

# 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 25, 1971

Senate called to order by the President.

Prayer by the Rev. Thomas Duffy of Hallowell.

Reading of the Journal of yesterday.

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

Joint Order re Publication of Telephone Numbers in Each Locality District of All State-Paid-For Telephones (H. P. 692)

In the House February 17, 1971, Read and Passed.

In the Senate February 18, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference with the following Conferees appointed on its part: DUDLEY of Enfield, KELLEHER of Bangor and GILL of South Portland.

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

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

Sensors:

HOFFSES of Knox

MOORE of Cumberland

MINKOWSKY

of Androscoggin

**House Papers**

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

(Off record remarks.)

The PRESIDENT: At this time the Chair is very pleased to recognize in the Senate Chamber this morning a visitor from our neighboring state, the presiding officer of the Senate in the State of New Hampshire.

Before I ask him to come up to the rostrum, I would like to say that I know New Hampshire is experiencing financial difficulties, as is Maine, and one suggestion I would make to the

Honorable Jack Bradshaw that would help both of our states is for him to raise the liquor prices enough to get more revenue, and people in Maine would buy their booze here.

Honorable Jack Bradshaw, I would like to have the Sergeant-at-Arms escort you to the rostrum, sir, for any remarks you may care to make.

Thereupon, the Sergeant-at-Arms escorted the Honorable Jack Bradshaw to the rostrum, amid the applause of the Members of the Senate, whereupon he addressed the Senate as follows:

Mr. BRADSHAW: Mr. President and Members of the Senate: It is indeed a great deal of pleasure for me to be here today. The occasion happens to be multi-purpose.

On the evening that our Governor gave his budget address, some of us decided that we had to go down to the motel where we stay and see what sort of press coverage we got. We happened to tune in to Channel Six, and the first legislator that I saw happened to be a man that I met back in the early 50's, and during the 50's he and I became quite good friends. Unfortunately, he and I have been out of contact for quite a few years, but it was none other than your Majority Leader, Senator Berry. Consequently, this started things rolling and I just had to come up and visit the Maine Legislature, which was one of the things that I had hoped to do during my term of office.

Now, Mr. President, you referred to the possibility of New Hampshire raising its liquor prices. You know, with the tax situation that we have down there, if we did that we would really be out of business because that is our real source of income.

Ladies and Gentlemen, I know you are not here today to listen to any lengthy speech from me, consequently, I will just say that it is a great deal of pleasure to be here, and I wish you the greatest success in your legislative session. Thank you. (Applause)

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

Mr. BERRY: Mr. President and Members of the Senate: It is indeed a real pleasure on my part to share in welcoming Jack here today. As he indicated, we are acquaintances of some long standing and it is always a pleasure to find a friend in a similar predicament as yourself.

I notice that later on the calendar we have an L. D. before us which provides for creating an interstate boundary commission to establish a marine boundary compact between Maine and New Hampshire, and I couldn't think of any more mutually agreeable thing than to put Jack on it on the part of New Hampshire and myself on it on the part of Maine, and I am sure we could straighten out any problems that exist off the Isle of Shoals and resolve something that has been a real problem for 300 years.

Jack actually today is acting Governor of the State of New Hampshire. This happens when he crosses the line going back home, because Governor Peterson is out of state. Apparently they have got a little something cooking though between the Speaker of the New Hampshire Assembly and the President of the New Hampshire Senate, because with Governor Peterson out the boys are playing; Jack was Acting Governor until he crossed the line, and right now the Speaker of the Assembly is the Acting Governor. So they are really having quite a time with three Governors in New Hampshire at the present moment. So we are quite pleased, Jack, to have you here as Acting Governor of New Hampshire. I hope you come back again. Jack was up until 2:00 o'clock in some smoky motel room last night, just like we are at the end of the session, and he has got to get back and conduct the affairs of state this afternoon, so he is only with us briefly, but it is a real pleasure to have you here personally.

Thereupon, the Sergeant-at-Arms escorted Mr. Bradshaw from the rostrum to the rear of the Chamber, amid the applause of the Senate, the members rising.

**Communications**  
**HOUSE OF REPRESENTATIVES**  
Office of the Clerk  
Augusta, Maine

February 24, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature  
Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Joint Order re Publication of  
Telephone Number for Each Sales  
Tax Divisional Office (H. P. 691)  
Messrs. KELLEHER of Bangor  
GILL of South Portland  
DUDLEY of Enfield

Respectfully,

(Signed)

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

**Senate Papers**  
**Appropriations and Financial**  
**Affairs**

Mr. Conley of Cumberland presented, Bill, "An Act Appropriating Funds for Drug Abuse." (S. P. 341) (L. D. 1012)

Mrs. Carswell of Cumberland presented, Resolve, Appropriating Funds for Flood Control at the Penobscot Reservation on Indian Island. (S. P. 342) (L. D. 1013)

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

Sent down for concurrence.

**Health and Institutional Services**

Mr. Conley of Cumberland presented, Bill, "An Act to Revise Certain Provisions for Registration of Professional Social Workers." (S. P. 343) (L. D. 1014)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Moore of Cumberland presented, Bill, "An Act Relating to the Regulation of Private Detectives." (S. P. 344) (L. D. 984)

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

Sent down for concurrence.

#### **Liquor Control**

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Sale of Liquor at Golf Courses." (S. P. 345) (L. D. 706)

The same Senator presented, Bill, "An Act Relating to Hours of Sale under Liquor Laws." (S. P. 346) (L. D.-1015)

Which were referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

#### **Natural Resources**

Mr. Wyman of Washington presented, Bill, "An Act Regulating the Location, Operation and Maintenance of Major Utility Generation and Transmission Facilities" (S. P. 347) (L. D. 989)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

#### **State Government**

Mr. Hoffses of Knox presented, Bill, "An Act Continuing the Maine Cultural Building Authority." (S. P. 348) (L. D. 1016)

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

Sent down for concurrence.

Mrs. Carswell of Cumberland presented, Bill, "An Act Relating to a Game Warden for the Penobscot Indian Reservation." (S. P. 349) (L. D. 1049)

The same Senator presented, Bill, "An Act Relating to Use of Duck Blinds on Penobscot Reservation Lands." (S. P. 350) (L. D. 757)

On motion by Mr. Johnson of Somerset, the above two Bills were tabled and tomorrow assigned, pending Reference to Committees.

#### **Transportation**

Mr. Bernard of Andoscoggin presented, Bill, "An Act Establishing the Quality Rating of Gasoline." (S. P. 351) (L. D. 1017)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

#### **Veterans and Retirement**

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Retirement of Penal and Correctional Institution Personnel." (S. P. 352) (L. D. 1018)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

#### **Orders**

On motion by Mr. Minkowsky of Andoscoggin,

WHEREAS, it is the purpose of this Legislature to ensure the sanctity of the Maine coast: and

WHEREAS, it is the purpose of this Legislature to ensure the economy of this State; and

WHEREAS, there seems to be confusion surrounding the status of current environmental legislation; now, therefore, be it

ORDERED, the House concurring, that the Attorney General's Office, the Environmental Improvement Commission and other agencies of State Government that are involved in environmental matters, be directed to prepare and deliver to the 105th Legislature, a comprehensive report on all existing environmental law, its status at the present time, and whether portions of such law are inoperative or unenforceable with emphasis on the following:

(1) What, if any, changes are necessary to make Maine's environmental legislation more effective;

(2) In what way, if any, are environmental agencies of this State being hampered in carrying out their responsibilities under existing law, including but not limited to oil spills, oil terminal regulations, air pollution control and water pollution control;

(3) The dollar cost of carrying out existing law at present levels and as contemplated by statute to the taxpayer, to the community, to the State and its effect, if any,

on the overall economy of the State of Maine; and be it further

ORDERED, that copies of this report be printed under the direction of the Secretary of the Senate and made available to all members of the 105th Legislature and to any interested citizen of the State of Maine; and be it further

ORDERED, that no further environmental legislation be enacted by the 105th Legislature until this report is completed and analyzed by members of this Legislature, as well as the citizens and taxpayers of Maine and a better understanding is developed of where we are and where we are going in our efforts to preserve the environment of Maine.

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY of Andorscoggin: Mr. President and Honorable Members of the Senate:

The purpose of the resolution this morning is to achieve the very same thing that the Senator from South Portland is attempting, but in a little different manner.

At the present time I don't believe the answer is to stop development until we find out whether the pioneering environmental legislation — namely, the Maine Coastal Conveyance Bill and the Site Selection Bill — which was enacted in the 104th Maine Legislature, is constitutional or not

With Maine's unemployment problem the highest in a decade and some 600 trained youngsters returning from the Indochina War each month, it behooves us to adopt legislation that allows us to proceed on a definite course of providing job opportunities as well as protecting the coast of Maine.

I don't believe there is a legislator in Augusta who does not realize that between 50 and 55 oil terminals already exist on the coast of Maine and that the coast of Maine handles 200 million barrels of oil each year, and that this level is increasing each year regardless of whether there is an oil refinery or not.

In addition, the greatest danger appears to be from the nearly 3 million acres that the Canadians

have leased for oil and gas exploration, a process which you are aware is going on at the present time.

If there is any indication that there is a deficiency in the Maine legislation, then I would propose introducing a tough anti-pollution bill, calling for fines up to \$100,000 for commercial shippers polluting Maine territorial waters and fishing zones.

Such legislation would establish a Maine Pollution Claims Fund which would make payments to victims of pollution from levy on tonnage of all oil imported into Maine by sea.

This legislation would authorize appointment of pollution control officers with the power to board vessels within the 12-mile fishing zones to determine if they meet Maine safety requirements. Ships that do not meet the requirements would be ordered out of Maine waters under threat of \$25,000 fine. A \$25,000 fine would also be levied against any person or ship discharging a pollutant in violation of the regulations to be drafted. Civil liability provisions would hold the ship owner, and in some cases the cargo owner, liable for costs of cleaning up or preventing threatened pollution.

This legislation is similar to Bill C-2, which I have on my desk which is currently before the Canadian Parliament and is expected to be adopted momentarily. It would be an even tougher bill than the Maine Coastal Conveyance Bill.

In conclusion, then, I would like to say my purpose this morning is designed not to stop development but to allow development to proceed and, at the same time, protect the coastline of the State of Maine. It is not and should not be interpreted as a moratorium on environmental legislation, but is simply a resolution that we, as responsible representatives of the people of the State of Maine, understand the problems of the State of Maine and will do our very best to rectify them.

Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would like to commend the fine Senator from Androscoggin, Senator Minkowsky, on this resolution that he has presented. I think unquestionably it has a lot of merit. However, I do feel that what he is proposing is so far reaching, so encompassing, that without seeming to do so we would really be stopping the wheels of the present Legislature while we await the results of some study group, and as Chairman of the Natural Resources Committee, before which much of this pending legislation will be heard, I feel that we would be completely stymied in our efforts to evaluate the problems that concern the people of the State of Maine, that concern the Legislature. I feel that this particular order would do more to hold us back in our quest for solution rather than solving anything.

I would ask that the members of this body, when a division is taken, that they vote not to accept the report as presented.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I just have a few remarks to make beyond this without being repetitious.

We might have now reached the crossroads as far as this joint order is concerned, namely for a bi-partisan effort to act responsibly in behalf of the people of the State of Maine which, I believe, is morally right instead of attempting to do what is politically popular in maintaining what I might classify as alleged harmony.

My findings in drawing up this particular document would take about three weeks or one month to have these findings brought forth to the Maine Senate or to the Maine Legislature as a whole. Since I anticipate that we will be here until the month of June, I believe, that there is ample time

in which to do the work that is necessary to fulfill the requirements of this particular document.

One final concluding remark, Mr. President and Members of the Senate, I would like to point out to the members of the Senate that in so far as I am concerned, this is not a continued feud as projected by some for what I consider a sound, valid, ethical reason.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I for one had purposely resolved to remain seated until Senator Minkowsky turned to the next page of the script and brought out some facts which the good Senator from Sagadahoc, Senator Schulten, had not mentioned. In reviewing Senator Schulten's remarks I see nothing in there of a partisan nature. I saw no reference to the Department of Economic Development and to its spring-reacting commissioner. I felt that the order as presented on behalf of DED by Senator Minkowsky spoke for itself and need no further examination.

If it were possible to do what the order requested it would take far more than a month. The very first part of his request calls for a compendium of environmental law which is already on the books and the Environmental Improvement Commission, I am sure, will be glad to furnish Senator Minkowsky with a copy of this.

I hope this isn't the crossroads, Mr. President and Members of the Senate, I hope that the next page of the script says that cooperation will continue a hundred per cent and wholeheartedly on everybody's part in solving these problems. To date there has been no partisanship; let's keep it that way.

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

Mr. Violette of Aroostook then moved that the Joint Order be tabled and specially assigned for March 4, 1971, pending Passage.

On motion by Mr. Berry of Cumberland a division was had.

Twelve Senators having voted in the affirmative and seventeen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Passage of the Joint Order.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move this order be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this Joint Order be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request a division on the motion for indefinite postponement of the order.

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

Mr. SEWALL of Penobscot: Mr. President, when the vote is taken I request that it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate:

I arise in opposition to this Legislation, not to seek out another opportunity to make points with any conservation groups but rather more precisely to further openly express the humble feelings of the many constituents I represent.

Recently this Senate was witness to considerable debate over the merits of a joint resolution. Editorially our actions were fruitless or perhaps our combined judgments reflected great foresight, or hindsight. It really depends on whose editorials were read on which days. I base my own convictions on the many letters that I've since received from across the entire breadth of our great state. Ladies and gentlemen, that resolution this

legislature passed truly represented the realities facing this state. The resolution, in our mind, struck at the very gut-issue of our times, whereas it concerns the further development of oil in Maine.

Much was said concerning Maine families struggling for survival due to limited job opportunities. Whenever there is unemployment, surely then some form of human misery abounds. Let the record testify that not a single legislator among us would knowingly cast a negative vote that would prolong human misery in any form.

We have within the governmental structure of this state a department whose function it appears to be to promote and vigorously pursue and induce new and additional employment opportunities to settle within our boundaries. Yet the activities of this department continue in a direction opposed by many Maine citizens; promotions supported by taxes. As many proud citizens of Maine have recently paid their fair share of taxes with one hand, and cast a negative vote with the other hand in opposition to the very activities their taxes continue to foster, is there any end?

I might name Machiasport, South Portland, Searsport, Camden, Trenton, Biddeford, this Legislature, the voters, on the topic of further oil development all said no. Could that damn message be any plainer?

Isn't it interesting to reflect ahead many years when perhaps we will all be in a better position to judge the full actions of the 105th Legislature. Maybe all of us here had a small part in bringing about circumstances that contributed to our Senator Muskie's stand in opposition to the Sears Island refinery. The terrible pressures of public opinion, at its best, working undiminishingly on the souls of politicians.

Beneath all this political humbleness, soul searching, assurance of perfect harmony, there emerges one anguished voice: the idealism of a man who doesn't know when to quit. This great man, who wholeheartedly abounds with



immortality, continues to slap the very hand that feeds him, the tax payers and voters of this state.

Insufficient that he couldn't take a polite hint from this legislature, this man sought the glory of headlines to laugh at the citizens and their representatives.

Insufficient that he couldn't "cool it a little baby," but that he had to cynically dare this body to pass a law to force him into submission.

In answer to a woman's question to this great man, "Is there anything at all we can do; any petition, any referendum, any action we could take collectively, that would convince you the people of this area do not want oil? Is there any way we can persuade you to change your position?" The great man replied, "nothing you can do makes any difference to me." End of quote.

That was a terribly arrogant answer, that can only be interpreted as meaning one thing. He feels very secure in his ivory tower. As I see it, his only base of power is what our fears give him. This man has no immortality. I'd like to answer that lady's question.

Lady, first you get a telephone call started, like a chain letter, invite all your lady friends to write a protest letter to your Governor. Demand a reply on his stand on the oil issue in the coming year. Express also your feeling towards this department and its director. Public pressure properly applied in the right place is effective, and the Governor can bring about a change.

The power of the voter has not yet been fully realized by the citizens of this state. It's high time they were educated to what makes politicians responsive.

No doubt, being a Democrat, appointed by a Democratic Governor, tends to make one feel highly secure. Does he draw upon this feeling knowing well in advance any bill that we pass into law curtailing oil development faces a veto? The final straw may be for this Legislature to amend out any appropriations to his department. Perhaps only then will he at long last get the message

that we are not here to play tiddley-winks, but to bring forth the feelings of the people of this state.

Ladies and Gentlemen of the Senate, coming before us in the following weeks will be a bill that I will sponsor on marine aquaculture. And we recently read the headlines where this idea is nothing more than a pie in the sky. I feel the writer of that editorial was slightly premature. I am going to sponsor this bill because I believe in its merits. It may in the future provide additional income to the fishermen if it is properly applied. How can I honestly promote additional oil in Maine on one hand and promote a bill that may provide additional income to our fishermen? I strongly oppose this order.

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: If you refer to the proposed order on page five in the last paragraph, and I will read from it, "Ordered, that no further environmental legislation be enacted by the 105th Legislature," Senator Minkowsky from Andros-coggin stated that we will be here until June perhaps, with the present bills pending. But if we do enact this order, I think that we will cut the session very short because I think that well over fifty per cent of our bills do involve environment in one form or another. So perhaps this may not be such a bad idea; we could go home quicker if we did pass legislation of this type. Thank you.

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

Mr. SEWALL of Penobscot: Mr. President, I would like to withdraw my motion for a roll call please.

The PRESIDENT: The Senator withdraws his motion. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Joint Order sponsored by the Senator from Andros-coggin, Senator Minkowsky, be indefinitely

postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the Joint Order will please rise and remain standing until counted. Those opposed?

A division was had. Thirty Senators having voted in the affirmative, and one Senator having voted in the negative, the Joint Order was Indefinitely Postponed.

### **Committee Reports** **House**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Candidates for Political Office in Primaries." (H. P. 112) (L. D. 156)

Bill, "An Act Prohibiting Cross-filing by Candidates in Primary Elections." (H. P. 485) (L. D. 626)

### **Change of Reference**

The Committee on State Government on, Bill, "An Act Relating to Participating Local Districts in the Maine State Retirement System." (H. P. 434) (L. D. 569)

Reported that the same be referred to the Committee on Veterans and Retirement.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Veterans and Retirement.

Which report was Read and Accepted and the Bill referred to the Committee on Veterans and Retirement in concurrence.

### **Leave to Withdraw**

The Committee on Election Laws on, Bill, "An Act to Eliminate the Straight Party Ballot in the Election Laws." (H. P. 452) (L. D. 607)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act Relating to Return Envelopes for Absentee Ballots Designating Official before Whom Ballot to be Marked." (H. P. 484) (L. D. 625)

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 be Adopted**

The Committee on State Government on, Joint Resolution Proposing Abolition of Futures Trading of Potatoes on the New York Mercantile Exchange by the Congress of the United States. (H. P. 140) (L. D. 195)

Reported that the same Ought to be Adopted.

Comes from the House, the report Read and Accepted and the Joint Resolution Adopted.

Which report was Read and Accepted and the Joint Resolution Adopted in concurrence.

### **Ought to Pass**

The Committee on Agriculture on, Bill, "An Act Relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs." (H. P. 395) (L. D. 581)

Reported that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

### **Ought to Pass—As Amended**

The Committee on Transportation on, Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 213) (L. D. 280)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-32).

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

Which report was Read.

On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

### **Senate**

#### **Ought to Pass**

Mr. Danton for the Committee on Business Legislation on, Bill, "An Act Relating to Employees and Agents of Collection Agencies." (S. P. 215) (L. D. 661)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

### Second Readers

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

#### House

Bill, "An Act Relating to Service of Justices of the Supreme Judicial Court and the Superior Court for Retirement." (H. P. 67) (L. D. 108)

Bill, "An Act to Prevent Pollution of the Waters of Nokomis Pond, Penobscot and Somerset Counties." (H. P. 273) (L. D. 362)

Bill, "An Act Relating to Inspection of Motorcycles and Motor Driven Cycles." (H. P. 282) (L. D. 371)

Resolve, Relating to Fishing in Mopang Lake, Washington County. (H. P. 341) (L. D. 450)

Bill, "An Act Relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland." (H. P. 385) (L. D. 500)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

Bill, "An Act Relating to Transporting Piranhas, Catfish and Freshwater Fish." (H. P. 388) (L. D. 503)

Bill, "An Act Relating to the Conservation and Management of Migratory Birds." (H. P. 412) (L. D. 539)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter previously set aside by Mr. Katz of Kennebec:

Bill, "An Act Relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland." (H. P. 385) (L. D. 500)

The same Senator then presented Senate Amendment "A", Filing No. S-17.

Senate Amendment "A" was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President, has this amendment been distributed, may I inquire?

The PRESIDENT: The Chair would inform the Senator that the Filing No. is Senate - 17.

The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President, I can't seem to find it. Would the Senator from Kennebec tell us what the amendment is?

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to the Senator from Kennebec, Senator Katz, who may answer if he so chooses.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, the amendment is just an emergency enactor, which does not change the substance of the bill at all.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

### House — As Amended

Bill, An Act Creating the Dexter Utility District." (H. P. 360) (L. D. 482)

Bill, "An Act Relating to School Administrative District Assessments." (H. P. 482) (L. D. 623)

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

### Enactors

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

An Act to Remove the Word Steam from the Boiler Law. (H. P. 117) (L. D. 161)

An Act Relating to Preparation of List of Residents by Assessors. (H. P. 185) (L. D. 278)

An Act Changing the Name of the Preachers' Aid Society of the Maine Conference of the Methodist Church (H. P. 237) (L. D. 319)

Which were Passed to be Enacted and, having been signed by the

President, were by the Secretary presented to the Governor for his approval.

### Emergency

An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75. (S. P. 197) (L. D. 548)

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.

### Orders of the Day

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

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

Tabled—February 18, 1971 by Senator Harding of Aroostook.

Pending—Passage to be Engrossed.

Mr. Harding of Aroostook then presented Senate Amendment "C", Filing No. S-16 and moved its Adoption.

Senate Amendment "C" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HARDING: Mr. President and Members of the Senate: I am violating a rule which I have followed ever since I served in the legislature, and that is not to participate in the Fish and Game laws because I am not an expert in them. In fact, the Fish and Game laws, I find, are so technical that I dare not go hunting or fishing, even though I am a lawyer, unless I have a guide who is familiar with these laws.

Now, the reason I offer this amendment is that the person whom I depend upon to guide me, as far as the Fish and Game laws are concerned, pointed out that under this bill there was a mandatory minimum fine of \$50 for any violation of the Fish and Game laws, practically speaking. He told me that this was too high, that this would be an embarrassment

to our state, with tourists coming in and what have you, if they made a mistake of getting one too many fish, for example, and it would be hard for a fellow from New York to understand why he should be fined \$50 for that offense, which would seem minor to him. Therefore, we have reduced the minimum fine which would cover most instances to \$20. That is the major impact of this amendment, and I would hope that it might be adopted by the Senate.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Adoption of Senate Amendment "C".

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

SENATE REPORTS—from the Committee on Judiciary on Resolve, Authorizing Ansel Green of Bangor to bring action against the State of Maine. (S. P. 54) (L. D. 91) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—February 19, 1971 by Senator Harding of Aroostook.

Pending—Acceptance of Either Report.

Thereupon, on motion by Mr. Tanous of Penobscot, 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:

SENATE REPORTS—from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—February 19, 1971 by Senator Berry of Cumberland.

Pending—Motion by Senator Levine of Kennebec to Accept the Minority Ought to Pass Report.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and

specially assigned for March 4, 1971, pending the motion by Mr. Levine of Kennebec that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

JOINT ORDER—Relative to Joint Standing Committee on Education hiring staff. (S. P. 353)

Tabled—February 23, 1971 by Senator Katz of Kennebec.

Pending—Passage.

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

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

JOINT ORDER—Relative to Great Northern Paper Company and Scott Paper Company Log Drives. (H. P. 795)

Tabled—February 24, 1971 by Senator Berry of Cumberland.

Pending—Passage.

Thereupon, Mr. Schulten of Sagadahoc presented Senate Amendment "A", Filing No. S-14, and moved its Adoption.

Senate Amendment "A" was Read and Adopted and the Joint Order then received Passage in non-concurrence.

Sent down for concurrence.

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

JOINT RESOLUTION Memorializing the Honorable Clifford M. Hardin, Secretary of Agriculture, to Institute Programs of Commodity Assistance and Removal of Surplus Potatoes. (H. P. 796)

Tabled—February 24, 1971 by Senator Berry of Cumberland.

Pending—Adoption.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: There was a request made yesterday by the Senator from Kennebec, Senator Katz, requesting an explanation on this. I guess to whatever extent I can give an

explanation I could have done it yesterday, but I got mixed up in the order of which resolution was being considered, so I would like to inform the Senator and the Members of the Senate of the reason for this Joint Resolution.

There is a very serious problem of a surplus in our potato crop in Maine this year, caused primarily by over-production in many parts of the country, not including Maine. I think Maine's crop is not that much over the other years, but there are several other states which do have over-production and this is creating a surplus on the market, with a resulting low price.

The State of Maine also has a definite problem of transportation in shipping out its potatoes, and one of the reasons why we are considerably behind in shipping our potatoes this year, and undoubtedly will have a very difficult time in marketing our potatoes, is that there simply is just not enough trucks to transport the potatoes out of Aroostook County and northern Maine to take them to the market. We have had a complete breakdown in transportation by rail, not because of the problems with many of our Maine rail carriers, but because of the problems with rail carriers outside the State. It is getting to the point where it takes anywhere from ten to fifteen and even twenty days to get a carload of potatoes from Aroostook County into New Jersey, Pennsylvania and parts of the mid-west. There is just not enough trucks to haul these potatoes out, and this is creating a surplus problem.

Other states in the country have the same problem and other states, western states, have memorialized the Secretary of Agriculture to recognize this situation and act on the authority that he now has to issue what is called "set-aside provisions" in the agricultural laws which, in effect, authorizes the Secretary of Agriculture, when he recognizes a surplus in any commodity with resulting damage to that industry, to order a certain part of that crop to be set aside and taken off the market with diversion

programs and so forth to try to stimulate the price for the demand of the product on the market.

The reason for this resolution is to request the Secretary of Agriculture to take cognizance of the situation and ask him if he will take this type of action in order to assist the potato industry. I hate to say this, but I guess I don't know really what importance the people in Washington place on these resolutions, but hopefully it would be something which would be a contribution in recognizing the problem that we have here in Maine and be of assistance to our potato industry. I hope that the resolution would be adopted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to support the resolution. I think that the economic situation that this tends to alleviate is extremely important. And I assure the Senator from Aroostook, Senator Violette, that the Republican Secretary of Agriculture in Washington will pay a great deal of attention to this.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted in concurrence?

Thereupon, the Joint Resolution was Adopted in concurrence.

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

Bill, "An Act Relating to Use of Motorboats on Ox Brook Lakes, Washington County." (H. P. 296) (L. D. 396)

Tabled—February 24, 1971 by Senator Hoffses of Knox.

Pending—Adoption of Committee Amendment "A"—Filing H-29.

On further motion by the same Senator, retabled and specially assigned for March 4, 1971, pending Adoption of Committee Amendment "A."

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

HOUSE REPORT—Ought to Pass from the Committee on Fisheries and Wildlife on Bill, "An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County." (H. P. 295) (L. D. 395)

Tabled—February 24, 1971 by Senator Hoffses of Knox.

Pending—Acceptance of Report.

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### (Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.