

# 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

Tuesday, March 2, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. Henry B. Dallaire of Hallowell.

Reading of the Journal of yesterday.

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

Joint Order re Joint Standing Committee on Education Hiring Staff (S. P. 353)

In the Senate February 25, 1971, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-36) in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It is an interesting non-concurrence between the two houses this morning. I feel that I have been silent and perhaps I owe an explanation to the Senate.

At the very beginning of the session, based upon my personal conviction that I had a committee that was both talented and ambitious, and with a potential for hard effective work, I asked for staff for this committee. I asked for staff, and was given approval by this end of the corridor, at any rate, to negotiate for the hiring of my staff. I did this. This is now March 2nd and my staff has not been paid since the beginning of the session.

This joint order appeared on the calendar about a week ago to authorize that which I had already done. Although the Committee on Legal Affairs has staff and was not required to go the joint order route, the Committee on Judiciary has staff and was not required to put in a joint order, the Committee on Appropriations has staff and they were not required to go in by route of the joint order, but this morning I find myself with a non-concurrence from the other body.

The agreement was that I would be hiring staff for a sum not to exceed \$4,000 and considering the

fact that the Committee on Education has responsibilities for programs which burn up more than half of the current services budget, and considering the fact that our work load is very substantial under normal circumstances, but we have dedicated men who want to do even more, and considering the fact that the staff which we hired last session at a figure of \$3,000. — the young man involved took a good part of the session familiarizing himself with the job, and would be coming in with an ability and a potential to help extraordinarily higher than last year — considering all these things, it seemed that the negotiated figure of \$4,000 was a reasonable figure.

The amendment before us this morning which puts the two bodies in non-concurrence reduces the figure to \$3,000. So we find ourselves in a negotiating position.

I am told that the other branch is willing to give us \$3,000 worth of assistance. Now, gentlemen, there is nothing that has happened to me this session that has depressed me quite as much as this. I am in competition with the lobby who have points of position. They are well-paid and very competent men. When I want information, of course, I can go to the lobby. Or I can go to the Executive Department, which has a well-paid competent staff, for information from them. Or I can go over to the bureaucracy, my good friends in the Department of Education, knowledgeable, capable men, and get information from them. But as far as making an independent determination, my working conditions aren't that good.

If I take up an excessive amount of time, it is because I feel so very strongly, not about this inane little difference of opinion, but my effectiveness as a member of the State Senate. I am very grateful for the tools that the Senate gives me to work with. I have to admit that when I dictate some hundreds and hundreds of letters sometimes it is difficult to find a good place to dictate. I find my Senate seat is not always the best place, or the back of the Senate chamber.

The men's room is a quiet place in which people seem to know what they are doing, but there are obvious limitations. And when I am visited by a constituent or a president of some college I have my choice of taking them to the back of the chamber or sneaking into the Executive Department, perhaps the Governor's Council Chamber, but I have located one quiet place that I occasionally use that I will not share with the rest of you because I don't want you to find out about it. But my ability to be effective is extraordinarily limited.

Again I will apologize for talking too long on this, but it seems to me extraordinary that the Maine Legislature is willing to give aid and assistance to the departments, to the Executive Department, better facilities for making the lobby more effective, better facilities for making the press more effective, but when it comes to making our own arms a little bit longer, or making our own potential for being effective just a little bit better, that somehow we start getting delusions that we are throwing the taxpayers' money away like crazy.

One project on which our staff has been working is the question of insurance on public school buildings. No cost of education in the state is growing at a faster rate than school building insurance. We are attempting to develop, quite independent of any bills facing us, an insurance program that I am confident will save a couple hundred thousand dollars a year of taxpayers money.

We also have been assigned the task of working together with Appropriations to attempt to get some sense out of the capital expansion of our institutions, and I think that you probably share in the notion that that the capital expansion of our V.T.I.'s, of our colleges in the University, has not always been sensible or in the interest of good government.

Mr. President, I am depressed by this amendment from the other house. I think it is a monument to the maintenance of the magnificent status quo, it is a monument to mediocrity, and on

that basis I move that the Senate insist.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate insist. Is this the pleasure of the Senate?

The motion prevailed.

#### **Non-concurrent Matter**

Bill, "An Act Creating the Kennebec Sanitary Treatment District." (S. P. 309) (L. D. 953)

In the Senate February 19, 1971 referred to the Committee on Legal Affairs.

Comes from the House, referred to the Committee on Public Utilities in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### **House Papers**

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

#### **Communications**

##### **STATE OF MAINE**

Department of the Attorney General

Augusta, Maine

February 25, 1971

The Honorable Kenneth P. MacLeod

President Maine Senate

State House

Augusta, Maine

Dear Senator MacLeod:

You have asked this office for an opinion as to whether or not one House of the Legislature may pass its own order taking money from the appropriation made for legislative expenses.

Legislative Appropriations are made by Acts of the Legislature. Such Acts must be enacted by both branches of the Legislature. They must be then approved by the Governor. Any money available to the Legislature is made so by joint action of both Houses.

The Constitution, Article IV, Part First, Section 7, and Article IV, Part Second, Section 7, provide that each House shall choose its officers. It would seem proper that, lacking constitutional or statutory direction, the authority choosing its officers should fix their compensation.

Each House having chosen and set the salaries of its officers, the matter of paying such salaries arises. This problem has been solved, after some discussion, by the passage of a Joint Order, and rightly so we might state. The Legislative appropriation, having been created by action joined in by each House, should be drawn upon only by joint action of each. No one House has a right to utilize legislative funds to the exclusion of the other.

Very truly yours,

Signed:

JAMES S. ERWIN  
Attorney General

Which was Read and attached to Joint Order (S. P. 372).

#### **Joint Order**

Out of Order and Under Suspension of the Rules:

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the State Controller be authorized and directed to draw upon the Legislative Account in accordance with the opinion rendered by the Attorney General dated February 25, 1971, attached and incorporated by reference herewith.

(S. P. 372)

Which was Read and Passed.

Sent down for concurrence.

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

Mr. Peabody of Aroostook presented, Bill, "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency." (S. P. 373) (L. L. 1109)

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

Sent down for concurrence.

#### **County Government**

Mrs. Carswell of Cumberland presented, Bill, "An Act Relating to Reports of Departments, Commissions and Institutions." (S. P. 374) (L. D. 1110)

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

Sent down for concurrence.

#### **Fisheries and Wildlife**

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Permits for Keeping Certain Wild Animals in Captivity." (S. P. 375) (L. D. 1111)

The same Senator presented, Bill, "An Act Relating to Size Limit of Trout." (S. P. 376) (L. D. 1112)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

#### **Judiciary**

Mr. Shute of Franklin presented, Bill, "An Act Relating to Judicial Divisions of the District Court." (S. P. 377) (L. D. 1113)

The same Senator presented, Bill, "An Act Relating to Powers of Liquor Inspectors Concerning Disorderly Conduct." (S. P. 378) (L. D. 1114)

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

Sent down for concurrence.

#### **Legal Affairs**

Mr. Clifford of Androscoggin presented, Bill "An Act Relating to Theft of Trade Secrets." (S. P. 379) (L. D. 1134)

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

Sent down for concurrence.

#### **Natural Resources**

Mr. Bernard of Androscoggin presented, Bill, "An Act Authorizing Counties to Establish and Operate Parks, Playgrounds and Open Areas." (S. P. 380) (L. D. 1135)

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

Sent down for concurrence.

#### **Public Utilities**

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Rates of the Waldoboro Sewer District." (S. P. 381) (L. D. 1138)

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

Sent down for concurrence.

### State Government

Mr. Shute of Franklin presented, **RESOLUTION, Proposing an Amendment to the Constitution to change the Time for Filing an Initiative Petition.** (S. P. 382) (L. D. 1139)

Mr. Bernard of Androscoggin presented,

Bill, "An Act Relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials." (S. P. 384) (L. D. 1140)

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

Sent down for concurrence.

Mr. Graham of Cumberland presented,

**JOINT RESOLUTION** Memorializing Congress to Restore Peace and Prosperity to the United States By Ending the Viet Nam War, (S. P. 383)

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

Mr. **BERRY** of Cumberland: Mr. President and Members of the Senate: It seems to me that this is another one of those instances where the Senate is being asked to participate and take a position on something that really we have either no background on or it is not being used for the purposes perhaps for which it appears to be on the face of it. Accordingly, Mr. President, I move that this item be indefinitely postponed.

The **PRESIDENT**: The Senator from Cumberland, Senator Berry, moves that the Senate reject the suggestion of the Committee on Reference of Bills and that the resolution be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ** of Kennebec: Mr. President, I noticed that this resolution is not reproduced. I understand that it is being reproduced and, if it is going to be debated, might I suggest that someone table it pending reproduction.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending the motion by the same Senator that the Joint Resolution be Indefinitely Postponed.

### Orders

On motion by Mr. Tanous of Penobscot,

**ORDERED**, the House concurring, that there is appropriated the sum of \$850 from the Legislative Account to the Joint Standing Committee on Judiciary to defray the expenses of the committee by the Joint Order (S.P. 313) referring the Initiated Bill (I.B. No. 1), An Act Repealing the Maine Income Tax Law, and the Joint Order (S. P. 325) referring the Initiated Bill (I.B. No. 2), An Act Relating to Form of Ballots in General Elections to the committee for an investigation and report as to the sufficiency of the petitions. (S.P. 385)

Which was Read and Passed.

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

On motion by Mr. Dunn of Oxford,

**ORDERED**, the House concurring, that the Joint Standing Committee on State Government is directed to report out a bill which will include stepsons and stepdaughters under the Uniform Civil Liability for Support Act.

Which was Read.

On motion by Mr. Violette of Aroostook, tabled and tomorrow assigned, pending Passage.

### 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 Qualifications and Term of Office of Commissioner of Inland Fisheries and Game." (H. P. 262) (L. D. 351)

"An Act Providing for Purchase and Possession of Malt Liquor by Persons Eighteen Years of Age Not to be Consumed on the Premises." (H. P. 272) (L. D. 361)

### Change of Reference

The Committee on Veterans and Retirement on, Bill, "An Act Providing Longevity Provisions for State Employees." (H. P. 660) (L. D. 890)

Reported that the same be referred to the Committee on State Government.

Comes from the House, the report Read and Accepted, and the Bill referred to the Committee on State Government and Ordered Printed.

Which report was Read and Accepted and the Bill referred to the Committee on State Government in concurrence.

### Leave to Withdraw

The Committee on Veterans and Retirement on, Bill, "An Act Changing the Formula for Retirement under the State Retirement Systems." (H. P. 548) (L. D. 720)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

### Ought to Pass - As Amended

The Committee on Public Utilities on, Bill, "An Act Classifying Mousam River, Main Stem, West Branch." (H. P. 202) (L. D. 269)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-33).

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

### Ought to Pass in New Draft

The Committee on Legal Affairs on, Bill, "An Act Relating to Membership on Zoning Boards of Appeal." (H. P. 5) (L. D. 5)

Reported that the same Ought to Pass in New Draft under same Title (H. P. 866) (L. D. 923)

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

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

The Committee on Education on, Bill, "An Act Relating to Initiated Referendum on Decisions of Directors of School Administrative Districts." (H. P. 93) (L. D. 137)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Initiative of Articles to be Included in School Administrative District Budget Meetings." (H. P. 689) (L. D. 795)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-35).

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, in New Draft, Tomorrow Assigned for Second Reading.

### Senate

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

ask leave to report: that the Senate recede and concur with the House in referring the bill to the Committee on Appropriations and

**Financial Affairs.**

On the part of the Senate:

BERRY of Cumberland

KATZ of Kennebec

VIOLETTE of Aroostook

On the part of the House:

BRAGDON of Perham

GILL of South Portland

JALBERT of Lewiston

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede and Concur.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Relating to Record of Plans by Registers of Deeds." (H. P. 728) (L. D. 816)

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

**House - As Amended**

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

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

**Senate**

Bill, "An Act Changing the Name of Committee on Educational Television and Relating to Educational Services in Communication Media." (S. P. 96) (L. D. 260)

Bill, "An Act Relating to Death Benefits for Fish and Game and Coastal Wardens under the State Retirement System." (S. P. 147) (L. D. 386)

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

Sent down for concurrence.

**Enactors**

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

An Act Creating the Model White Cane Law for the Blind. (S. P. 142) (L. D. 381)

An Act Relating to Mailing Address of Grantees or Mortgagees on Deeds and Other Conveyances. (H. P. 300) (L. D. 400)

An Act Relating to Exemptions for Public Utilities to the Revised Boiler Law. (H. P. 361) (L. D. 468)

An Act Relating to Fee for Certificate to Cremate Bodies of Deceased Persons. (H. P. 392) (L. D. 507)

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

Resolve, to Reimburse William Scott of East Machias for Loss of Bee Hives. (H. P. 75) (L. D. 116)

Resolve, in Favor of Ervin Bubier of Wilton for Damage by Bears. (H. P. 155) (L. D. 210)

On motion by Mr. Sewall of Penobscot, the above two Resolves were placed on the Special Appropriations Table.)

**Emergency**

An Act Appropriating Funds for World Cup Races at Sugarloaf in 1971. (H. P. 472) (L. D. 602)

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

Mr. SEWALL of Penobscot: Mr. President, when the vote is taken on this matter I would like to request disqualification on the grounds of conflict of interest.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, asks leave to be relieved from voting on this measure, Legislative Document 602. Is this the pleasure of the Senate?

There being no objection heard, the request was granted.

Thereupon, this being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Emergency**

Resolve, Permitting the County of Piscataquis to Expend Money for Public Ambulance Service. (H. P. 729) (L. D. 817)

This being an emergency measure and having received the af-

firmative votes of 29 members of the Senate was Finally Passed 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 following tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans (S. P. 370) (L. D. 951) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—February 26, 1971 by Senator Berry of Cumberland.

Pending—Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, the Majority Ought to Pass Report of the Committee was accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Joint Resolution Memorializing Congress to Restore Peace and Prosperity to the United States by Ending the Viet Nam War. (S. P. 383)

Pending — Motion by Mr. Berry of Cumberland to Indefinitely Postpone.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I agree with the Senator from Cumberland, Senator Berry, that it is a great question whether or not this body should even be deliberating this type of resolve. I have had a chance to read it briefly, and I don't like it any better than I did when I read a report about it in the paper.

As much as this resolve might be considered by many as the correct approach to solving the agony of the war against communism in Southeast Asia, this is

neither the way nor the place to achieve that end.

We as a nation are committed by a treaty to aid South Vietnam in her struggle against the invaders from North Vietnam and from her own revolutionaries within the Viet Cong. Four Presidents have struggled with this great problem, an unwanted war that has created great divisiveness in our country. Our current President, I am sure you all agree, is making rapid strides in helping the Vietnamese to help themselves, while at the same time we are withdrawing our troops as rapidly as possible under the circumstances.

This resolve is divisive, Mr. President. It telegraphs to the enemy our punches. It tells them the United States will cut and run. The President has said he will end the war, and I believe him. This resolve would help to turn our country toward nihilism. All of us desire peace, but not at the cost of honor.

I believe it is not for this legislative body to consider the entry into foreign affairs, and I consider it a disservice to the abilities of the State Government Committee to even consider it.

Mr. President, I would that I could have the power to end the war in Southeast Asia, as I now trust this resolve will be ended by the motion for indefinite postponement.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I think it a great pity that this resolve should be killed here today. When people say that this resolution has no bearing on the State of Maine, or imply that it is not our duty to discuss this matter, I completely disagree.

The other day we passed a resolution favoring revenue sharing. There will be no revenue sharing as long as this war continues. This war penetrates every fiber of our nation. It is like a cancer. It started with a little lump in the budget and it has now spread to our whole body politic. It pene-

trates all parts of the state. Our taxes are going up on account of this war. Inflation is rising on account of this war. Americans are turned against each other on account of this war. Our youth are alienated from us on account of this war.

I had hoped to make this resolution non-partisan. I was asked if I wanted to bring it up in the Democratic Senate caucus, and I said no; I hoped that everyone would vote on this resolution according to his own conscience.

Seventy-three per cent of the American people have favored a resolution of this sort, namely, the Hatfield-McGovern Resolution now pending in the Senate. In fact, that is more abrupt than this resolution. This resolution would give the President a year in which to remove American troops from Vietnam.

This war will go on and on unless we, the representatives of the American people, stop it. It is rolling like a juggernaut through Asia. A year or so ago we called it the war in Vietnam. Now they are talking about the war in Indochina. In a year or so they will be talking about the war in Asia. We will be involved perhaps with Russia, perhaps with China, perhaps with both, and perhaps in a nuclear war.

We have waited long enough for peace. It is time for us to put the pressure on the administration for peace. In fact, the President may need our support in order to combat the feelings of the military bureaucracy. We must try to stop this war now, and the way to stop it is to make an offer, as I have listed in this resolution, an offer so the North Vietnamese and the Viet Cong will realize that we really mean to get out of there. We have been promising to get out of there. In 1965 we were told we were going to be out of there in a year or so. We are still being promised that in a year or so we will be out.

The war is not being wound down. We are not winding down the war; we are winding it up. The war has been escalating. How can

people speak of winding down the war when we have expanded the war now to Cambodia and into Laos? I, therefore, feel that this resolution is of the utmost importance. It will give the enemy the feeling that we do mean to get out and we will thereby have a chance to get our prisoners of war back. All of you, I know, are interested in getting our prisoners of war back; it is of great concern to all Americans. We will never get them back as long as this war goes on, but by offering to get out of Vietnam, we will get the prisoners of war back and we will also create a cease-fire by which American lives will be saved. We talk about saving American lives. As long as this war goes on, not only will our prisoners of war be there but American soldiers will be dying, dying and dying. Therefore, I feel that the time has come now for us to accept this resolution to show the President how we feel, and I therefore call for a roll call vote.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: In my humble opinion, we are away out on a limb when we as a state start dictating to Washington on foreign policy.

Because I have served in two wars I don't set myself up as a military genius, but I say to you, in my belief, to set a definite time for withdrawal from Vietnam would be the most stupid, the most disastrous act that has happened to the United States at any time since the signing of the Declaration of Independence. And wouldn't the communistic forces be elated. The celebration they would put on to mark the event would place our early Fourth of July celebrations in the category of a Sunday school picnic.

This is not a partisan issue. This is a time when we all, as loyal Americans, should support the policy of the President and his cabinet.

If the late John F. Kennedy were in office today, I feel sure he would

have followed the same policy as President Nixon. Incidentally, it is my belief that if he hadn't met an untimely death he would have gone down in history as one of our greatest presidents.

It grieves me to say this, but I feel there are many who have political aspirations that would like to see President Nixon fail in his bid for a just settlement in Vietnam. I pray these political figures will have a change of heart and back the President in his foreign policy. If we don't soon close ranks we will be teetering on the brink of destruction.

I am very proud of my three sons. Two went through hell in the South Pacific. My youngest son was one of thirteen marines in his company to come out of the basin in Korea in that bitter winter that could be likened to Valley Forge. They are true Americans. They believe, as I do, that we should back our President and military leaders in every phase of our foreign policy.

I would hope my colleagues would denounce this resolution and pledge to support President Nixon and his cabinet in this crucial hour. Thank you for your kind indulgence.

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

**MR. VIOLETTE** of Aroostook: Mr. President and Members of the Senate: I had not intended to speak on this matter, and I don't intend to speak to the heart of the resolution, but I do want to say a few words to get this matter into proper perspective.

When Senator Graham talked to me about this order about three weeks ago I told him it was his privilege to introduce it. I know how he felt about this conflict because I have known Senator Graham for a long time and I know that for a long time he has felt the way he speaks today. I told him that I did not think it should be made a party matter because people on both sides of the aisle in party politics had different feelings about the matter, and I told him I felt it certainly was a proper matter for discussion before this

legislature because it affects the lives of all of us, and that as far as I was concerned he was free to do so but we would not take a party position on it, and we never have.

Now, I feel this morning, where the Majority Leader called for the indefinite postponement of this resolution without benefit of a hearing, which the Reference of Bills Committee felt should be given it, that this is quite unusual, in my judgment. We have presented a lot of resolutions here before dealing with just about every facet of politics in American life, and we have memorialized the Congress on them on numerous instances during every session of the legislature that I have attended, so this is nothing new. If the Majority Party here wants to take the position to preclude debate on this subject by not allowing it to go to hearing, as is proposed here today, that is their privilege to do so.

I want to tell the Senator from Hancock, Senator Anderson, that as far as his own family is concerned that I don't think they have any corner on the heroic actions. I have a son who is now lying in a Manila hospital grievously wounded because of wounds he has received in the past week in Vietnam. This is something that affects all of us, I assure you. So I think it is a proper subject for discussion in this legislature, and if the Majority Party wishes to preclude this discussion then that is their privilege and their responsibility.

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

**MR. BERRY** of Cumberland: Mr. President and Members of the Senate: I think that the debate here this morning is the answer to Senator Violette's criticism that there should be a forum for debate because that is just what we are doing here, and this is just what we have done up to this point on all joint orders, and we have made no exceptions. We would be making an exception to send this order to a committee for further action. So we are making no exception for this particular order.

I have been associated with the Senator from Cumberland, Senator Graham, and I have the greatest respect for his high ideals, particularly in the area of world peace. He is no new comer to this. He believes sincerely what he is saying and what he has put on paper, so I don't quarrel with his motives. But I have plenty of quarrel with what is behind this, and I have plenty of quarrel with the mechanics and what we see on paper.

The war so far has been fought too much by politicians. The politicians have their place, but it is not to interfere into every small minute detail of waging a war. When the die has been cast, when the decision has been made, it is the responsibility of deliberative assemblies, such as our Congress, to help prosecute the war. Too many of the individuals in Congress have seized this as a forum, a background, a stage for their own personal good in a political area. This, I think, is a thing that upsets most American people. We have seen viewpoints stated, we have seen positions taken, and these have changed abruptly when the political situation has changed. We need go no further than the Junior Senator from the State of Maine, who under Democratic Presidents was as hawkish and as devoted to the prosecution of the Vietnam War as anybody.

We have now in the White House a President who campaigned before the American people with a major premise and promise that he would do everything possible to bring an honorable conclusion to the Vietnam War, and he is doing it. The latest statistics as of this morning indicate that our fighting forces in Vietnam are at the lowest point in about four years. Now here is a President of the United States doing what he said he would do, elected by the people, and this indicates that the people of the United States are behind the President.

Now, our Junior Senator saw quite fit when President Nixon was elected and assumed office to all of a sudden become quite a dove — and I say "dove" more than there are thirty-two Senators in this Chamber that are dovish, because we are all dovish. We want

an honorable end to the war. But our Junior Senator has gone beyond this and he has used politics in his own self-aggrandizement in an attempt to get his views across. He has blown like a weathervane on this very, very important subject. Now, we talk about the horrors of war and we all know it, but let's face the fact that this measure, in effect, is a political one. It is not unique in the State of Maine. There are similar resolutions being introduced in other state legislatures with exactly the same viewpoint. There is an attempt, an organized attempt, particularly by Democratic Senators in Washington, to discredit the position of the United States in the eyes of the World. And I need go no further, again, than to tell you or remind you of a conference that the Junior Senator from Maine had in Moscow, where he held out to Mr. Khrushchev that he was a man who represented different viewpoints than the President of the United States. With a uniform on there would be a name for something like that.

So these, Members of the Senate, are my reasons for opposing this order. We do not quarrel with the purpose, we don't quarrel with the mechanics, and by a vote to indefinitely postpone this you are not endorsing a war; you are saying we wish to continue to withdraw from the war in Vietnam as honorably and as soon as possible.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on this resolve I move that it be taken by the yeas and nays.

The PRESIDENT: A roll call has already been requested, Senator.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It is a tough one. I am going to vote with the Senator from Cumberland, Senator Graham. There isn't a man in this room or a Republican in this room more supportive of our President than I. There isn't a man in this

room who has more confidence in our President than I, or who has more admiration for the fact that he has done exactly what he said he was going to do when he was elected. And I am not a dove, so how in the world can I vote against the motion for indefinite postponement?

I am aware of the fact that mine is, without any question, a politically naive position and unpopular position to take. But I have done something rather daring; I have read the resolution, and I am not sure that it is being debated here at all. I would ask the Senate to read it paragraph by paragraph and say, "Where do you take issue with the facts?" The first whereas is a statement of fact, as I see it, and so is the second. And as far as I am concerned, there isn't anybody here who is in favor of going in with atomic artillery and ending the war through atomic attack. I think we are all dedicated to peace. The only question, I think, comes in the resolution itself at the very, very end, and what does it say? There is no criticism of the President inherent in this anywhere that I can see. If there is any partisan implication that the President isn't living up to his responsibilities, any implication that the President hasn't done what he said he was going to do, I can't see it.

It asks the President to consider a course of action, that's all. No demands, no criticisms; a plea from the heart to consider a course of action. And the course of action is a withdrawal of all American forces after the fact, after the fact that all Americans are praying for, a standstill, a cease-fire. Anyone here who is against it? Exchange of our prisoners of war; anyone here who is against it? And then a year later, after the communists have delivered and they have lived up to their part of the bargain, we make the commitment that we would withdraw our troops. No deadline, none of the things that you have seen in the United States Senate, none of the unreasonable things that gives aid and comfort to the enemy in say-

ing, "We promise that we will withdraw by such and such a date; now let us negotiate." Not at all; quite the opposite.

So, Mr. President, although it would be much more easy and perhaps more comfortable for me to vote against this resolution and in favor of this motion to indefinitely postpone, I find myself in an entirely different position, and I shall vote against indefinite postponement.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am sure that there are different views about this resolution. Because someone might disagree with me, however, I do not reflect in any degree upon his patriotism.

I think it unfortunate when we start naming names and parties and suggesting that someone is less patriotic than somebody else because he has a different view than somebody else in relation to this war in Vietnam.

As far as I am concerned, every United States Senator, whether he is a Democrat or a Republican, is a patriot. He was sent there by the citizens of that respective state, and I believe we have confidence that our citizens send patriots to our United States Senate. I believe that is also true with the people who serve in this Senate. So I hope, first of all, we can just disregard as unfortunate the remarks which have been made that reflect upon the patriotism of anyone in regard to their views on this war.

There have been some statements here that are simply not true. First of all, there has been no declaration of war insofar as Vietnam is concerned. This is an undeclared war, whatever that may be. We are not there in Vietnam because of any treaty obligation; it is simply not so. And someone suggested that the Junior Senator from Maine had a conference with Mr. Khrushchev. That I doubt very much because I think Mr. Khrushchev has been out of office for several years.

Insofar as this item that we are talking about here today, all that is being asked here is that the people of Maine be given a chance to come here and express their views on this very important item. We wonder why our young people are being alienated and we can't reach them, they are distant from us, and these other things, well this gives them a chance to express their views. It is the best of what democracy is. There are some people here who wonder why young people are affiliated and want to come to a certain party and that they don't like to come to the other party, politically that is. Well, this is the kind of thing which is important to our people, that they have a chance to speak. This is all that this resolution is about. It has been referred by the Reference of Bills Committee to the Committee on State Government, and this does have a precedent. In fact, just a few weeks ago we had a hearing, and my good friend, my seatmate right here, will testify to that, I am sure, on a memorial to Congress on potato futures. It was a full-dressed hearing. So, we have set the precedent, it has been done many times, and all we are asking is that it be done again.

Let's not sweep this thing under the rug without a hearing, without it being debated; let's have a fair shake on it. The young people that are watching up there, what do you think that they are going to think of us if we want to sweep this thing under the rug and not even let it be heard? I think they would like to see us have it be heard, and I think the people of Maine would like to see us have it be heard. So that is all that we are asking; will you let us be heard?

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: The two last speakers have explained this thing a lot better than I could. I have nothing more to say except to remind the distinguished Senator from Cumberland, Senator Berry, it has

also been said, "War is too serious a matter to be left to the generals." That has been the trouble with this war in Vietnam; we have left it to the generals for too long. The American people now want to speak up. The American people, seventy-three per cent of them, have said that they favor a withdrawal from Vietnam. I, for one, want to represent the American people, and I call upon those in this body who would likewise wish to represent the American people to vote in favor of this resolution.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was referring, of course, to the Premier of Russia by his title and not by his name.

For Senator Katz, I point out in the resolution that there is a time element of one year after the agreement is reached, so-called.

For my good friend, Senator Harding, I do say that once again we are all seriously concerned with the Vietnam War and that we do want to end it. I would like to read a Joint Resolution in Support of The United States Policy in Viet Nam:

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in Special Session of the One Hundred Second Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"WHEREAS, the United States of America stands committed to a policy of resisting the forces of Communist aggression which imperil the freedom and liberty of the people and nations of the free world; and

"WHEREAS, it is of vital importance that the forces of totalitarianism recognize that the United States of America, as a nation, will utilize every means at its disposal to honor such commitments; and

"WHEREAS, the present use of American military forces in Vietnam manifests the determination of the United States of America to implement this policy whenever

and wherever the freedom of the nations of the free world are threatened; and

"WHEREAS, our military forces, in this great struggle, are proving a decisive factor in implementing American policy, not only in the defense of Vietnam against Communist aggression, but as a developing arsenal of strength which will provide the means of securing a final peace; now therefore, be it

"RESOLVED: That we, your memorialists, urge that the Congress of the United States of America, in recognition of the sacrifices and heroism of our fighting men in Vietnam, extend the profound thanks of the Congress and the people of the United States to the military forces of this country in Vietnam for their valiant efforts; and be it further

"RESOLVED That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State."

This, Mr. President and Members of the Senate, was a joint resolution presented by the Senator from Aroostook, Senator Harding.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There was a joint resolution, it was six years ago, and many things have changed in this six years. Many of us have recognized the wisdom that a few had at that time, among them the Senator from Cumberland, Senator Graham. Everything which at that time on this matter was a concern to Senator Graham — he expressed at that time the deep reservations about our commitment in Vietnam — every one of the reservations that he had at that time, time has proved it to be true. So, we recognize now as a nation that we were wrong six years ago, that we were wrong ten years ago. The only

point is what will we do about recognizing that fact of life?

There is no dispute now. President Nixon agrees that we should withdraw from Vietnam. We all agree that we should. It is just a question of when and how are we going to do it. So, there are many of us who had one view six years ago, and most of us have changed our mind since that day. And I have no apologies, because I have seen that I was wrong in that period of time and I am willing to recognize it.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have taken time to read this resolution and I am quite interested in it. On the third whereas, or the fourth paragraph, he said we cannot win through a military victory but through a negotiated settlement. Well, we have been negotiating for something like four years. The first year was spent negotiating what the shape of the table would be. I guess they settled that and they haven't done anything else; that's on negotiation.

He brings up in his next to last paragraph, "in return for a standstill ceasefire and an exchange of prisoners." President Nixon offered that to them last fall and they wouldn't listen to it. Everything that is mentioned here has been tried. President Johnson thought that he could do something through negotiation and tried very hard to. Then after Nixon got in they said we didn't have the right ambassador there, so he sent them one that they approved of, but still other than the settlement on the shape of the table nothing has happened.

I am very much opposed to this order.

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

Mr. GRAHAM of Cumberland: Mr. President, just one point of information: The administration has never agreed to take all United States forces out of Vietnam or out of Indochina. The enemy has

indicated that if that is agreed upon they will very quickly make peace and return American prisoners of war. That is why I phrased this resolution this way, because this is the sure way to attain peace.

The PRESIDENT: The Chair would ask the Sergeant - at - Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Senator Katz to the rostrum where he assumed the duties of President pro tem, and President MacLeod was escorted by the Sergeant-at-Arms to the seat assigned Senator Katz on the floor of the Senate Chamber.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President and Members of the Senate: I had not planned to leave the rostrum because I don't think that a presiding officer should do this, only on very extraordinary occasions, but the last statement by the Senator from Cumberland, Senator Graham, caused me to change my mind.

The communists have never made any statement that they would release our prisoners, that they would withdraw or do anything if we withdrew our troops. They have said consistently ever since the Paris peace talks started that they would start to talk about this as soon as we were out of Vietnam completely. But they didn't say what they would do. They didn't say they would exchange prisoners or release our prisoners. They didn't say they would withdraw their forces. They said they would start talking to us if and after we had all of our troops removed. You can't compromise with tyranny, and that is what we are faced with over there.

The Senator from Aroostook, Senator Harding, says will you let us be heard? Will you let us be heard? That the Republican Majority is shutting off the right of debate and free speech. I was the first one who signed that joint resolution. Roosevelt Susi was another, a member from the other

body, the Majority Floor Leader. And we were going to refer it to State Government for a full public hearing. But this was before a member of the Reference of Bills Committee from the other party gleefully informed me that every effort was going to be made to have the Junior Senator from Maine come up here and express his views at the public hearing. In other words, it was apparent that the public hearing was going to be nothing but a political forum for a political presidential aspirant.

Politics should not be involved in this. Every one of us wants to see the Vietnam War ended. We want our troops out of there. I, unlike the Senator from Aroostook, Senator Harding, felt that it was a grievous mistake in the early 1960's for President Kennedy to send in those 14,000 military advisors. Every military man in history has always told us not to get involved in a land war in Asia, that you can't win it. So I was one of those who was opposed in the beginning. But at the same time I supported my President, at that time President Kennedy and later President Johnson, and I knew the very difficult decisions they were trying to make, and which President Nixon has been making ever since. It changes when you assume that front office in Washington. Parties don't mean so much, because you have responsibility then for over two hundred million Americans, regardless of political parties, and you have the responsibility for making the hard decisions.

So this negotiated settlement that is referred to in this joint resolution really is nothing but surrender. When you put a time certain or a date certain on when we guarantee to withdraw all our troops out of Asia, then you are telling the enemy, "It is yours, baby; do with it as you will." I have a hunch in the long run we will lose Indochina. I think it probably will go communist, and that the hundreds of thousands of American casualties will have been in vain, which is a terrible, terrible thing. But it is too late now, except to try and get our troops out on an honorable basis

as quickly as we can, and I am convinced that President Nixon is trying to do that.

Incidentally, another thing that was brought out this morning was that the Majority Floor Leader made the motion to indefinitely postpone this. That was because I recognized him ahead of the Senator from Franklin, Senator Shute, who wanted to make the motion. This has not been brought up at a Republican caucus, it is not a partisan issue, and I would hope that when the roll call is taken the vote would not be a party issue. Thank you for your attention.

Thereupon, the Sergeant-at-Arms escorted the President to the rostrum where he assumed his duties as President of the Senate, and the Sergeant-at-Arms then escorted Senator Katz to his seat on the floor of the Senate.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Paper 383, Joint Resolution Memorializing Congress to Restore Peace and Prosperity to the United States by Ending the Viet Nam War, be indefinitely postponed. A roll call has been requested. 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 Senator 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. A "Yes" vote will be in favor of indefinite postponement. A "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Clifford, Conley, Danton, Fortier, Graham, Harding, Johnson, Katz, Kellam, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Carswell and Levine.

A roll call was had. Sixteen Senators having voted in the affirm-

ative and fourteen Senators having voted in the negative, with two Senators absent, the Joint Resolution was Indefinitely Postponed.

Mr. Tanous of Penobscot then moved that the Senate reconsider its action whereby the Joint Resolution was Indefinitely Postponed.

Thereupon, a viva voce vote being taken, the motion did not prevail.

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

#### Papers from the House Enactors

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

#### Emergency

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971. (S. P. 371) (L. D. 952)

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

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate.

Mr. TANOUS: Mr. President and Members of the Senate: I don't know if you have had the opportunity to read the front page of the Bangor Daily this morning, as I did at an early hour. When I did get to an article on the lower bottom front page of the Bangor Daily News I noted that Conrad Cyr, the Referee in Bankruptcy, quit his position in the Maine Sugar Industry Case as time presses and, believe me, I became nauseated. I became nauseated as an attorney and an officer of the courts of this state, and I became nauseated in my position as Chairman of the Judiciary Committee.

Now, many, many times you see stories of this type in the papers and you overlook them. You look at them and you would think of something, but you dare not speak what you think. Well, I dare speak what I think, and I claim no

immunity in my position as a Senator speaking in the Senate. My immediate impression when I saw this in the paper this morning — and I have been following this matter very thoroughly in the papers as well as in the courts and knew, as perhaps you are well aware, that Mr. Vahlsing and the Referee in Bankruptcy, Conrad Cyr, have had many confrontations in the Bankruptcy Court over much of the proceedings in which this industry now is being processed involuntarily.

Many of the assets have been removed from the court, and our Referee in Bankruptcy has continually ordered Mr. Vahlsing to render an accounting and to bring these assets back to Maine. There is no question that there has been a confrontation between these two individuals. Now, the thing that nauseated me was that I wondered has the authority, has the power and has the influence of this one individual penetrated our court system, our judicial system in the State of Maine, where he has failed to penetrate our legislative system.

This is what came to my mind when I read this article. Has he penetrated our judicial system where he has failed to penetrate our legislative system? If so, is it right that an individual of this type be financed by the taxpayers of the State of Maine to carry on duties of this type? It is sickening, indeed, it is sickening. I don't know what the status is at this time with the legislative committee which is investigating this, but I hope that they will include in their inquiry the story behind the story.

I am a very personal friend of Conrad Cyr, the Referee in Bankruptcy, and I know that he would never, never succumb to the pressures of an individual like this, but it does stink, and I certainly hope that it isn't as it appears in the paper. Thank you.

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(Off Record Remarks)

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On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.