

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 19, 1971

Senate called to order by the President.

Prayer by the Rev. Canon Charles E. Karsten Jr. of Gardiner.

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, that when the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 23, 1971, at 10 o'clock in the morning.

(S. P. 508)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House**Joint Order**

WHEREAS, Gorham High School is the proud holder of the State of Maine Championship in cross country running for 1970; and

WHEREAS, the school also proudly holds the first State of Maine Championship title ever to be awarded for soccer; and

WHEREAS, the school basketball team was the winner of the Cumberland County Conference and a semifinalist in the Western Maine play-offs; and

WHEREAS, Gorham High School has had a record year for athletic competition with several distinguished individual honors; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representative of the One Hundred and Fifth Legislature now assembled, take this opportunity to recognize and honor the outstanding achievements of the Gorham High School athletic teams and their coaches, Evans, Stevenson and Ridlon, and wish them continued success in their efforts in the field of sports to bring honor to their school, community and State; and be it further

ORDERED, that copies of this Order, duly attested by the President of the Senate and the Speaker of the House, be transmitted forthwith by the Secretary of the Senate to the principal and coaches of Gorham High School in token of the sentiments expressed herein.

(H. P. 1209)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolve today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents." (H. P. 928) (L. D. 1282)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Hichens of York, referred to the Committee on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

Orders**Joint Order**

On motion by Mrs. Carswell of Cumberland,

WHEREAS, recent research has shown that physical activities, sports and competitive athletics are a major means of reaching the retarded; and

WHEREAS, here is an area where they can succeed and start building a positive image, gaining confidence and self-mastery as well as physical development; and

WHEREAS, the special olympics program for the mentally retarded will be held in the City of Portland, Maine on May 21st and 22nd, 1971; and

WHEREAS, the ultimate goal of this program is to create opportunities for sports training and athletic competition for all retarded children; and

WHEREAS, a child improves his performance in the gymnasium and on the playing field; he also improves his performance in the

classroom, at home and eventually on the job; and

WHEREAS, Governor Kenneth M. Curtis, Honorary Chairman of Special Olympics, has appointed an honorary committee drawing special attention to this forthcoming event, in support of a better way of life for the retarded; now, therefore, be it

ORDERED, that the Senate register its support and commendation of this worthwhile and humane effort and forward this Joint Order forthwith to the House of Representatives for concurrence.

(S. P. 509)

Which was Read.

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

Mrs. CARSWELL of Cumberland: Mr. President, it will not be necessary to send this forthwith to the House.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

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

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

Mr. BERRY: Mr. President and Members of the Senate: This week is a very significant week in the legislative record of progress in that the closing date for the filing of bills occurred.

I think it is a very fitting time to publicly acknowledge and thank two groups of people who have worked for the legislature in the preparation of these bills. I think we all know, but perhaps many others outside the legislature do not realize the work that is put in by the Legislative Research Office and the Department of the Attorney General in preparing and being sure that these bills are in proper form. These people have put in long hours and many nights of hard work. I think that I would express these feelings of the Senate certainly to these two departments, the people under Sam Slosberg and under Deputy Attorney General, Jon Doyle, for the fine work they have done.

Committee Reports House

The Committee on Agriculture on, Bill, "An Act to Appropriate Funds for Payment to Veterinarians for Vaccinating against Brucellosis." (H. P. 626) (L. D. 849)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Increasing the Hundredweight Fees Payable to Maine Milk Commission." (H. P. 516) (L. D. 679)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Charges for Transporting Milk." (H. P. 515) (L. D. 678)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Increasing Salaries of District Court Judges." (H. P. 489) (L. D. 630)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-51).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and, on motion by Mr. Tanous of Penobscot, Indefinitely Postponed in non-concurrence.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Resolution Proposing an Amendment to the Constitution Authorizing the Legislature to Enact Self-Amortizing Bonds Upon Petition

or Referral by the Legislature. (H. P. 209) (L. D. 275)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD of
Androscoggin

Representatives:

HODGDON of Kittery
DONAGHY of Lubec
MARSTALLER of
Freeport
STILLINGS of Berwick
CURTIS of Orono

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

Signed:

Representatives:

COONEY of Webster
GOODWIN of Bath
STARBIRD
of Kingman Township
FARRINGTON
of Old Orchard Beach

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted.

Senate

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 Representation of Boards of School Directors." (S. P. 249) (L. D. 756)

Sent to the House.

Leave to Withdraw

Mr. Minkowsky for the Committee on Education on, Bill, "An Act Relating to Powers and Duties of School Principals." (S. P. 304) (L. D. 898)

Reported that the same be granted Leave to Withdraw.

Mr. Hoffses for the Committee on Liquor Control on, Bill, "An Act Relating to Sale of Liquor at Golf Courses." (S. P. 345) (L. D. 981)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Anderson for the Committee on Veterans and Retirement on, Bill, "An Act Exempting Kents Hill School from the Maine State Retirement System." (S. P. 244) (L. D. 705)

Reported that the same Ought to Pass.

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

Second Readers

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

House

Bill, "An Act Relating to Penalty for Injuring Watercraft and Entering of Watercraft Without Permission." (H. P. 1083) (L. D. 1149)

Which was Read a Second Time. On motion by Mr. Quinn of Penobscot, tabled and specially assigned for March 24, 1971, pending Passage to be Engrossed.

Bill, "An Act Relating to Health Warnings on Labels on Liquor Bottles." (H. P. 355) (L. D. 475)

Which was Read a Second Time.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-33, was Read.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be adopted?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, an inquiry to the good Senator from York: Would he please explain to us the effect of this amendment and what is intended to be accomplished, and which liquors will be involved and will not be involved?

The PRESIDENT: The Senator from Aroostook, Senator Harding, has posed a question through the Chair, which the Senator from York may answer if he desires.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President, in answer to the question of Senator Harding, this is to put health warning labels on vinous liquor bottles that the use of the contents may be injurious to your health. It is very similar to those warnings which are put on cigarette packages. We fully realize that many people may ignore them as they do the health warnings on cigarettes packages, but then again there may be a time when someone may be stopped from using the beverage which is injurious to their health, according to health authorities all over the United States and other nations, and we feel this is a preventative measure.

The PRESIDENT: Is it the pleasure of the Senate to Adopt Senate Amendment "A"?

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

Sent down for concurrence.

Enactors

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

An Act Relating to the Property Tax Exemption for Parsonages. (H. P. 1068) (L. D. 1128)

An Act Including Escalators and Manlifts in the Elevator Law. (H. P. 1066) (L. D. 1126)

An Act Relating to Payment of Fees to Secretary of State for Reports of Records. (H. P. 486) (L. D. 627)

An Act Relating to Temporary Registration Certificates for Vehicles. (H. P. 313) (L. D. 413)

An Act Increasing Indebtedness of Town of York School District. (H. P. 44) (L. D. 76)

An Act Relating to Trust Assets of Banks and Trust Companies. (S. P. 427) (L. D. 1125)

An Act Relating to Computation of Housing Expenses for Members of the Legislature. (S. P. 241) (L. D. 702)

An Act Authorizing a Mortgagee to Bid and Purchase Real Estate Sold under Power of Sale. (S. P. 117) (L. D. 296)

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

presented to the Governor for his approval.

Emergency

An Act Amending Charter of Eliot and Kittery Mutual Fire Insurance Company. (H. P. 450) (L. D. 605)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

House Report — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution raising the Municipal Debt Limit from Seven and One-half to Fifteen Percent (H. P. 83) L. D. 123) Ought to Pass in New Draft with New Title, Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

Tabled—March 11, 1971 by Senator Quinn of Penobscot.

Pending—Acceptance of Report.

Thereupon, On motion by Mr. Quinn of Penobscot, retabled and specially assigned for March 31, 1971, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Definition of Class A Restaurant Under Liquor Laws." (H. P. 302) (L. D. 402)

Tabled—March 16, 1971 by Senator Shute of Franklin.

Pending—Adoption of House Amendment "A" —Filing H-42.

Mr. Shute of Franklin then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am not going to repeat the discussion that I had before the Senate on March 16th with regard to this bill, and particularly with regard to the effect of the amendment on the bill. I think that with the amendment, which has the effect of raising from the original bill the amount of business which has to be done by a Class "A" restaurant in the smaller towns, that it will result in a fair bill, and I think it will result in fair treatment to those small restaurants in the small towns that because of their location are unable to meet the business volume. So I hope that the Senate will not postpone the bill and consideration of the amendment, and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to clarify for the members of this body, if I may, some of the provisions of the current law, what the bill has proposed and what the amendment would do.

I now make reference to material taken from Chapter 1, Section 18, which defines a Class "A" restaurant. It is on Page 8 of our liquor laws. It specifies that at least 60 per cent of the total volume of business shall be the sale of food.

Now, when Class "A" restaurants were originally written in, the food sale requirement was \$250,000 volume, a quarter of a million dollars. Over the years this dollar test has been slowly eroded away until today we find this proposal of \$30,000, as amended, and the original bill called for \$20,000, before us now. This in spite of the fact that we have a more prosperous and rising economy along with inflation.

Now, on today's present requirement of \$40,000 in the sale of food, the Liquor Commission, in the case of an applicant for a Class "A" restaurant license, is authorized to and shall exercise its judgment as to the applicant's probable

qualifications with the income provisions of this subsection. Thus the Commission can issue a license on the volume of food sales anticipated at \$24,000 a year, or a daily volume of about \$65. Now, if we divide this amount into three meals a day, we find that an applicant need only do less than \$22 a meal. How can you stay in business with this type of operation?

If we pass this bill before us calling for a dollar volume of \$30,000, then we find that the Commission can issue a license for a dollar test of \$18,000 per year, or less than \$50 a day, or \$17 a meal.

Now, we would suggest that if an applicant cannot pass the present requirements, he still will face the problem of meeting the new requirements for several reasons. One being that if the license is issued, and he does a good volume in the sales of liquor, then his total dollar volume has increased to the point where his food requirements also will increase, and he could and probably would find himself in his present position of not being able to meet the dollar requirement, even with the lower test. So it would only take about \$14,000 in total liquor sales to put him in this position.

We would further suggest that in most small towns population is not on the increase, but is rather on the decrease. And we would have to assume that if a restaurant owner thought that with the addition of a liquor license his food sales might increase, he could be jeopardizing his license fee of \$950 to the state, plus any fees paid to his town or municipality, when he failed to meet and keep the requirements.

We would further allude to the fact that we have many towns now that do have Class "A" licenses with many dollars invested in fine establishments, and they are a credit to the state and the towns in which they are located. This credit would be jeopardized by lowering and eroding the dollar volume sales. We should consider these establishments in the larger communities having licenses, where just a few hundred feet away these new places could be

started in competition. So I hope you would support my motion, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I have in my hand a list of all the towns in the State of Maine with a population of less than 5,000 and those with a population between 5,000 and 10,000. We find that there are almost 500 towns of less than 5,000 population, and 20 towns of between 5,000 and 10,000 population. Over 160 of these towns in these categories have liquor licenses, proving that it is not difficult to do \$40,000 worth of business a year.

Several of these towns, especially in lake regions and along the shoreline, have five to ten times the average population in summer months. Allowing lower food sales would open smaller establishments, whereas now highly respectable restaurants cater to the public.

In Eliot, my own town, a town of 3,300, between two large New Hampshire cities, a restaurant opened about three years ago and already has enough business to qualify, even when the \$50,000 requirement was in effect.

I believe that lowering the food requirement lowers the quality of our restaurants and sets a lower standard for the clientele. I, therefore, support the Senator from Franklin, Senator Shute, in his motion for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen a roll call is ordered.

The Chair will state the question once again. The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that Legislative

Document 402, Bill, "An Act Relating to Definition of Class 'A' Restaurant Under Liquor Laws", be indefinitely postponed. 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, Chick, Dunn, Graham, Greeley, Hichens, Hoffses, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, and President MacLeod.

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

ABSENT: Senators Levine and Wyman.

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators being absent, the motion to Indefinitely Postpone did not prevail.

Thereupon, House Amendment "A" was Adopted and the Bill, as Amends Passed to be Engrossed in concurrence.

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

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

Tabled—March 16, 1971 by Senator Berry of Cumberland.

Pending—Motion to Reconsider action whereby Senate Insisted and Asked for a Committee of Conference.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

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

Bill, "An Act Relating to Aids to Navigation and Regulatory Markers and Removal of Hazards for Safe Passage of Watercraft." (S. P. 116) (L. D. 295)

Tabled—March 18, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabed and specially assigned for March 24, 1971, pending Passage to be Engrossed.

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

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

Tabled—March 18, 1971 by Senator Hoffses of Knox.

Pending—Passage to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-34, was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I speak here solely as the Senator from the 24th District. I guess that having once run for major office, and recognizing the amount of expenses involved in running for office, I guess I am as interested as anyone in trying to hold campaign expenditures down as much as possible.

I don't know how much this bill will accomplish, but I submit to you there are some major problems with this bill the way it is written. If I interpret it correctly, in Section 3, under the formula which you have adopted, if I interpret the formula correctly, you would allow congressional candidates to spend more money than the candidate for governor would. As I interpret the formula the most that a candidate for governor could spend would be \$32,000 under this bill for advertising. And I don't know how well defined advertising is. On the other hand, Congressional candidates could spend \$42,000. It seems to me quite inconsistent that somebody having to campaign statewide should be restricted to less money being allowed for advertising.

Secondly, how do you define advertising? How can you enforce it? What is advertising? It is not spelled out here. Is it only those media that you can put your finger on, such as television, newspaper

advertising, or billboards? There is a myriad of other forms of advertising which nobody can put their finger on.

I think everybody is concerned with trying to restrict the cost of campaigning. I just don't know really what this is going to accomplish because it is so general, and I really don't know how you can enforce it. I would neither make a case for or against the bill at this point, but I think serious consideration ought to be given as to whether it would do the job. If we can come out with something that can do the job, I am all for it, because I recall running for a major office a few years ago. Of course, I had no problem with regards to expenditures because I had far less money available for that campaign than this would allow. So, I am really not that much worried. Perhaps I ought to worry for other candidates, but it seems that it is a very, very indefinite bill.

I applaud the effort which is being made here, and which is being made in many, many areas. Some states already have had to go back and repeal their laws which were passed on this because they just haven't been able to find any way of enforcing them. We will recall the President, and a lot of people were provoked at him because of the rather thumbs down the commission came out with on the federal level in regards to restrictions. If there is some real definite way that you can put your finger on and say that you can enforce this, if you can put this in a bill, I will be glad to support it, but I really question how you can enforce this. I still submit I don't know how you could allow a congressional candidate to spend considerably more money than a candidate for governor would, even in advertising, and this is what this bill does in its present formula.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Might I call the Senate's attention to the fact that there is an alternative way of establishing how much is spent. Either the limitation is the amount of money the

office pays, or ten cents a vote, whichever is the greater. I would suggest to the Senator from Aroostook, Senator Violette, that perhaps that one objection is taken care of within the bill.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I hesitate to speak right after my leader has gotten up and raised a question, but I do have one question myself relating to this document.

I would like to pose the question to the Senator from Franklin, Senator Shute. I would just like to know how, by the law as it is now proposed before us, how a candidate for a major political office could actually be responsible, for example, for a group of citizens who went out and wanted to support the candidate for this particular office, whereas the candidate himself may not have any association with the group, the group itself, to go out and raise money and spend money at will without any consent. I am sure that the candidate himself would be delighted at this, but I wondered, on the other hand, how this law is going to prevent that from happening.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: In answer to some of the questions that have been raised, I will make an attempt to explain the bill. I am glad that you do agree that this is an attempt, and it is the result of several rewrites and some agonizing moments among members of the Election Laws Committee, and with the attorneys involved in the Attorney Generals Department, to try to come up with something that approaches fairness for all candidates for all offices.

The one weakness has already been pointed out by Senator Violette, and that is that the amount of money paid to a congressman is \$42,500 and the amount of money paid to the governor of the state is \$20,000. So you would have to

use the two separate formulas in applying the amount of money to be spent for advertising for these two offices, and it is not consistent. This is the one weakness in the bill.

This bill, which has been amended in its new draft by the committee from the original presentation, and now amended by Senate Amendment 34, is the product of an attempt to set reasonable expenditures on the part of candidates who seek political office.

I, too, sympathize with the Senator from Aroostook about the inordinate expenses that one realizes as a result of running for a major office, and I am sure that we can document this proof.

Basically this measure would limit the amount permitted to be spent for advertising by a candidate who seeks political office to ten cents per vote in the previous election for that office, or the total salary paid in one year to the holder of the office sought, whichever is the greater amount. That is the formula. For example, let us assume that in the most recent election in your senatorial district the total vote was 13,000. The limit which could be spent by any candidate for that office would be \$2,500, the amount received by the senatorial district office holder in one year, rather than the \$1,300 permitted under the ten cents per vote method.

On the other hand, a candidate for governor in 1972, and there will be no incumbent governor on that ticket, would have the option of spending \$32,538, ten cents per vote from the 1970 election, rather than the yearly salary of \$20,000. Candidates for Congress or the U.S. Senate will be permitted to spend for advertising the equivalent of his annual salary of \$42,500, which is greater than the ten cents per vote method.

Now, the original bill called for the inclusion of all other services as part of the total allowable expenditures. This seemed to be too restrictive to the Committee, and the first Committee Amendment corrected this and identified advertising as the allowable source of reportable expense. Inadvertently, the reference to primary

expenditures was omitted, and the subsequent Senate Amendment, which you have before you today, corrects this oversight.

George West, a Deputy Attorney General and legal advisor to the Election Laws Committee, further suggested that the Senate Amendment clarify the meaning of advertising, as has been suggested. It does so by making reference to Title 21, Section 1575, which so describes advertising. The amendment Section 10 further identifies print advertising and, if enacted, would serve to overcome a present deficiency in the election laws which fails to identify the printed source of much of the political advertising not carried in regular publications. So this amendment does go a little further and assists in the election laws clarification.

It should be noted at this point that expenditures for advertising in primary elections is limited to one-half the amount for general elections.

Let us look for a moment at the philosophical viewpoint of this proposal. If we are serious about cutting down campaign expenses, if we are serious in our desires to overcome objections from a disgruntled public, which is surfeited with political advertising of all kinds for too long a period, I am sure you will agree with me, if we are prepared to give more than lip service to our statements to back up many editorial comments concerning excessive political advertising and expenditures, then I am sure you will agree with me that it is time the Maine Legislature entertained the passage of such legislation.

I am sure that you would agree with me that political office at any level should not be reserved for the wealthy, for those born with a silver spoon in their mouths, or for those with great financial resources ready to be poured into a campaign for any reason.

The time has come when some semblance of fiscal sanity should be restored to political advertising spending, and I believe this is the vehicle which can accomplish this goal. I would urge you to vote for its passage, send it to the other branch to see what disposition they

make of it, and let it return to us at a later time.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: It seems to me that the sponsor of this bill has gently closed the front door on campaign expenses and left the back door wide open, namely, that we haven't heard any comment on independent committees. Their contributions could be unlimited, and there is no check on that, according to this bill as I see it.

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

Mr. SHUTE of Franklin: Mr. President, I am sure that if the Senator from Cumberland would thoroughly search this bill he will find that you cannot spend money in that manner without registering.

Item No. 5 in L. D. 1011 says: "Expenditure in behalf of. Amounts spent on behalf of any candidate for political office, as specified in subsections 3 and 4 shall be deemed to have been spent by such candidate." I think this is spelled out in the terms of this particular section, and spending money in behalf of or against a candidate are spelled out. This was very carefully considered by the Committee, and proper registration with the Secretary of State's office is required. It would be difficult for anyone to spend money for or against a candidate without having it identified properly under the provisions of this proposal.

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

Mr. LEVINE of Kennebec: Mr. President, I would like to ask a question of Senator Shute through the Chair. The way I understand it, from the way the bill is written, is that anybody running for Congress would be allowed to spend more money than anybody running for governor and it would be considered to be fair.

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

Mr. SHUTE of Franklin: Mr. President, in answer to the question of the Senator from Kennebec,

this was considered by the Committee, and this is the unfair part of the bill, if any exists, that a congressional candidate can spend more. But I am sure you will agree with me that it is difficult to find some kind of formula which would exempt congressmen from spending more money unless you applied a dollar amount, and this again seemed to be an unfair approach to it. We did consider applying a definite dollar limitation to the expenditure on the part of a congressional candidate, but this seemed to be not the right approach, but to use a formula which would stand for all candidates for political office instead.

If the Senator from Kennebec can suggest an amendment that would meet with the approval of this body, we certainly would entertain it.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Certainly I am going to support this measure this morning. I do so, knowing that there are weaknesses in it. The weaknesses, of course, fall into such categories as giving unfair advantages to an incumbent.

I must admit that I have been distressed the last two election years to get my one and only communication from my congressman, the incumbent congressman, just briefly before the biennial election. One suspects that a newsletter or a congressional letter that comes to a constituent immediately before the election might be more in the way of a campaign pamphlet rather than a newsletter.

On the other hand, one can't help but be distressed at the growing cost of political campaigning in the United States. We throw our hands up in the air and say that it is just too complicated. We know the problem exists but what can we do about it? If you take a look at a country like England, which goes through a national election to choose its national government, to choose its parliament, it is done in a very brief period of time at a cost that I think would be shocking because it is so very, very low.

A few weeks ago I had a very interesting chat with a member of the Labor Government from England, and we kicked around some figure as to how much it costs to run for office in England. Honestly it is a completely different world, and it is a world toward which I think we should aspire. Perhaps the present bill is imperfect, and perhaps there are features of it which are unfair, but I share the opinion of the Senator from Franklin, Senator Shute, that we should take this step this morning.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't agree wholeheartedly with this bill, but I think that something can be worked out, and I would like to table it until Wednesday next.

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and specially assigned for March 24, 1971, pending Adoption of Senate Amendment "A".

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: I am much disturbed by an incident that took place in the Capitol rotunda yesterday and the subsequent comment quoted in the news media today by one of the state department heads.

The incident is not excusable, but neither is the profane language used by this department head. I feel strongly that as representatives of the people of Maine, either as elected legislators or appointed heads of departments, that we should be extremely careful of the words we use in expressing our opinions publicly.

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

Mr. TANOUS: Mr. President and Members of the Senate: Perhaps

you picked up a photostatic copy of an editorial which you found on your desks yesterday, as I did. In reading through this editorial I found it interesting. In fact, I had read it in the newspapers, I guess. I wondered why this was on my desk really: I was puzzled by it. Then I noticed up in the left-hand corner that this was distributed by the Department of Economic Development.

Now, query: I would like to know why the Department distributed this photostatic copy to us. I mean, are we to infer from this that they think we are blind and don't read the papers, or is this part of their duties or their purposes for which they were given the authority to be formed under our statute? Question: The Department of Economic Development, as they have been given the authority to exist by the legislature, is this part of their duties to distribute photostatic copies of newspaper articles to the legislature?

My understanding is that the Governor has requested all the department heads to stay out of our legislative halls, acting as a third house, so to speak, and lobbying us on bills. Now, if this is not an indirect way of lobbying us, and for what reason, I don't know—I haven't figured it out yet really; I am still studying to find out their purpose behind this—I would like to know what method could be more direct than this in lobbying the legislature.

I certainly feel again, and in support of the settlement by Senator Hichens just now, that sometimes these departments go a little too far, and maybe we should consider some legislation that would direct their purposes a little more directly in line with what they are supposed to do.

Now, I have been one who has been willing to give these department heads a lot of authority, to give them authority to administer, give them a loose hand, but if we are going to have to put up with stuff like this, I am wondering if we are wrong in giving them a loose hand in relying on their discretion in doing things. I certainly hope that for the remainder

of the session we don't see anything more like this. Thank you.

Mr. Minkowsky of Androscoggin was granted unanimous consent to address the Senate:

Mr. MINKOWSKY: Mr. President and Members of the Senate: I would like to say very briefly that I believe the article that Senator Tanous is referring to was distributed about two weeks ago during the time we had the debate on the so-called moratorium which I had presented as a Joint Order in this body. At that particular segment of time, I believe, this was an article that appeared in one of our major newspapers which more or less stated the Governor's position insofar as the stand I had assumed at that particular time. Since this occurred the same morning that the debate was to take place, or the morning that I entered the Joint Order, I believe it was at my request that this particular photostatic copy of that newspaper article was distributed to the members of the Senate.

Mr. Violette of Aroostook was granted unanimous consent to address the Senate:

Mr. VIOLETTE: Mr. President and Members of the Senate: I don't want to prolong the session here or inflame any feelings in regard to the discussion brought up by Senator Tanous. I personally have had my feelings, and I have expressed them, in regards to the interest of members of certain departments regarding legislation with which we are concerned here. I have expressed to those people themselves in no uncertain terms and in no uncertain words what my feelings were. I am not going to repeat them here, except to say that I thought we could handle the business of the Senate here ourselves fairly well.

Regardless of that, I am not upset, but I think we are all mature here, and if anybody places something on our desks, I think we are analyzing it regardless of who places it, and I am just a little bit sick and tired of—and I have had my problems with them as I just said—but teeing off on cer-

tain people in certain departments at every opportunity that comes along. I hope that we can continue dispensing of our business here without any further references as these, unless they are serious enough that they ought to be taken up.

(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 23, 1971, at 10 o'clock in the morning.