

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

Friday, March 5, 1971

Senate called to order by the President.

Prayer by the Rev. Victor P. Musk of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 9, at 10 o'clock in the morning.

(S. P. 397)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House**House Papers**

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

Senate Papers**Judiciary**

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 417) (L. D. 1232)

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

Sent down for concurrence.

Natural Resources

Mr. Bernard of Androscoggin presented, Resolution, Proposing an Amendment to the Constitution to Provide State-wide Referendum on Legislative Action Lowering Water Quality Classification. (S. P. 418) (L. D. 1233)

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

Sent down for concurrence.

State Government

Mr. Bernard of Androscoggin presented, Bill, "An Act Providing

for the Reclamation of Abandoned Forest Produce on State Property." (S. P. 419) (L. D. 1234)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Discrimination under the Personnel Law Because of Age." (S. P. 420) (L. D. 1235)

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

Sent down for concurrence.

Transportation

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Operation of Pulpwood Trucks on Maine Highways." (S. P. 421) (L. D. 1236)

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

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that notwithstanding Joint Rule 8, bills and resolves now in the office of the Director of Legislative Research shall be introduced in complete final form in the appropriate house not later than 1 p.m. on Tuesday, March 16, 1971.

(S. P. 422)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

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

Bill, "An Act Relating to Defenses on Retail Installment Sales Agreements." (H. P. 381) (L. D. 496)

Leave to Withdraw

The Committee on Education on, Bill, "An Act Relating to Tuition for State Wards." (H. P. 703) (L. D. 946)

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

The Committee on Legal Affairs on, Resolve, Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance. (H. P. 200) (L. D. 255)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Maine Chiropractic Association." (H. P. 238) (L. D. 320)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Operation of Snowmobiles in Cemeteries." (H. P. 299) (L. D. 399)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, Reimbursing Donald F. Bartlett for Damage due to Highway Maintenance. (H. P. 301) (L. D. 401)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Licenses for Harness Horse Racing and Stipend Fund." (H. P. 321) (L. D. 430)

Reported that the Same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Amending and Restating the Act to Incorporate Dyer Library Association." (H. P. 350) (L. D. 459)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Name of The Electronic Technicians' Association, Inc." (H. P. 353) (L. D. 462)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, to Reimburse Anthony Moscone for Loss of Cigarettes and Tobacco Products by Fire. (H. P. 368) (L. D. 481)

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, "An Act Relating to Qualifications of Candidates in Primary Elections." (H. P. 386) (L. D. 501)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Granting Permits to Blind Persons to Operate Vending Facilities in Public Buildings." (H. P. 425) (L. D. 559)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolves Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Agriculture on, Bill, "An Act Relating to the Use of Drugs on Animals at Agricultural Fairs." (H. P. 173) (L. D. 231)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 953) (L. D. 991)

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 Election Laws on, Bill, "An Act Relating to Time For Filing Nomination Petition by Candidates for State and County Office." (H. P. 335) (L. D. 444)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Candidates by Primary Election or Nomination Petition, and Time for Filing Nomination Petition." (H. P. 952) (L. D. 990)

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, under New Title, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to

Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

FORTIER of Oxford

Representatives:

TRASK of Milo

FINEMORE

of Bridgewater

MORRELL of Brunswick

COLLINS of Caribou

ROSS of Bath

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

HICHENS of York

Representatives:

CYR of Madawaska

DAM of Skowhegan

DRIGOTAS of Auburn

COTTRELL of Portland

McCLOSKEY of Bangor

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

Which reports were Read.

Thereupon, on motion by Mr. Wyman of Washington, tabled and specially assigned for March 10, 1971, pending Acceptance of Either Report.

Second Readers

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

Senate

Bill, "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office." (S. P. 398) (L. D. 1011)

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for March 10, 1971, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Repeal Tax Exemption for Planting and Cultivating Forest Trees." (S. P. 67) (L. D. 132)

Bill, "An Act to Clarify Certain Forestry Laws." (S. P. 112) (L. D. 291)

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

Sent down for concurrence.

Enactors

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

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

Mr. Martin of Piscataquis then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MARTIN: Mr. President and Members of the Senate: The only thing this would do is provide copies of plans, and provide for Registers of Deeds to make copies that would not be true according to size and dimensions. I can't see that this would help in any shape or manner, and I would like to see this bill indefinitely postponed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill is a little more significant than Senator Martin indicates. The bill is an attempt to bring some form of standardization into our Registry of Deeds in the form of plans, and it does say that any reproduction which is issued from the registry shall be on the same scale as the plan as recorded, which is important and, as I understand what Senator Martin said, it is not in agreement with what he did say; but the bill does provide this.

We are faced in Registry of Deeds with a multiplicity of dimensions of plans, anything from something the size of a postage stamp up to something that would paper the side of the wall. Now, this is a small step in that direction, and I would think there should be far more serious objections than what Senator Martin has given before we should deal this out of hand so lightly, so I would oppose the motion.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and specially assigned for March 10, 1971, pending the motion by Senator Martin of Piscataquis that the Bill be Indefinitely Postponed.

Orders of the Day

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

House Report—Ought to Pass from the Committee on Public Utilities on Bill, "An Act Increasing the Number of Members on the Board of Trustees of the Bath Water District." (H. P. 539) (L. D. 712)

Tabled—March 3, 1971 by Senator Moore of Cumberland.

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.

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

Bill, "An Act Creating the Cumberland County Recreation Center." (S. P. 404)

Tabled—March 4, 1971 by Senator Conley of Cumberland.

Pending—Reference.

Thereupon, the Bill was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

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

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

Tabled—March 4, 1971 by Senator Harding of Aroostook.

Pending—Consideration.

On motion by Mr. Harding of Aroostook, the Senate voted to Recede and Concur.

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

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

Tabled—March 4, 1971 by Senator Hoffses of Knox.

Pending—Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It is with considerable reluctance that I rise this morning to speak on this subject, and I would immediately divest myself of the robe of office which I carry on my shoulders.

It is always an unhappy situation to be in disagreement with very close friends, and I have many who are proponents of this bill.

May I say that the bill is a very simple one, and is one that I can understand, accordingly. It is a very forthright and overt attempt to lengthen the combination of a tractor and trailer by two feet, a situation which has remained unchanged for nine years. I found in checking with the Secretary of State's office that we have made really no change in the over-all length of tractors and trailers in nine years, and this seems incredible, because it seems to me that they are getting bigger and bigger every year. It certainly seems that it takes longer to pass them when you try to pass them than it did ten years ago but, anyway, the record does show, and it must be the fact, that the over-all length of a tractor and a trailer is fifty-five feet and it has been that way since 1961.

The matter, to my way of thinking, is purely one of highway safety and nothing else but. I find that in passing trailers today that it takes a certain amount of courage and stubbornness and the viewpoint that, "The deuce with it; I hope that I can pass this fellow." You get covered with snow and slush in the wintertime and dust and dirt in the summertime. The impact of one of these gargantuan pieces of equipment passing you on the road, and it used to be just a small vehicle that got tossed around, but now they are so effective that the wind stream moves even a big car.

It seems to me that our female counterparts who are pushing women's lib., however, must be protected from the dangers in this, and I think lady drivers are really

in a precarious position when they try to joust with these things.

It just happens that the morning paper carries a very impressive picture of one of these things. It looks like — I don't know what — a railroad wreck I might say, on the Turnpike. I think yesterday we received reports that there were several serious accidents involving these rigs on the road between Augusta and Brunswick, and the one I refer to here was on the Turnpike.

I think that that is simply the issue, Mr. President and Members of the Senate. I am not going to belabor it. I think it is a highway safety and life and death issue, literally, on the highways, and I move the indefinite postponement of the bill.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill, "An Act Relating to Length of Certain Motor Vehicles," House Paper 213, Legislative Document 280, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on motion by Mr. Johnson of Somerset, the Senate voted to reconsider its action whereby the Bill was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I can agree in many areas with the good Senator from Cumberland when you get on these highways, but I think he will also agree that when some of these small Volkswagens pass him, at the same times he says the same words about them as he does about the vehicles that are bigger.

Now, this bill came out of Committee unanimous Ought to Pass, and there are two parts to it. One is a liberalization to a certain extent, and the other is a restriction. The liberalization, of course, is the extension of the two feet. The restriction which the Committee felt would be required on the bill is that the box, which is the biggest part of the vehicle, be limited to 45 feet. Today these cab over engines, which comes six, eight and nine feet, I guess, can

actually within the limitations of the present law, haul a box 49 feet, and this limitation cuts it down to 45 feet, which is in the direction that the good Senator is asking.

Now there are two types of cab tractors. One is the old type, the Mack type, and then there is the new type with the cab over. Actually the old type is about 12 feet long. The other one, I guess, is anywhere from six to nine. The new type tractor is not as safe as the old type tractor, and the gentleman was talking about safety. We find that the old tractors are better, but they are 12 feet, so when you hook a 45-foot box on them you are in violation by two feet.

The Department of Transportation, incidentally, has come up with a new law that says there has got to be a bumper on the rear of these vehicles too, which would prevent cars from running underneath these vehicles.

As far as I am concerned, there is no increase in the weights, there is no increase in the length of the box, which is the big part of it so, Mr. President, I would request a division. Is there a motion before the Senate at this time?

The PRESIDENT: The pending question before the Senate is Passage to be Engrossed of Bill, "An Act Relating to Length of Certain Motor Vehicles." The Senate had indefinitely postponed the measure and, on motion by the Senator from Somerset, Senator Johnson, the Senate reconsidered its action whereby the Bill was indefinitely postponed.

The Chair recognizes the same Senator.

Mr. JOHNSON: Mr. President, I move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed in concurrence?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Boiling the issue down, we are going to vote on extending the length of the tractor and the box two feet. I would request a division and hope you vote in the negative.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would like to give a small amount of explanation of why I signed this bill. I have got to admit that I didn't attend the hearing because, if my memory serves me correctly, I was on sick leave.

When I compared this bill to some of the previous legislation we have had in years past pertaining to trucks and trucking, and when I compared it to some of the legislation coming up before this session in the near future, this bill seemed to me to be such a nice bill that I signed it Ought to Pass.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I don't know if I dare follow that, but there is one thing that comes to my mind on this bill that hasn't been brought out, and I think it is an economic issue.

I am in the sporting goods retail business, very small and strictly family owned, and one of my problems in the past four or five years has been that of freight allowance. Now, on the last order I purchased, which cost me \$400 wholesale, there was a freight bill of \$38 from California on it. I went down to the truckers and I asked them about it, and we looked up the different classifications for the different types of material that was in the order, and they frankly told me that if they could haul a little more at one time perhaps it would help to stabilize the cost of freight.

Now, on one order I received, the man picked it up in Westbrook, I think, or someplace, and he was the last man to handle that particular order so he got about three dollars out of it. I am five miles out of town, so that is a ten-mile trip from his depot, and it was around 5:00 o'clock at night, so I know he had to end up paying the guy overtime. He did it, of course, to give me good service as we were in dire need of this particular order.

If this will allow them to extend the truck two feet and no doubt

increase the amount of freight that can be put onto that truck, I certainly would go along with it. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage to be engrossed of Legislative Document 280, Bill, "An Act Relating to Length of Certain Motor Vehicles." A division has been requested. As many Senators as are in favor of the passage to be engrossed of this bill will rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the Bill failed of Passage to be Engrossed.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled—March 4, 1971 by Senator Danton of York.

Pending—Passage to be Engrossed.

On motion by Mr. Danton of York, and under suspension of the rules, the Senate voted to reconsider its previous action whereby it Adopted Committee Amendment "A".

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

Senate Amendment "A", Filing No. S-25, to Committee Amendment "A" was Read.

The President: The Chair recognizes the same Senator.

Mr. DANTON of York: Mr. President and Members of the Senate: I am opposed to this bill, not because I am opposed to clean rivers, but I feel that by having Mousam River upgraded by the year 1974 it would impose an extreme hardship on the Town of Sanford.

The Town of Sanford has been one of the most progressive towns in the southern part of the state. It has moved on Urban Renewal, housing for the elderly, vocational school, new police station, fire station, and it has even gone ahead and contacted engineers to take and upgrade its present sewer facilities. The report that they have got back from their engineers — and they have even filed for federal monies — that if they were to be left to qualify by 1974 they could never meet that deadline. Therefore, they would like to be on the same time schedule as the rest of the cities and towns in this state to classify by the year 1976.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am opposed to accepting this amendment. I am not surprised that Sanford is opposing the bill because they oppose every bill — you folks that were here two years ago can well remember that every bill that pertained to Sanford Sewer District or regulation of sewer districts, Sanford really put up a howl about it.

On this hearing that we had on this Mousam River there were fourteen people who spoke for it. Now, they were trained men, at least twelve of them were trained men in that field. They were from the Inland Fisheries and Game, Sea and Shore, E.I.C., and different engineers.

This is a recreation river, but it has reached the point of nearly no return. For miles and miles and miles there is nothing but green slime now, through algae which is coming out of the phosphorous coming out from the Lagoons at the Sanford Sewer District. Sanford has gone along in trying to do something about it.

I would like to bring out that this river that we are talking about at one time was an excellent salmon river, believe it or not. But this past year they took an analysis of the oxygen content in the deepest water there, and it was proven that there wasn't any oxygen. It had a good fishery on striped bass and they are fast

losing that. And the Sea and Shore people brought out that if this river could be cleaned up it would mean that they could dig clams at the mouth of this river on these flats that are closed now. It is so bad now that they won't even allow them to dig them for bait. And that would be at least a five thousand dollar industry on the clams on the flats at the mouth of this river.

Now I would like to tell you what the feelings of the E.I.C. is on this. First, let me tell you that under the classification, the present classification of water, the Mousam River was classified in 1957 as Class D. That is just about as bad as you can get; I don't think there is anything any lower than that. And they didn't come under the revisions of 1959, so that they don't ever have to clean it up if they don't want to. That is one thing that was concerning a lot of people there.

Here is what the E.I.C. says on the plan that they have:

"A time schedule is intended to establish goals for the achievement of a pollution abatement program. A pollution abatement program normally proceeds according to the following:

"Preliminary plans and cost estimates, arranging for financing, detailed plans and specifications, start of construction, and completion of construction.

"The project for upgrading the Sanford Sewer District lagoon system is fairly straightforward. It will require the addition of facilities that will remove nutrients, phosphorous, or algae which grows in the sewage treatment ponds. In addition it will be necessary to add chlorination for the purpose of disinfection.

"There will be no need to design or construct an elaborate collection system or treatment system. The waste waters are now in one place and can be easily studied.

"The Environmental Improvement Commission has for a number of years been in contact with the Sanford Sewer District exploring the necessary additions. At the present time the Sanford Sewer District has consulting engineers studying the problem.

"The first step in the time schedule establishes a date for the completion of this study.

"The second step in the time schedule commits the District to arrange financing. In addition it commits the State to provide its share of the financing.

"The third step requires the final plans and specifications to be completed. This must be done before bids can be solicited.

"The fourth step is the real key to a time schedule. This requires construction to be started. It is at this point that money has to be spent. All other steps of the time schedule lead to this critical fourth step.

"The fifth step requires the project to be completed. This particular time schedule allows one year and four months for completion. A project of this scope should take no longer than 10 months.

"It has been said that maybe the so-called 1976 deadline should apply to the upgrading of the Mousam. This line of thought has serious weaknesses that can be pointed out by comparing the so-called 1976 deadline with the proposed schedule."

Now, they have a schedule here which the E.I.C. has set up and discussed with the Sanford Sewer District, and it would have to be completed by October 1, 1974.

If the existing section 451 time schedule applied, and that is what this amendment would do, Sanford would be in violation of Step A at the present time. The proposed schedule permits five more months for the arranging of financing than what they would have under the 1976 program. You see, they have missed the boat. They have made no attempt to come under the '76 because they could have gone to '86 if something hadn't been done about it.

I am not going to finish reading this complete study, but I wanted to bring out to you that the E.I.C. is doing everything they can to help the Sanford Sewer District. They would be in violation if this is passed. It is a river that is in terrible condition. There was no one opposed to this bill at all at the hearing; everyone was in favor of it. And the testimony that was

brought out was certainly impressive. I hope that you will go along with the bill, and not accept this amendment. Thank you.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I think the whole thing here concerns why should Sanford have to clean up by 1974 when the rest of the state is on a 1976 schedule or deadline to meet.

The Town of Sanford on its own initiative has gone ahead and hired engineers long before this bill was introduced here at the legislature, and they have got reports back from their engineers. They have also contacted federal agencies for money but they haven't heard from them yet. So it would be almost impossible for them to be ready by the 1974 deadline that has been set for them.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have not been approached on this or asked to vote either way on it. I know that it has taken a hundred or a hundred and fifty years to get our rivers in the condition in which they now are. This idea that we can clean them up in two years, or something like that, I think it is just more than we can do. My sympathy is entirely with the Town of Sanford, which simply asks for two more years to complete this work. I certainly hope the Senate will support Senator Danton.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Apparently I didn't give you a good explanation of what the E.I.C. is already doing for the City of Sanford, that they are helping them and not hurting them. Now, according to Sea and Shore Fisheries and Inland Fisheries and Game Department, and their biologists, if this is allowed to continue until 1976 it is going to be many, many years before it is cleaned up. It is practically to the point

of no return now. This is a very great recreational area, practically the only one in York County. If I had read farther in this report from E.I.C., all they need is a very small investment to clean this up, because the lagoons are already built, and all they have to do is just build one small building to purify this water as it goes out. And if we went to 1976, as I told you, they are already in violation of that law.

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

Mr. DANTON of York: Mr. President And Members of the Senate: The town of Sanford has gone through the various programs that I mentioned earlier, and they are not in any financial position at this time to go ahead with programs that they just can't put into their time-table as far as finances go. We all know that every town and city in this state is overtaxed, and they just don't have the money to spend ahead of their scheduled time.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think we have a little division of thinking here that perhaps could be accommodated. I think it would be a quite significant action if this body were to make an exception to the time-table that any community can go beyond 1976. It is possible that something could be worked out so that they would have to have their construction finished by 1976, even though they are not on the time-table now. This might be worthy of a little conference, so perhaps we could wait a day or so and see if something could be worked out.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I noticed that this bill, L.

D. 269, was referred to and heard by the Public Utilities Committee. I would think classification of streams and rivers would be the natural province of the Natural Resources Committee, and I would suggest that this bill be referred to the Natural Resources Committee.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

Joint Order

Out of order and under suspension of the rules, on motion by Mrs. Carswell of Cumberland,

WHEREAS, the Augusta State Hospital has been on the decline for several years; and

WHEREAS, this is due to a number of various reasons including the inability to recruit and retain employees, both professional and non-professional, strife within the department, serious disagreement between employees and the administration relative to programs and treatment and care of patients; and

WHEREAS, the Baumgarten Report brings to light serious deficiencies; and

WHEREAS, administrative changes could remedy many of the problems; and

WHEREAS, finances are not the most serious problems of the hospital but are actually brought about as a result of numerous other problems; and

WHEREAS, the failure of the Department of Mental Health and Corrections to provide good and adequate patient care for individuals committed to this institution; and

WHEREAS, the 1968 Baumgarten Report has provided necessary information to cause the Department of Mental Health and Corrections to act in such a way as to remedy existing conditions; and

WHEREAS, in this year of 1971 conditions plague the social conscience of legislators; and

WHEREAS, the Legislature is determined to take the necessary action without delay to bring about a level of care and treatment of patients at the Augusta State Hospital, in the name of human decency; and

WHEREAS, failure to do so will result in serious human misery and suffering; and

WHEREAS, the time to start is now; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Select Committee of Inquiry be appointed to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Mental Health and Corrections to ascertain that department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said committee shall consist of 3 members of the Senate appointed by the President of the Senate and 7 members of the House appointed by the Speaker of the House of Representatives who shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this order; such sums to be paid out of the Legislative Appropriation; and said committee shall elect its own chairman and such other officers as it deems desirable; and be it further

ORDERED, that this special committee report its findings and recommendations forthwith to the 105th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that there is allocated to this special committee from the Legislative Appropriation the sum of \$5,000 to carry out the purposes of this order; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that in the discharge of its duties, this special committee shall have the authority to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the committee.

(S. P. 423)

Which was Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage.

The PRESIDENT: The Chair is very pleased to announce that the little dispute that we have been having concerning the legislative docket has been resolved, and the docket is open to all. The Chair would also like to announce that when you are at this end of the corridor use our docket, because Mrs. Ross has the information up to date as to the other body. On

the other hand, if you are up there and you want information on any legislative document, feel free to use the House legislative docket.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until Tuesday, March 9, 1971, at 10 o'clock in the morning.