

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

Wednesday, March 24, 1971

Senate called to order by the President.

Prayer by the Rev. Paul Heath of East Auburn.

Reading of the Journal of yesterday.

House Papers

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

Communications

The Senate of Maine
Augusta, Maine 04330

March 3, 1971

To the Honorable President
of the Senate and the Honorable
Speaker of the House of the 105th
Legislature

Gentlemen:

I am honored to report that pursuant to Joint Order S. P. 247 I have appointed the following four interns to assist the Joint Standing Committees in research projects during the regular session of the 105th Legislature.

Theresa A. Berry
108 Danforth Street
Portland, Maine 04111
Stephen V. Callahan
273 Bradley Street
Saco, Maine 04072
Mrs. Georgia W. Lamb
RFD 2
South Windham, Maine 04082
Pierre M. Marier
12 King Street
Westbrook, Maine 04092

Sincerely,

S/Harry N. Starbranch
Chief Committee Clerk
105th Legislature
(S. P. 519)

Which was Read and Ordered
Placed on File.

Sent down for concurrence.

Senate Papers

Mr. Tanous of Penobscot presented the following Joint Resolution and moved its adoption:

JOINT RESOLUTION DECLARING MARK ROSEBUSH OF EAST MILLINOCKET A NATURAL RESOURCE OF THE STATE

WHEREAS, it is the responsibility of the Legislature to protect

and preserve the natural resources of the State; and

WHEREAS, the youth of this State constitute one of its most valuable natural resources; and

WHEREAS, Mark Rosebush of East Millinocket, a senior at Schenck High School has never received a grade lower than 91 during his high school scholastic career, was recently selected valedictorian of his graduating class, with a 95 plus average, captained the Schenck Wolverines to the Class B State Basketball Championship, and has been selected as a high school basketball All-American; and

WHEREAS, this young man represents the finest scholastic, athletic and personal attributes of Maine youth; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 105th Legislature, recognizing in Mark Rosebush of East Millinocket an outstanding representative of Maine's youth, do hereby declare him, the said Mark Rosebush, a natural resource of the State of Maine; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith to Mark Rosebush, to Mr. and Mrs. Maurice Rosebush, Mark's parents and to Kenneth Nelson, Principal of Schenck High School.

(S. P. 520)

Which was Read and Adopted.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, South Portland High School holds the State of Maine Class A basketball championship for 1971; and

WHEREAS, the members of this deserving team and its coach have displayed a remarkable combination of leadership and teamwork throughout the series; now, therefore, be it

ORDERED, that we, the members of the Senate of the One Hundred and Fifth Legislature of the State of Maine now assembled, offer our congratulations to Coach

Gene Hunter and the members of the South Portland High School basketball team on the occasion of their well - earned victory in the 1971 State of Maine basketball championship; and be it further

ORDERED, that copies of this Order duly attested by the President of the Senate be transmitted forthwith by the Secretary of the Senate to the principal and coach of the South Portland High School.

Which was Read and Passed.

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 Creating the Television and Radio Technicians' Licensing Act." (H. P. 534) (L. D. 724)

Bill, "An Act Relating to Holidays for State Employees." (H. P. 542) (L. D. 714)

Bill, "An Act Relating to the Advisory Council to the Commissioner of Inland Fisheries and Game." (H. P. 557) (L. D. 733)

Bill, "An Act Designating Public Accountants as Licensed Public Accountants." (H. P. 680) (L. D. 917)

Leave to Withdraw

The Committee on Fisheries and Wildlife on,

Bill, "An Act Relating to Open Season on Muskrat in the Northern Zone." (H. P. 589) (L. D. 784)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Providing that Revenue Measures Passed as Emergencies May Not Be Amended or Repealed by Direct Initiative of Legislation. (H. P. 686) (L. D. 921)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Liquor Control on,

Bill, "An Act Relating to Drinking in Unlicensed Places." (H. P. 356) (L. D. 464)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on,

Bill, "An Act to Limit the Taking of Smelts in the Eastern River in the Town of Dresden to Hook and Line." (H. P. 413) (L. D. 540)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on,

Bill, "An Act to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System." (H. P. 624) (L. D. 834)

Reported that the same Ought to Pass.

The Committee on Liquor Control on,

Bill, "An Act Relating to Transfer of Liquor License When There Is a Change in Minority Ownership." (H. P. 747) (L. D. 1008)

Reported that the same Ought to Pass.

The Committee on Education on,

Bill, "An Act Relating to Interest Limitations in Community School Districts." (H. P. 701) (L. D. 944)

Reported that the same Ought to Pass.

The Committee on Education on,

Bill, "An Act Relating to Trustees and Executive Committee of Lincoln Academy." (H. P. 803) (L. D. 1076)

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 in New Draft

The Committee on Public Utilities on,

Bill, "An Act Increasing Indebtedness of Boothbay Harbor Sewer District." (H. P. 502) (L. D. 648)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1214) (L. D. 1332)

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.

Divided Report

The Majority of the Committee on State Government on,

Bill, "An Act Relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees." (H. P. 543) (L. D. 715)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

CLIFFORD

of Androscoggin

Representatives:

FARRINGTON

of Old Orchard Beach

GOODWIN of Bath

STARBIRD

of Kingman Township

COONEY of Webster

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

MARSTALLER

of Freeport

DONAGHY of Lubec

HODGDON of Kittery

STILLINGS of Berwick

CURTIS of Orono

Comes from the House, the Minority Ought Not to Pass report Read and Accepted.

Which reports were Read, the Majority Ought to Pass Report of the Committee accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Switch Targets under Railroad Law." (H. P. 347) (L. D. 456)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-61).

Signed:

Senators:

LEVINE of Kennebec

MARCOTTE of York

Representatives:

BUSTIN of Augusta

KELLEY of Machias

LEE of Albion

ROLLINS of Dixfield

BEDARD of Saco

GENEST of Waterville

McTEAGUE of Brunswick

SIMPSON

of Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1213) (L. D. 1310)

Signed:

Senator:

TANOUS of Penobscot

Representatives:

GOOD of Westfield

LINCOLN of Bethel

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-61).

Which reports were Read.

On motion by Mr. Tanous of Penobscot, tabled and specially assigned for March 30, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to School Construction Aid." (H. P. 333) (L. D. 442)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec

CHICK of Kennebec

Representatives:

LYNCH

of Livermore Falls

LAWRY of Fairfield

MILLETT of Dixmont

TYNDALE

of Kennebunkport

BITHER of Houlton

SIMPSON of Standish

WOODBURY of Gray

HASKELL of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-54).

Signed:
Senator:

MINKOWSKY

of Androscoggin

Representatives:

LUCAS of Portland

MURRAY of Bangor

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

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

Divided Report

Six Members of the Committee on Election Laws on, Bill, "An Act Providing for Presidential Preferences in Primary Election." (H. P. 62) (L. D. 103)

Reported in Report "A" that the same Ought to Pass.

Signed:
Senators:

SHUTE of Franklin

MOORE of Cumberland

Representatives:

HANCOCK OF Casco

VINCENT of Portland

MARSTALLER

of Freeport

ROSS of Bath

Six Members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:
Senator:

MARTIN of Piscataquis

Representatives:

BROWN of York

WOOD of Castine

BOUDREAU of Portland

BUNKER of Gouldsboro

BINNETTE of Old Town

Comes from the House, the Ought to Pass Report "A" Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Shute of Franklin, The Ought to Pass Report "A" of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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 Approval of Schools at an Excessive Distance from Other Facilities." (S. P. 189) (L. D. 550)

Sent to the House.

Ought to Pass

Mr. Moore for the Committee on Election Laws on, Bill, "An Act Relating to Voting by New Residents in Presidential Elections." (S. P. 330) (L. D. 985)

Reported that the same Ought to Pass.

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

Ought to Pass-As Amended

Mr. Chick for the Committee on Education on, Bill, "An Act Relating to Geographically Isolated Small High Schools." (S. P. 257) (L. D. 763) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-37).

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

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Creating the "Kennebec Sanitary Treatment District." (S. P. 309) (L. D. 953) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-38).

Which report was read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Mr. Anderson for the Committee on Veterans and Retirement on, Bill, "An Act Relating to Service Retirement of Liquor Inspectors." (S. P. 245) (L. D. 706) Reported that the same Ought to Pass as

Amended by Committee Amendment "A" (S-39).

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

Ought to Pass in New Draft

Mr. Violette for the Committee on Public Utilities on, Bill, "An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities." (S. P. 120) (L. D. 299) Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 518) (L. D. 1403)

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Increasing Minimum Salaries for Teachers." (S. P. 162) (L. D. 484) Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Concerning Minimum Salaries for Teachers." (S. P. 516) (L. D. 1401)

Signed:

Senator:

CHICK of Kennebec

Representatives:

MILLETT of Dixmont

TYNDALE

of Kennebunkport

WOODBURY of Gray

LAWRY of Fairfield

LYNCH

of Livermore Falls

SIMPSON of Standish

BITHER of Houlton

LUCAS of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative Unit." (S. P. 517) (L. D. 1402)

Signed:

Senators:

KATZ of Kennebec

MINKOWSKY

of Androscoggin

Representatives:

HASKELL of Houlton

MURRAY of Bangor

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to call the Senate's attention to this bill this morning because it sounds a little confusing.

Those who have signed the Majority Ought to Pass in New Draft Report, L. D. 1401, have changed the state's minimum wage law for teachers. This is the first time it has been changed in four years. And, if you will notice the schedule, it shows a reasonable increase over previous years.

Those who signed the Minority Report, and I am among those, have a feeling that the time has come to remove all mention of minimum wage from state law as it pertains to teachers. We have a feeling that professional negotiation, collective bargaining, between teachers and boards of education seems to be working well, and the state should get out of the posture of trying to state a minimum statewide law for teachers.

So if you vote for my motion, you will be voting for the repeal of minimum wage laws for teachers, except as they pertain to certain classes of substitute teachers. Mr. President, I move that the Minority Ought to Pass in New Draft Report be accepted.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Minority Ought to Pass in New Draft Report of the Committee be accepted.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: Speaking in opposition to the motion to accept the Minority Report, I think the Senator from Kennebec did make a good explanation of the purpose of the two reports from the Committee. We, however, who signed the Majority Report felt that for the time-being it might be well to have the minimum set for the first step of the salary range, and then leave the negotiat-

ing on the local level for any salary increases beyond that which is stipulated in Report A.

Now, the figures that do appear in the New Draft 1401 would not become effective until 1972, and the minimum figures we have given, I am sure, are going to be well below the figures in effect at that time on teachers salaries. So I think that this really just puts in a floor for the teachers and the school boards in the communities to negotiate on for meritorious service above those figures. So I hope that the Minority Report is not accepted and that the Senate will eventually adopt the Majority Report. I would ask for a division.

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

The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative Unit." As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-six Senators having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed.

Thereupon, the Bill in New Draft Under New Title was 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 Leave of Absence for Legislative Service by Teachers." (H. P. 505) (L. D. 651)

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

House - As Amended

Bill, "An Act Providing for Adult Education." (H. P. 384) (L. D. 499)

Bill, "An Act Repealing Law Providing for Statutory Agent for Foreign Domiciled Carriers Purchasing Semi-trailer plates." (H. P. 512) (L. D. 657)

Bill, "An Act Relating to Reporting of Motor Vehicle Accidents." (H. P. 1206) (L. D. 1267)

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

Senate

Bill, "An Act to Establish a Maine Library Advisory Committee." (S. P. 263) (L. D. 769)

Bill, "An Act Relating to Statement Setting Forth the Total Necessary to Retire All Outstanding Bonds on Ballots for Bond Issues." (S. P. 282) (L. D. 838)

Bill, "An Act Relating to Temporary Loans by State." (S. P. 283) (L. D. 839)

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

Bill, "An Act Changing the Name of Maine State Association of Plumbing Contractors, Inc." (S. P. 234) (L. D. 696)

Bill, "An Act Relating to Legislative Ethics." (S. P. 511) (L. D. 1368)

Bill, "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified Marine Species." (S. P. 513) (L. D. 1370)

(On motion by Mr. Hoffses of Knox, temporarily set aside.)

Bill, "An Act Relating to Number of Whitefish Taken from Waters of the State." (S. P. 512) (L. D. 1369)

Bill, "An Act Relating to the Administration of the Department of Audit." (S. P. 514) (L. D. 1371)

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

Sent down for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Hoffses of Knox, Bill, "An Act to Prohibit the

Importing and Introduction to our Coastal Waters of any Uncertified Marine Species" (S. P. 513) (L. D. 1370).

On further motion by the same Senator, the Bill was substituted for the report and the Bill was Recommended to the Committee on Fisheries and Wildlife.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to the Testing of Vision and Hearing for School Pupils." (S. P. 271) (L. D. 799)

Which was 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 Revising the Law Relating to Traveling Libraries. (S. P. 136) (L. D. 348)

An Act Relating to Turn and Stop Signals on Motor Vehicles. (H. P. 312) (L. D. 412)

An Act Relating to Definition of Registration under Motor Vehicle Law. (H. P. 314) (L. D. 414)

An Act to Relieve Pollution Resulting from Malt Liquor Sales. (H. P. 397) (L. D. 509)

An Act Relating to Certificate for Transportation of House Trailers. (H. P. 407) (L. D. 520)

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

Emergency

An Act to Extend Unemployment Compensation Benefits during High Period of Unemployment. (S. P. 156) (L. D. 425)

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.

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

Mr. TANOUS: Mr. President and Members of the Senate: I just wanted an opportunity to take a few moments out to express to you the very importance of the bill which we just enacted. We have just extended benefits under our unemployment law to approximately 3,700 breadwinners in the State of Maine.

As perhaps most of you are aware, this bill, which is a Nixon Administration bill, Document No. 91-135, was emergency legislation enacted by the federal government subsidizing up to fifty per cent the various states which would extend their unemployment benefits from 26 weeks to 39 weeks. We in the State of Maine, because of our high unemployment ratio, have been able to comply with the federal law and, therefore, we are eligible for benefits under this particular document which the Nixon Administration has enacted. So it is very pleasing to see this bill enacted in the State of Maine to bring the benefits to so many people who are having a difficult time finding employment in these times.

I certainly want to thank each and every one of you for your support, and I certainly want to thank our governor also, Governor Curtis, who was very responsible for bringing this bill to the legislature. Thank you.

Mr. Conley of Cumberland then moved that the Senate Reconsider its action whereby An Act to Extend Unemployment Compensation Benefits during High Period of Unemployment, (S. P. 156) (L. D. 425), was Passed to be Enacted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CONLEY of Cumberland: Mr. President, I know the good Senator from Penobscot, Senator Tanous, is certainly expressing the very serious situation that now exists in the state, the fact that we do have 7.6 per cent unemployed in our state, and that is a very serious matter before this legislature.

I now move reconsideration of this matter, and I hope that everyone will vote against it.

The PRESIDENT: The question before the Senate is the motion

of the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby An Act to Extend Unemployment Compensation Benefits during High Period of Unemployment was passed to be enacted. Those in favor of the motion for reconsideration will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to Reconsider did not prevail.

Emergency

An Act Relating to Weekly Closed Season on Taking Alewives in Town of Orland. (H. P. 129) (L. D. 184)

This being an emergency measure and having received the affirmative votes 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.

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 Natural Resources on Bill, "An Act Upgrading the Classification of Certain Waters of the State." (H. P. 500) (L. D. 646)

Tabled—March 17, 1971 by Senator Martin of Piscataquis.

Pending—Acceptance of Report.

Thereupon, on motion by Mr. Martin of Piscataquis, 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:

SENATE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation. (S. P. 167) (L. D. 489) Report "A", Ought to Pass; Report "B", Ought Not to Pass.

Tabled—March 17, 1971 by Senator Harding of Aroostook.

Pending—Acceptance of Either Report.

Mr. Harding of Aroostook then moved that the Senate Accept the Ought to Pass Report "A" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: When we talk about the Executive Council of Maine we are talking about something which has been discussed and debated many times in this legislature. I am going to touch very briefly upon the essential elements of this institution.

I would have to mention that this is an ancient institution which has been held over from colonial times. Of the thirteen colonies, eleven of them abolished it when they became a state. Not a single state that has abolished it every found any need to have it again.

Of the thirty-seven states that came into the Union only one saw the need of an executive council, and that was the State of Maine. The reason that the State of Maine adopted it apparently was because it was a hold-over from Massachusetts.

In the entire United States now there are only three executive councils. Maine has the only one that is not elected by the people, and thereby responsible to the people. New Hampshire has one with very limited powers that is elected by the people, as does Massachusetts.

The main problem that I see with our council is that it is responsible, not only not to the people, it is not responsible to the legislature. It does not represent the legislature as such; it only represents the majority party in the legislature, and this makes it a very partisan, unresponsive organization.

Now, I suppose I am being political when I suggest this, but this is the fact: for years the Democratic Party has made this an issue. We have used this to enroll new voters and it has been very useful to us. We have spoken about the Republican Party and that the Executive Council is the symbol of the Republican Party,

this ancient, outmoded institution. This has worked very well. I can attest to the fact that in my own election this time I owe the fact that I am elected to the fact that I ran against an executive councilor, and I made him debate in the newspapers and before the public his record as a councilor. No councilor could every run for election if his record as a councilor were brought before the people. It is something which you simply cannot defend. The reason I was elected, and therefore I suppose I must express my gratitude to my Republican friends for my being here, is because I was able to not only campaign against the executive council, as such, but against a councilor and his record as a councilor. So for that I thank you.

But, really, I would like to run one time maybe on my own, and I know a lot of other Democrats would like to run on their own, without the benefit of this campaign issue. So I would like to have my Republican friends do something for the State of Maine: vote against this old institution, and make us Democrats run on our own and win on our own. Why don't we try it just for once.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I, of course, had intended to stay in my seat on this particular issue because certainly, after listening even partially to the debate of my good friend, Senator Harding of Aroostook, obviously this is going to be decided on its merits and there is no point in bringing up anything of a political or partisan nature.

However, he certainly soon wandered from what I would call a pure path of politics and he got off into some nebulosity that I think if he weren't a good swimmer he would be over his head very soon from the crocodile tears which are going over the tops of my shoes as he talks. I just wish that we were now discussing a little simple issue like the big box. I wonder how this relates and equates to his success, and I won-

der what his arguments will be to urge us to retain the big box. Far from assigning the performance of a member of the Governor's Council as the reason that the good Senator is here from Aroostook, far from that, his reason is really cavorting around the country right now trying to drum up support for the presidency.

I find it a little difficult to listen to the fact that we have a colonial institution and use this as an argument to do away with the Governor's Council. There are plenty of things that are handed down from the old days that are good. Let's not say that just because they are from the old days they are not good.

Far from the Governor's Council being unresponsive to the legislature, as Senator Harding has claimed, I maintain, Mr. President and Members of the Senate, that the Council is extremely responsive to the legislature. It is elected by the legislature, and for the nonce it just happens to have been elected by a Republican legislature and not by a legislature of Senator Harding's political persuasion.

So I think the facts actually indicate that we should keep the Governor's Council, and I am sure that everyone here will cast his vote based on reason and not on pure politics.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to just respond to my very dear friend, the Senator from Cumberland, Senator Berry, and tell him that on the big box I would be very pleased to vote that that be sent to the people in the next general election, because if that is what they want to do, if they want to eliminate the big box, this is a thing which I am very pleased to have the voters decide upon. Let them vote on it at the next general election when they will all be there. If they want to take away one of their rights, it is all right with me. If they want to leave it the way it is, that is fine with me.

So why don't we make a deal on this, and you send this one out too in the next general election, Senator, and let's see what the people think about the old colonial council and see if they want to keep it. It seems to me that would be real fine because then the people of Maine could decide both issues, couldn't they, and I don't see what is wrong with that. And so we will have this for the record, Mr. President, I would ask that when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I don't think that we have a partisan issue here. I am sure the Senator from Aroostook realizes that at the last session the Republican Leadership sponsored and really worked for a bill which would offer an alternative to the Governor's Council, and the bill did not have a very happy ending.

I am going to vote for this amendment this morning. I have voted for it in the past. I think though it is one of the lesser important issues before us this session. The Governor's Council has always been an emotional concern. It really isn't that significant. No governor is going to be turned loose to have appointments without confirmation, and I would presume that no governor would want to be turned loose without a confirming body. I notice this particular constitutional amendment suggests that the Maine Senate would be the confirming body, and I am perfectly willing to have that occur, and I watch with interest as to its fate at the other end of the corridor. But I think that we have had more important issues, such as strengthening the Maine Legislature, which we consistently turn our back on. I predict that the roll call vote will show that this is not a completely partisan issue.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hesitate to rise and speak on this measure, not because I don't have any opinions on it, but because of having felt the sting of this body at one time a few years ago when my name was put up by the governor for an administrative position, and having seen that nomination lie on the table for close to a year before that body ungraciously turned it down, I might be accused of my thinking being somewhat distorted.

I have always felt for a long time that the usefulness of this body has been outlived. I guess the first time I expressed these opinions publicly was when I first ran for the State Senate in 1965, and at that time we had a Republican Governor, Governor Reed, who was having his own troubles with that body. So it has never been a partisan position as to what the effect of this body has been with regard to the administrative branch of our government. I have felt for a long time that it was not a responsive body that could act as it wished, and it did not have to account to the public. We have the idea of electing our governor who the people, to some extent, by electing him place their faith in, and they tell him that they would like to have him administer the affairs of our state for a coming period of time. Then we see on the other hand a body such as the council repeatedly, whether the governor has been a Democrat or whether he has been a Republican, for whatever reasons they may have, thwarting his attempts to run the administrative branch of our government in the way he himself feels that he ought to do if he is going to carry out the duties that his office requires him to.

I think this has been a very, very unresponsive way of government. I certainly don't feel that the governor ought to be allowed to make appointments without confirmation by some body, at least a major number of appointments,

but certainly I think the confirming power ought to be placed in the hands of a far more responsive body than the council. So I would hope that the Senate would go along with this bill, because I think in the over-all analysis it would be a step, and a good step, in strengthening the process of our government.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As usual, Senator Violette appeals to reason, and I find it a great pleasure always to engage in combat with him in the arena here in the Senate on logical argument.

I point out to the Senator that the time when the council should be eliminated, and I am an exponent of the elimination of the council at that time, is when we have annual sessions. In the states where it has been eliminated they do have annual sessions. There are duties performed by the council that are extremely important, and these duties would be passed on to other bodies at that time. At such time as the legislature is available for two - year attendance to the needs of the state, then is the time that the duties of the council can be redistributed. It is on this basis, as one of many, that I do take my position.

I think we have an interesting situation with the present governor that I would draw your attention to — I am sure needlessly, because you have all remarked upon it because it is remarkable — and that is the tendency of the present governor to build himself up as a one-man show here in the state, and being the supreme and ultimate authority on the operation of state affairs is not to be questioned. We are going to be debating a little later today an issue which I hold up as a prime example in this connection, where the governor has taken a position and where the existence of the council and the position of the legislature are intertwined. I point this out because the checks and balances that our state govern-

ment system has are extremely important, and not the least of these is the continued existence of the governor's council.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am going to be very brief. In response to my good friend, Senator Berry, I would say that it is always my good pleasure to debate the Senator in his line of reasoning, but I would point out that we did try very hard this time to get an annual session's bill passed. So the good Senator says I would vote for the elimination of the executive council if we had annual sessions, but I am sure that everybody's recollection is here that he spoke for his party against annual sessions. So it is like "Catch 22," you know, you never can win.

I would just point that little item out, and I would hope that, regardless of party, we have debated this many times very seriously — maybe we haven't debated it this time as seriously, but still these are the issues — and I would invite members of both parties, when the roll is called here, to vote "Yes", vote for the people of Maine.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I suppose we can play this game of musical chairs here for quite a bit. The good Senator, Senator Harding from Aroostook, of course, quoted me out of context as is a good political maneuver. I was and am against annual sessions until the time arises when we need them, and on that basis my position is certainly consistent.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: It would be difficult, I believe, to add much to the many words and expressions of thought that have already concerned many

legislative sessions on the executive council. However, I do feel that the future of the executive council is important to the extent that before we make any rash, dramatic moves toward abolition that we have a very clear concept of where state government is going.

I readily grant that the executive council does not hold the panacea for the ills of this state, however, I do feel that it is very closely tied up to major government reform. And until such time as we are willing to take this step, then I feel that the important arm that we have that is vested in the executive council, that is responsible to the legislature of the state, should be preserved.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Ought to Pass Report "A" of the Committee on Resolution, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. 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 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 pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Ought to Pass Report A of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. A "Yes" vote will be in favor of accepting the Ought to Pass Report; a "No" vote will be opposed.

The secretary will call the Roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Levine, Marcotte, Martin, Minkowsky, Shute, Tanous, Violette and President MacLeod.

NAYS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Schulten, Sewall and Wyman.

A roll call was had. Eighteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed.

Thereupon, the Resolve was Read Once and Tomorrow Assigned for Second Reading.

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

Mr. BERNARD: Mr. President and Members of the Senate: with my brief remarks I would focus your attention on the 11th Androscoggin Day at the Maine Legislature. A short description of many products manufactured in our progressive county will be given to you by some of my colleagues.

Androscoggin County comprises the cities of Lewiston and Auburn, recipients of the Model Cities and All-American Cities Awards, respectively, and 13 industrial and farming towns. Its population numbers approximately 100,000.

Androscoggin County boasts of several points. The skilled fingers of this great shoe and textile area is unexcelled. Our school system, both public and parochial, is recognized by a good percentage of our students who follow through and further their education. Our post-high school education is one to be envied. Among them is the internationally-known Bates College The Central Maine Vocational School, and finally the Maine School of Underwater Diving.

It is with pleasure that I salute the City of Auburn for its participation in the now famous and colorful Androscoggin County Day. Auburn's busy county offices serve the many needs of its inhabitants.

It is a thriving industrial city as well as the city of many beautiful homes. The City of Auburn proudly wears the mantle of All American City — one of eleven cities so chosen throughout the United States by the National Municipal League and Look Magazine.

Auburn is continuing to grow under the leadership of such fine and able men as Mayor Clyde Goudey, City Manager Bernard J. Murphy, Jr. and Assistant City Manager John Spita.

While no new industries have located in Auburn in the past two years, many of our present plants have expanded their facilities, product lines, and number of employees.

Bon An has recently occupied a new stitching room in Lewiston which employs about 100 people. A new product in their line is a high-fashion water proof vinyl boot. The number of people employed in the area by Bon An has increased from 430 to 700 people in the last two years.

Pioneer Plastics is in the process of expanding their present facilities from 400,000 sq. ft. to 500,000 sq. ft. Pioneer Plastics now employs 532 people but will expand by an additional 100 people when the extended facility starts production. Pioneer Plastics had a record sales year in 1970.

Falcon Rule Co. has recently installed additional equipment which will increase the volume of their production. Many new nationwide accounts have been added as customers, including three big chain stores. The volume of business has increased by 30 per cent in the past two years while the facility has increased from 30,000 sq. ft. to 40,000 sq. ft. in the same period. Falcon Rule employs 25 people.

Advance Heel Co. has incorporated a new process in their manufacturing of heels. They now mold their own polyethylene bases instead of having the work done outside of the existing facilities. The Advance Heel has maintained the same level of employment over the past two years, when other shoe-oriented industries have been forced to cut back because of the adverse economic conditions in the

industry. The employee level of Advance Heel has been maintained at about 100 people.

Globe Albany Felt Corp. is celebrating its second anniversary in Auburn this week. The concern branched out from its original location in North Monmouth when it needed to expand its existing facilities. The North Monmouth facility processes woven textiles while the Auburn branch, which is four times as large, processes all the non-woven textile products. Albany Felt has 32 plants throughout the U.S. and foreign countries. The Auburn branch employs 20 people.

West Breeze Orchards has more than doubled its cider producing capabilities to where it now trucks a large percentage of its cider out-of-state. The cider mill is now in a separate building. There is also a new storage room and a retail sales room for apples and cider.

General Electric has emphasized the application of the latest tool technology and metal stamping. Continued advancements in this endeavor is imperative for the future success of General Electric in Auburn. Toward this end GE has initiated a tool and die apprentice training program. The first class will be graduated this fall.

And so, it is with community pride that I am privileged to commend Auburn for its participation in Androscoggin County Day.

Mr. President and Members of the Senate: At this time I would like to call on one of my Senate colleagues from Lewiston, the good Senator Bim Clifford.

Senator Clifford of Androscoggin was granted unanimous consent to address the Senate:

Mr. CLIFFORD: Mr. President and Members of the Senate:

It is my pleasant duty as Senator from the City of Lewiston and the great County of Androscoggin to direct your attention to the display of products manufactured in the City of Lewiston.

Bates Manufacturing Company, employing many hundreds of people, continues to be one of the city's largest employers. Its products, and particularly its bed-

spreads, are known and valued throughout the fifty states and abroad. Bates is continually developing new lines of diversified products and new opportunities for its employees.

American Philip Elmet Corporation is an old Lewiston company, employing more than one hundred twenty-five craftsmen, from which this nation's manufacturer's receive the finest in quality molybdenum and tungsten products as well as plated wire.

Geiger Bros. always continue to make history through its witty and accurate Almanac, having predicted for this winter record-breaking snow falls.

Paine Incense Company, a unique organization in Androscoggin county, sends the fragrance for which our state of Maine is famous, in packaging balsam for pillows and incense throughout the United States.

Hillcrest Foods Company is a fully integrated poultry-producing processing industry where Maine's chicken is being made available to consumers in a more desirable and convenient form, a form that has been acclaimed to be far superior to standards required by the United States Department of Agriculture.

Today you will see an assortment of Hillcrest products that is convincing evidence of the dynamic and far-reaching talents of this Androscoggin County firm.

There are many, many other products exhibited here from Lewiston such as Twin City Printery, Diamond Machine Company and others too numerous to mention at this time.

In behalf of the manufacturers of the City of Lewiston, we, the Senators of Androscoggin invite each and every one of you to view the wonderful exhibits of their products located in the rotunda. And may I add that my colleagues and I from Lewiston and Androscoggin County are proud to have shared in the observance of the eleventh Androscoggin County Day. Lewiston is proud of its contribution to the economy of Androscoggin County and of our great State of Maine.

It is also my pleasure to remark about Central Maine Vocational

Technical Institute. This Institute, located on Turner Street in Auburn, started with a single building seven years ago and with less than one hundred students. Since that date, two additions have been made to the main classroom building and a dormitory has been constructed. Starting this spring, a \$960,000 laboratory-classroom wing will be under construction, scheduled for a mid-winter completion date. There are many other facets of the school operation that have also grown. Service to community and area population and industry is just one of these.

In the fall semester of '70-71, the school enrolled 1072 adult students in trade extension programs or courses of study designed to upgrade industrial workers. These students were drawn from 279 industries and represented 126 towns and 14 counties in the State of Maine. The total adult population attending classes for the school year is in excess of 2,200 students.

Enrollment in the one and two year courses started at 282 for the present school year. This is expected to increase to a maximum of 304 for the 1971-72 school year. Eight two-year programs are offered: Auto Mechanics, Architectural Drafting, Machine Design Drafting, Machine Tool Operation, Building Construction, Industrial Electricity, Instrumentation and Process Control, and Graphic Arts-Printing. The Licensed Practical Nurse program is a one year training course and has affiliations for clinical training with Central Maine General Hospital, St. Mary's General Hospital, and the Marcotte Nursing Home, all of which are located in Lewiston.

The administration and faculty of the school have been exceptionally stable and have long-time service devoted to providing a service to industry and the community and maintaining a flexible position at all times for change. After a review of what other technical institutes are doing in other sections of the United States, it must be recognized that Central Maine Vocational Technical Institute, in a short period of seven years, should be recognized not only as a leader

in schools of this type in Maine, but also in the nation.

The current economic condition that exists within the locality of the school is a determining factor as to the programs that are conducted at the school. If there are job opportunities available where training of any short-term duration will qualify people for employment, the school will offer this training and not necessarily put it on a one or two-year basis. For instance, the school is training ten welders in a special program because there are known to be ten opportunities for employment for these graduates. The course is not a one or two-year program, but only long enough to meet the employer's immediate needs and then it is terminated. Many programs, such as the welding program, are in the operational plans for the new wing.

The student activity program now includes small college league play in baseball and basketball, but the major sports activity is directed at other activities that prepare students for a life-long program of physical education. Swimming is available, even programs in scuba diving, soccer teams played an eight game schedule; skiing is available to all students through an arranged program, as is golf and ice skating. The school has a newspaper and many social events on the campus and has developed within the past year a student scholarship program developed by the student council. The school's annual year book is prepared and printed entirely within the school facility.

I want to thank you for your attention and once again invite you to take part in Androscoggin Day.

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

Mr. BERNARD: Mr. President and Members of the Senate: Androscoggin County is endowed with having three Senators representing the entire county here at this session. Although some of us work late in the wee hours of the morning to prepare the material that has been presented and to help

some of the displays, contact the various employees, there are some who felt that they didn't want to actively take part in this. I certainly would thank the good Senator, Senator Clifford, for his remarks. I did, and I want the record to show that I approached Senator Minkowsky with a prepared statement asking him to take part in this program and he felt otherwise. Although I only represent four towns per se, I certainly represent each and every town in my county and every citizen thereof. So, I think it is only proper, and with a great deal of pride, I would like to make these comments:

Androscoggin County is one of the smallest counties in the state and ranks 6th in population, yet there is plenty available room and no need for zero population growth at this time. If you would like isolation you can build out of sight and sound of your neighbors.

The people represent a broad cross section of native sons with roots extending back a few hundred years to the first settlers of what was later to become the State of Maine, to the more recent arrivals attracted to Maine by what is missing in other states and other countries.

While not a fast growing area, Androscoggin County did grow by more than the average of all counties from 1960 to 1970.

Outside of the Lewiston-Auburn area the county has many small towns ranging in population from 1,500 to 7,000. Some of these rural areas have been very attractive from their earliest beginnings, while others are typical mill towns. But all are busy trying to improve their image in various community betterment programs. Although experiencing the business slowdown, as the nation is as a whole, the county does provide many opportunities for earning a livelihood in industry, business or agriculture. The rural areas are filled with farming operations — from the one family operated to the rather large complex operations extending beyond the borders of the state and even outside of the United States. Directed by intelligent, hard-working people, agriculture produces ap-

proximately 15 million dollars a year at the farms and this product generates seven times its value in trade after it leaves the farm. Typical of the larger complex in the egg producing industry are the DeCosta, Hillcrest and Maine Egg Farm operations.

Apple production is also an important source of revenue. In this industry familiar names are Berry, Leavitt, Prince, Ricker, Wallingford and Boothby. And some of these farms have been family-operated for generations.

The dairy industry is a very important one in the county, where milk is the number one drink. While there are many small family milk-producing farms, the larger producers are identified by such names as Varney, Caldwell, Morris, Keene, Tibbetts, Hatch, Torey and Buckley, men who are always alert to the technology needed for improvement in quality and quantity for the benefit of the people of Maine.

There is little industrial activity in the northern end of the county, but a large percentage of the population is very gainfully employed in the large international paper producing complex just over the county line.

At the present time the Livermore Falls area is trying to take advantage of publicity given on nationwide TV coverage by the full service bank advertising on the pro football and national geographic programs to attract industries that would benefit the area and the state. The Marcal Paper Mills Incorporated of Mechanic Falls also provides job opportunities in the paper products.

The Maine Research Corporation of Lisbon provides the type of desirable employment needed in this state — the production of electronic components.

However, the finest products of the county are its people — those who live and work here and those who migrate to other areas of the country where their ambition, intelligence and industry are held in high regard.

Ladies and gentlemen, the agricultural display this year in the

rotunda is sponsored by the Androscoggin County Farm Bureau and it represents a wide variety of farmers and farm-related businesses. There is an apple display put on by our orchards, set up by the Leavitt Farm Orchards.

We have a dairy bar with milk for your enjoyment and a dairy display put on by the Maine Dairy Council. The egg display is put on by the Oakdale Poultry of Auburn. A registered holstein display, representing the Breeders of Registered Holsteins, is sponsored by the Brigeen Farms of Turner.

Potatoes are not recognized as a predominant crop in the county, and yet we supply one peck of potatoes for every man, woman and child in the State of Maine. This crop is represented by the Bell Farms of Lewiston and Auburn and Owen Davis of Auburn.

We hope that the display will show some of the ways farmers conserve land and water through efficient use of this land.

I certainly would extend to all of you an invitation to browse among the displays. Thank you.

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

Bill "An Act Relating to the Control of Dogs" (H. P. 270) (L. D. 359)

Tabled — March 17, 1971 by Senator Quinn of Penobscot.

Pending — Motion by Senator Harding of Aroostook to Indefinitely Postpone.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would hope that the motion for indefinite postponement does not prevail. I would like to mention at this time that possibly my good friend, Senator Harding from Aroostook, has never been a town manager. In my experience as town manager in a small town, by being a tax collector, road commissioner, dog constable and such, you cover a lot of territory and have a lot of duties.

I have been called to pick up and go after stray dogs in flower

beds, under porches and sheds, almost everywhere, and this is quite a problem in small towns. Of course, we have the town ordinance but if we enact this legislation it will give some strength to the local authorities.

Possibly at this time it might be interesting to state that I have had the experience of a stay of execution for a dog. It might be pretty hard to understand how this might be possible for a dog; you might feel it is for a person, but this happened one time when a dog bit a child, I was called to the scene, took the child to the doctor, then went back with the parents of the child to the dog owner and asked the dog owner if he willingly would take the dog to the vet in order that the dog be destroyed after ten days. The owner came with me to the veterinarian and agreed and signed the necessary papers that the dog be destroyed, and I thought that the whole thing was under control, that this dog would be out of the way and be removed as a nuisance from the town. I was surprised when the owner hired an attorney and requested a stay of execution from the judge, and the dog was released after five days.

Dogs are a nuisance, as we all know. They are also our pets and are needed, however, there should be some control, and I would request a division when the vote of indefinite postponement is asked.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As the Chairman of the Fisheries and Wildlife Committee, I feel I should make some remarks in regards to this particular issue, and point out some of the problems that we have and some of the dangers that we have in the State of Maine in regards to dogs and the problems which are created.

I perhaps should first say that any remarks which I make apply only to the other fifteen counties, and do not have any reflection on the county which we have just been

hearing about which, judging from the remarks, is above and beyond any possible reproach and everything must be "peaches and cream" in Androscoggin County. So, if you would, I would confine my remarks to the other fifteen counties.

I would like to point out to you the rabies problem that we have in the State of Maine. I just received a short time ago, well, maybe a longer time ago, because this came before the beautiful remarks that were made in regards to Androscoggin County — the highest known cases and kill of rabid foxes in the State of Maine was in 1968 when 56 rabid foxes were killed. In 1970 the kill was 51. Now, I would point out to you the calendar of 1971, and the date is March 24, we are one-quarter of the way through the year of 1971, and I would call to your attention that as of this date we now have 51 rabid foxes killed; equal to the 51 for the whole of 1970. This points out the danger which we are facing of rabid foxes in the State of Maine. Let me also add that the real dangerous season has not yet arrived, because our fur-bearing animals have not come out of hibernation to any extent. When they do the spread of rabies is going, in my humble opinion and also that of many of those who are well aware of the situation, this is going to expand drastically.

Now, we all know that we have dogs which are running wild in the state, we have dogs that we think are real domesticated and are the pet family dog which, when we go to work in the morning, we leave the dog on the door step and when we get back from work at night he is on the door step, but if you will notice the dog is tired because he has run all day. He may have run deer, he may have been playing with the children at school, nevertheless, he has been away from home all day.

Now, with the danger of the rabies, this dog can very easily become rabid himself. And all he has got to do in his playfulness with the school children is to scratch with one of his teeth one of the school children, and that child can and undoubtedly will be-

come infected. That is one thing we must take into consideration.

Another thing which was brought to my attention very recently is the matter, if this situation should become widespread and epidemic in scope, I raise the question to you people here in this body, what effect is this going to have upon our summer camping business. We all know where the people go for camping, many of us have camping areas in our respective towns, and naturally these camping areas either border or are in wooded areas. If we should have, and heaven forbid, a real epidemic and the fear of rabies extended beyond the state to our summer tourist business, particularly our campers, I look forward for a serious economic condition in this state relative to our campers, and we are looking for more and more of them each and every year.

I would also point out to you that as the Chairman of this Committee I am constantly receiving correspondence. And I have one that was handed to me just this morning, besides a number of others which are on my desk upstairs, and all are expressing concern about rabies and particularly about damage to our deer herd in the State of Maine. I might warn you, members of this Senate, that our committee is going to very, very soon be considering deer hunting bills and, although I cannot speak for the whole committee, I can say on behalf of many that we will be coming out with a recommendation for a drastic reduction in our open season to try to protect what is left of the deer herd in the State of Maine. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I will be short and sweet. The only thing that I want to bring out is an episode that happened Monday. A farmer brought in an animal, a cow, to our place of business. The doctor got suspicious of this animal and sent in the head to the State and it was diagnosed that the animal had rabies. If this animal didn't come to our place,

if the farmer had slaughtered the animal himself, somebody would be eating that kind of meat. They all know that rabies is fatal to human beings. There is only one case now where a boy was kept alive after he contacted rabies. I feel that it is an emergency now in the State of Maine.

I love dogs, I love animals, and I love pets, but I think if we pass this law more people will try to keep their pets home and it will solve the problem. Without it, I don't know what it will lead to.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to point out one other aspect, and that is the question of why so many rabid foxes now and is there any pattern? The reason for more rabid foxes now is that the fox population is definitely on the increase and that, I believe, is the principal reason for so many of these rabid foxes being killed. It was only a few years ago that we had a very, very limited fox population in the state. We do now have an expanded population and, as far as pattern is concerned, can we say that there are more cases in York County, more cases in Penobscot County, or Waldo County, or any other county with the exception, of course, of Androscoggin? We cannot. The cases that are coming in are from all over the State. There is no one area that seems to be more infected than any other. The infection is statewide.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I would like to bring out, as it probably would be of interest to you, what has happened to the deer herd during this past winter, and it isn't over with yet. The wardens have found 536 dead deer killed by dogs this winter, and more than half of those

deer were does carrying lambs. So you can figure there were close to 1,500 deer that really were killed by dogs this year. Remember, those are deer that the wardens have found, and they feel that they would be lucky if they found half of the dead deer, because after the snow comes they are covered up and they couldn't find them.

The Fish and Game Department has spent approximately \$100,000 extra this year trying to control the dogs in the southern part of the state. I think that we should consider that on this bill that is before us now.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act Relating to the Control of Dogs", be Indefinitely Postponed. A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Bill was given its Second Reading.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-41, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Trespass on Certain State Institutions." (H. P. 1084) (L. D. 1150)

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

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-35, was Read and Adopted.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: There are several bills in of the same nature this session. I have one very similar to this particular bill, mine is number L. D. 1154. I believe that it might be more practical all around if the opportunity was presented to amend this bill to include the area in which I am interested. The bill was heard just yesterday, and I am sure that the Judiciary Committee would be able to agree as to some form of amendment. Therefore, I would ask if the bill could be tabled pending engrossment in order that I may prepare an amendment.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and specially assigned for March 31, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Providing Handrails for Stairs in Public Buildings." (H. P. 1082) (L. D. 1148)

Tabled—March 18, 1971 by Senator Minkowsky of Androscoggin.

Pending — Motion by Senator Tanous of Penobscot to Indefinitely Postpone.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I would ask for a division on this motion to indefinitely postpone this bill. This bill was heard in its original form by the Committee on Health and Institutional Services and then, after much discussion, we came out with a redraft which we feel takes care of the original problem of having a proper handrail on the main stairways of institutional or pub-

licly used buildings. This redraft states that there should be a proper handrail on at least one side of a commonly used stairway on the outside of every public building. I am sure that many of you realize the importance of having a handrail where people with some sort of infirmity have difficulty climbing stairs. This says, "On at least one side of a commonly used stairway," so it could be any stairway which the public commonly uses. It doesn't have to be the front stairway or on the stairway which would mar the beauty of that building. I think this is a very important bill and, as the Chairman of the Health and Institutional Services Committee, I would ask you not to accept the indefinite postponement of this.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I agree with Senator Hichens from York that this is perhaps an important piece of legislation but, nevertheless, I hate to vote on a particular bill that neither tells me the reason for its need nor does it tell me the cost or eventual cost upon the taxpayers of the State of Maine. Again, I repeat, I don't know how this bill really escaped the appropriation table because it seems to me that a bill of this type will definitely need an appropriation on it. We are talking about public buildings, and public buildings include state buildings as well. When we talk about a common stairway, a common stairway is used by people, generally; it is not restricted to one person or a particular group of persons. It is used generally by the people and that is a common stairway. I agree that perhaps many, many stairways should have handrails on them but, again, we should have some idea of the cost and also the need for such legislation. For this reason I reinstate my motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from

Penobscot, Senator Tanous that Bill, "An Act Providing Handrails for Stairs in Public Buildings", be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative and eleven Senators having voted in the negative, the motion prevailed.

Sent down for concurrence.

(See action later in today's session.)

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

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

Tabled—March 19, 1971 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the seventh 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 19, 1971 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the eighth 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 19, 1971 by Senator Tanous of Penobscot.

Pending — Adoption of Senate Amendment "A" — Filing S-34.

On motion by Mr. Shute of Franklin, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

HOUSE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council. (H. P. 207) (L. D. 273) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — March 23, 1971 by Senator Johnson of Somerset.

Pending — Acceptance of Either Report.

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

Mr. JOHNSON of Somerset: Mr. President, may I inquire through the Chair the status of this bill as far as the committee reports are concerned.

The PRESIDENT: The Majority Ought to Pass Report was signed by ten members of the committee; the Minority Report, Ought Not to Pass, was signed by two members of the committee.

Mr. JOHNSON: Mr. President, I move that we accept the Majority Ought to Pass Report of the Committee.

It would be very interesting for me to see how my seatmate, the good Senator from Aroostook, votes on this particular bill after his action on the other one.

This particular bill was heard by the committee and we felt it was a step in the right direction. As far as the election of the council was concerned, this particular bill was very simple. It merely allowed the members elected from a particular council district to elect their councillor. There isn't any problem with the bill, but there is another problem with another bill that would reapportion the legislative districts which we have referred to the Committee on Reapportionment. Now, if this bill comes out in its proper form so that the concept of one-man one-vote will be included within this

particular bill then this is a good bill because it will give good one-man one-vote representation on the council. The people that run for the council would be elected by those senators and representatives from that councilor district. I would feel, as far as I am concerned, that when this government was set up years ago, there were certain areas of checks and balances, distribution of powers, and I think that the council has always been one that has looked at the powers of the governor, for example, and has had a continuity of what the legislature intended in many areas. Sometimes there have been errors, perhaps mistakes, that could not be helped, and I realize that the good Senator from Aroostook has been elected on the basis of this. I think I have heard his story so many times that it seems that he's beginning to believe it. However, I would say that this bill, as far as I am concerned, is a step in better representation.

We do have two more bills, I believe, before the committee. We have not heard them. One has to do with the popular election of the council, which may be even better than this one, but until that one comes along I feel that we should keep this one and move it. I certainly would support my motion.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think that we have had perhaps just as much debate on the council as anybody wants to hear today. I do want to point out if in fact it will be impossible to completely abolish the council, undoubtedly there may be more democratic, with a small "D," or a more representative way of the membership of the council, I submit that the election of the council by the delegations still leaves it in the legislature, which I think is not desirable. It is a small step, possibly, in the right direction. I submit it is not an acceptable step and I would hope that this bill would not pass. I have no objection to tabling it until such a time as we have other bills here that can be considered on

their merits; on that basis I have no objection to doing that, but if we are going to act on it today I will not be able to support it.

I would request a division.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that the Senate accept the Majority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council. A division has been requested. As many Senators as are in favor of the motion of the Senator from Somerset, Senator Johnson, that the Senate accept the Majority Ought to Pass Report of the Committee will please 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 motion did not prevail.

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

Sent down for concurrence.

The President laid before the Senate the tenth 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 23, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Shute of Franklin to Reconsider Engrossing.

Mr. Shute of Franklin then moved the pending question.

Thereupon, on motion by that Senator, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Definition of Class "A" Restaurant Under Liquor Laws", was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I think for an innocuous bill this has traveled a rocky road.

We have had two votes, one a roll call. As with all measures that travel such a route, I am sure that the ultimate result is one of compromise and rather than go to the other body and come up with a Committee of Conference, I believe that we have struck the great answer to this problem, and I would offer it in the form of an amendment which is to be filed as S-40.

So now, Mr. President, I would move that we reconsider our action whereby House Amendment "A," Filing No. H-42, was adopted.

Thereupon, on motion by Mr. Shute of Franklin, and under suspension of the rules, the Senate voted to reconsider its action whereby House Amendment "A" was Adopted.

On further motion by that Senator, the Senate voted to Indefinitely Postpone House Amendment "A".

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

Senate Amendment "A", Filing No. S-40, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Papers From The House

Joint Resolution

Ratification Resolution for 18-Year-Old Vote Amendment

WHEREAS, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

Joint Resolution

"Resolved by the Senate and House of Representative of the United State of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents

and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Article

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"Section 2. The Congress shall have the power to enforce this article by appropriate legislation," now, therefore, be it

RESOLVED: By the Members of the House of Representatives and the Senate of the 105th Legislature, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

RESOLVED: That certified copies of this Resolution be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States. (HP 1224)

Comes from the House, Read and Adopted.

Which was Read.

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

Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Providing Handrails for Stairs in Public Buildings." (H. P. 1082) (L. D. 1148) was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The major problem of the bill seems to be an indecision about the cost of the bill, and the Senator from York, Senator Hichens, has said that his committee considers this an important bill. It would be my feeling, therefore, that it might properly be put on the Appropriations Table in order that the Appropriations Committee can establish some cost at their convenience later in the session, and based on that cost perhaps we can make a more important decision later on.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.