't go far enough is because it states, "As near as possible these offices will be located in one area." Now,

I hate to go over this matter again but I think it is very important.

If we are going to effect economy, we had better start doing it somewhere. It seems that many people think the job is insurmountable but I don't, and I think the Health and Welfare Department is a good place to start.

So, we have five offices in the City of Portland: one on Middle Street \$27,000, one on Congress Street \$6,882, one on High Street \$1,440, Casco Street \$4,059, another on Congress Street \$5,040. So, annually we are spending \$43,000 on rent.

The statement that these offices should be located inasmuch as possible in the same area, I think, has a lot of merit because if you have five offices located in different places all over the City of Portland which are supposed to be serving the blind, the disabled, the alcoholic, large families who need certain amounts of assistance, these people have to run all over the City of Portland with a great deal of duplication which costs money. Now, if at least two or three of these offices could be located in one area, just to start with, this would show us the good intention of the department and it would make it much more economical in the savings that they would make from less duplication on their part. The department, I feel, when they want to kill a bill they just come up with a statement that "Oh, it is just going to cost more money," and this is not so. I don't see how it is going to cost more money if you spend \$43,000 a year for rent and you are going to bargain for a better price. I have talked to a few real estate people and there are better bargains around.

So, I would hope that you people today would vote to accept the Minority Ought to Pass Report, send this to the unmentionable branch and see what they think about the economy that could be effected. Thank you.

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

Mr. WYMAN of Washington: Mr. President and Members of the Sen-

ate: I signed the Ought to Pass Report on this because it seemed to make sense. Now, if you read the Kennebec Journal this morning, you see where there is a proposal to have another state office building for maybe three and a half million dollars, or something of that nature, and it tells about the various departments spread around, with some at the shopping center, some in the Vickery Hill Building, and you know what that means when you want to go to some of these departments, we have to travel from one place to another. It seems to me this is the same idea, to get these departments all in one building, and I certainly hope that we accept the Minority Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am somewhat familiar with the locations of these offices in Portland, and with the possible exception of one they are not in what we call a high rent area. Office space in Portland is not too abundant, and I seriously question that it is going to be possible to consolidate in one area and save money. I think also there is the need for a more businesslike approach, and that the present administration is very much interested in efficiency, I don't question this; I know they are, and I don't see any reason why the Executive Department working closely with the department heads cannot accomplish this.

I am very much against this on this principle, and I stood before and objected to Senator Carswell's procedure in getting a report. I don't think that this body should be used to delve into the housekeeping operations. We are all interested in saving money, and Governor Curtis and Dean Fisher are certainly no exceptions. I consider them in the front of those people trying to save money in the State. I think that this is a little executive housekeeping detail that we do not need to get into. Furthermore, I question actually what the net economic benefit is

going to be when you go around and try to find one place to rent a large amount of space.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I certainly appreciate the remarks of the good Senator from Cumberland, Senator Carswell, that the Health and Welfare would be a good place to begin with a little economy. However, as I repeat my previous remarks, the Department of Health and Welfare said that they had around \$74,000 allocated or set up in their Part 11 Budget to enable them to do this which the good Senator requires done. It would seem to me that this is a poor way of practicing economy when you are spending \$43,000 and you know it is going to cost at least that much, if not double, to combine these facilities. The law as it is presently written, if it went on the books, would be just extra language cluttering up the law books and so forth. It seems to me that, as the good Senator from Cumberland, Senator Berry, says, it is a housekeeping problem that can be taken care of without a bill.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Please forgive me for getting up a second time on this, but I do feel very strongly about this. I also feel that bureaucracy has not been so good at housekeeping, and I think that a housewife could tell them how to do a little housekeeping and how to save a few dollars. This is the reason for this bill. What is being glossed over too is the duplication that goes on when these department offices are all scattered over the city. I am sure that if I was operating a business, and various aspects of my business required separate offices for separate details, I would try to have them as close as possible and perhaps in one building so that there wouldn't be a duplication of effort.

As I said before, I feel very strongly that it is the duty of the legislature to straighten out the problems that have been called to our attention. I do feel that this is one of them, and I feel that this is the place to straighten it out. I do hope that the Minority Report is accepted.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, may I ask the Chair if a division has been requested?

The PRESIDENT: The Senator has already done so. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Carswell, that on Bill, "An Act Relating to Offices of Health and Welfare Department Located Outside of Augusta," that the Minority Ought to Pass Report of the Committee be accepted. A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed?

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

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Bill, "An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities." (S. P. 238)

Tabled — February 10, 1971 by Senator Minkowsky of Androscoggin.

Pending — Reference.

Thereupon, on motion by Mr. Hichens of York, referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Fisheries and Wildlife on Bill, "An Act Relating to Inspection of Fish, Game and Equipment by Game and Coastal Wardens." (H. P. 189) (L. D. 246) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — February 10, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Hoffses of Knox to Accept Majority Ought to Pass Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The reason that I tabled this is because I wanted to have a chance to check it to see whether or not it conformed to the requirements under our Constitution which protects all of our citizens against unreasonable search and seizures. It appears to me, and to all of the other attorneys that I have discussed this with, that this bill does not comply with the constitutional standards in that regard. In fact, it makes it a penalty to refuse to submit yourself to unreasonable search and seizure. The bill is not technically drafted correct, and that was the reason why I wanted to look it over. At this time I would yield to the good Senator from Knox, Senator Hoffses.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I am aware of the questionable nature of this bill. I do believe that it is becoming more and more necessary that we try to preserve our natural resources, namely our fish and game. I think perhaps that this might be one way that we could accomplish that particular thing. However, I am not a kind to question its legality, not being qualified to do that. So, I would request of the Senate that I withdraw my motion to accept the Majority Ought to Pass Report and would move that we accept the Minority Ought Not to Pass Report on this bill.

The PRESIDENT: The Senator from Knox, Senator Hoffses, withdraws his motion that the Senate accept the Majority Ought to Pass Report of the Committee. The same Senator now moves that the Senate accept the Minority Ought Not to Pass Report of the Committee in concurrence. Is this the pleasure of the Senate?

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.