

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 1, 1971

Senate called to order by the President.

Prayer by the Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition." (H. P. 952) (L. D. 990)

In the House, March 19, 1971, Passed to be Enacted.

In the Senate, March 23, 1971, Passed to be Enacted, in concurrence.

Recalled from Governor's office by Joint Order (H. P. 1129).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-88) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

(See action in today's session.)

Non-concurrent Matter

Bill, "An Act Providing for Scholarships for North American Indians Residing in Maine." (H. P. 260) (L. D. 342)

In the House March 24, 1971, the Majority Ought to Pass as Amended by Committee Amendment "A" (H-74) report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A".

In the Senate March 26, 1971, the Minority Ought to Pass as Amended by Committee Amendment "B" (H-75) report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "B" in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Thereupon, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators:

KATZ of Kennebec

CHICK of Kennebec

MINKOWSKY

of Androscoggin

House Papers

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

Senate Papers

Mr. Wyman of Washington presented, Bill, "An Act to Amend the Law on Sale or Packing of Herring." (S. P. 531) (L. D. 1581)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

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

Sent down for concurrence.

Committee Reports

House

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 Interest, Restrictions and Method of Computation under Small Loan Agency Law." (H. P. 551) (L. D. 727)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds to Improve the Wiscasset Airport." (H. P. 902) (L. D. 1240)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

Bill, "An Act Relating to the Transportation of Students to Technical and Vocational Centers." (H. P. 669) (L. D. 906)

Reported that the same Ought to Pass.

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

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Permits for Kindling Out-of-door Fires." (H. P. 630) (L. D. 852)

Reported that the same Ought to Pass.

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

Representatives:

MANCHESTER

of Mechanic Falls

BUNKER of Gouldsboro

KELLEY of Southport

LEWIS of Bristol

BOURGAIN of Fort Kent

PARKS of Presque Isle

LEWIN of Augusta

PORTER of Lincoln

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

Signed:

Senator:

BERNARD

of Androscoggin

Representatives:

KELLEY of Machias

CALL of Lewiston

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

Which reports were Read.

Mr. Bernard of Androscoggin then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee, and Mr. Hoffses of Knox requested a division on the motion.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would like to bring to your attention a few points that were raised at the public hearing on this particular matter.

The proposed bill would eliminate portable stoves using propane gas, gasoline or Sterno from the Forestry District Title 12, where permits would not be necessary.

Now, the issuance of permits under Title 12 is limited to the Maine Forestry District and is a delegated authority to state forest rangers by the landowners. There is sound reasoning behind this delegated authority. It gives the rangers an excellent opportunity to contact people on fire prevention. The public, with a permit, becomes more careful and conscientious on fire prevention.

The intent of Title 12, Section 1401, was to cover all use of open air flames. Attempts in the past have been made to exempt portable stoves. Prior to enactment of the campfire law, records showed an average of fifty fires starting from this cause. In the fifteen years since enactment we have averaged 28 fires per year from campfires.

Our concern with these stoves is that malfunctioning can and does occur. Flooding, flare-ups, stoves thrown to the ground, and with rapid build-up of heat it quickly starts wood fires that spread rapidly.

The public has accepted the lunch-fire permit law very well. Most people feel this time in getting a permit is a fire prevention method. It is no hardship, and they appreciate the courtesy of the landowners for free use of their land.

Now, it is conceivable that if we pass this L. D. some of the campowners in the forest districts are going to become apprehensive and are going to want to withdraw this permission given to the people utilizing this land.

Commissioner Wilkins of the Forestry Department spoke very well in opposition to this bill, and I certainly hope my colleagues would go along with my motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Permits for Kindling Out-of-door Fires."

A division has been requested. As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Bernard,

will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law." (H. P. 558) (L. D. 734)

Reported that the same Ought to Pass.

Signed:
Senators

ANDERSON of Hancock
BERNARD of
Androscoggin

Representatives:

LEWIN of Augusta
PARKS of Presque Isle
BOURGOIN of Fort Kent
LEWIS of Bristol
MANCHESTER of

Mechanic Falls

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

Signed:
Senator: HOFFSES of Knox
Representatives:

KELLY of Machias
PORTER of Lincoln
KELLEY of Southport
BUNKER of Gouldsboro
CALL of Lewiston

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

Which reports were Read.

On motion by Mr. Hoffses of Knox, the Minority Ought Not to Pass Report of the Committee was Accepted.

Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action

pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Trespass on Property of Municipalities and School Administrative Districts." (S. P. 358) (L. D. 1054)

Bill, "An Act Relating to Conferring Bacalaureate Degrees by John F. Kennedy College." (S. P. 424) (L. D. 1237)

Sent to the House.

Leave to Withdraw

Mr. Peabody for the Committee on County Government, on, Bill, "An Act Increasing Payments to the Nathan and Henry B. Cleaves Law Library of the Cumberland Bar Association Serving as a County Law Library." (S. P. 269) (L. D. 797)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

Mr. Peabody for the Committee on County Government on, Bill, "An Act Increasing Payments to Oxford County Law Library." (S. P. 273) (L. D. 809)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

Mr. Peabody for the Committee on County Government on, Bill, "An Act Increasing Payments to Sagadahoc County Law Library." (S. P. 295) (L. D. 847)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to Discrimination under the Personnel Law Because of Age." (S. P. 420) (L. D. 1235)

Reported that the same Ought to Pass.

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Relating to Rates of the Waldoboro Sewer District." (S. P. 381) (L. D. 1138)

Reported that the same Ought to Pass.

Mr. Marcotte for the Committee on Public Utilities on, Bill, "An Act Relating to Service Charges

for Sewage Disposal." (S. P. 394) (L. D. 1172)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Trapping Muskrats." (S. P. 174) (L. D. 526)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-59).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This particular bill pertains to the spring trapping of muskrat, and your committee members have come to a unanimous agreement on this matter by reporting a committee amendment under an emergency clause, and I move that under suspension of the rules this bill be given its second reading at this time.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that under suspension of the rules this bill be given its second reading at this time by title only. Is this the pleasure of the Senate?

The motion prevailed, and the Bill as Amended, was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Removal of Packing from Journal Boxes of Railroad Equipment." (S. P. 230) (L. D. 676)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-60).

Mr. Quinn for the Committee on Judiciary on, Bill, "An Act Increasing Fees of Witnesses in the Courts." (S. P. 228) (L. D. 674)

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

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Terms of the Members of the Land Damage Board." (S. P. 165) (L. D. 487)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 527) (L. D. 1545)

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Waiver of Complaint in the District Court and Waiver of Indictment in the Superior Court (S. P. 86) (L. D. 180)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Jurisdiction of the District Court in Certain Felony Cases." (S. P. 529) (L. D. 1546)

Mr. Quinn for the Committee on Judiciary on, Bill, "An Act Relating to Disturbing Schools." (S. P. 222) (L. D. 668)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 530) (L. D. 1547)

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

Reconsidered Matter

On motion of Mr. Chick of Kennebec, the Senate voted to Reconsider its action of earlier in today's session whereby it voted to Recede and Concur on Bill, "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition," (H. P. 952) (L. D. 990).

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Consideration.

Second Readers

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

House

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued

for Sewer Construction. (H. P. 89) (L. D. 133)

Bill, "An Act Increasing Tax on Commercial Fertilizers." (H. P. 279) (L. D. 368)

Bill, "An Act Relating to Definition of Dental Hygienist and Dental Auxiliaries." (H. P. 563) (L. D. 739)

Bill, "An Act to Enable the Town of Cape Elizabeth to Establish Sewer Service Charges." (H. P. 632) (L. D. 862)

Bill, "An Act Relating to Cancellation, Nonrenewal and Certain Changes of Automobile Insurance Because of Age." (H. P. 664) (L. D. 893)

Bill, "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions." (H. P. 706) (L. D. 949)

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for April 6, 1971, pending Passage to be Engrossed.)

Bill, "An Act Authorizing Savings Banks to Issue Mortgage-backed Securities Guaranteed by the United States." (H. P. 733) (L. D. 995)

Bill, "An Act Relating to Compensation of Trustees of the Rumford Water District." (H. P. 750) (L. D. 1019)

Bill, "An Act to Authorize a Food Stamp Program in Kennebec County." (H. P. 767) (L. D. 1033)

Bill, "An Act Relating to Age for Compulsory Education." (H. P. 1219) (L. D. 1410)

(On motion by Mr. Shute of Franklin, temporarily set aside.)

Bill, "An Act Relating to Out-of-state Ambulance Services and Eliminating Fees for Ambulance Personnel." (H. P. 592) (L. D. 787)

RESOLUTION, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

(On motion by Mr. Quinn of Penobscot, temporarily set aside.)

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

The President laid before the Senate the matter set aside by Mr. Shute of Franklin. Bill, "An Act

Relating to Age for Compulsory Education." (H. P. 1219) (L. D. 1410)

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: L. D. 1410 relates to compulsory age of students in the State of Maine. You perhaps will recall that for a number of years, up until 1965 or '66, the compulsory age for children was from 5 to 15. At that time Maine was the only state in the union with a compulsory age as low as 15.

The gentleman whom I opposed in the November election was present in the 102nd Legislature, and he entered, in the interest of several people interested in education and concerned about the waste of human resources when a person leaves school at the age of 15, entered a bill which raised the maximum age to 17. He was eventually joined in his support by then Representative Graham, and now Senator from Cumberland, and this was made the law of the state. I believe it was a step forward in education.

There have been some instances, I grant you, where 17-year olds and even 16-year olds have caused disruption in schools because of their resentment toward the establishment. But I believed then and I believe now that if a school system will provide a program to enable these youngsters of 16 and 17 years of age to have the desire to remain in school to continue their education, whether it is in pursuit of a liberal arts type of education or in the vocational lines, I think this is perhaps the most important consideration.

This document, 1410, actually reduced the age to 15 again. It does say that a person 16 years of age who, in the judgment of a principal, where a suitable program of work, work study or training is available, may be excused from school attendance. It is easy for me to picture some 16-year old who does not choose to remain in school, and doesn't have the necessary parental control, to start raising hob with his principal and teachers and create enough of a disturbance

so that reason can be found that he can easily be excused.

I think this is a step backward, and I note that the Chairman of the Education Committee is not here today, so I would ask someone to table this matter until another day, preferably until the 7th of April. But I do think this is a wrong step backward and, believing so, I would now move for the indefinite postponement of this legislative document and any accompanying papers.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that Bill, "An Act Relating to Age for Compulsory Education" be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for April 7, 1971, pending the motion by Mr. Shute of Franklin that the Bill be Indefinitely Postponed.

The President laid before the Senate the matter set aside by Mr. Quinn of Penobscot, Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

On motion by Mr. Tanous of Penobscot, the Senate voted to Reconsider its previous action whereby the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

On further motion by the same Senator, the Bill was Substituted for the Committee Report.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Reference to Committee.

House - As Amended

Bill, "An Act Relating to Switch Targets Under Railroad Law." (H. P. 347) (L. D. 456)

Mr. Tanous of Penobscot then moved that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Levine of Kennebec, tabled and specially assigned for April 6, 1971, pending the motion by Mr. Tanous

of Penobscot that the Bill be Indefinitely Postponed.

Bill, "An Act to Clarify the Laws Relating to Milk and Milk Products." (H. P. 377) (L. D. 492)

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

Senate

Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State." (S. P. 524) (L. D. 1519)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to the Color of School Buses no Longer Used for School Purposes." (S. P. 210) (L. D. 643)

Bill, "An Act Providing for Mandatory Retirement for Teachers." (S. P. 305) (L. D. 899)

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

Sent down for concurrence.

Enactors

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

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

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

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)

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

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

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

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

An Act Relating to Operation of Snowmobiles in Cemeteries. (H. P. 299) (L. D. 399)

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

An Act Relating to Issuance of Malt Liquor Licenses. (H. P. 429) (L. D. 563)

An Act Authorizing Use of the Name Maine Association of Real Estate Boards. (H. P. 494) (L. D. 635)

An Act Prohibiting Beaver Trapping by Nonresidents. (H. P. 590) (L. D. 785)

An Act Changing Name of Down-east Association of Independent Schools. (H. P. 602) (L. D. 804)

An Act Requiring Childhood Education Programs for Five-Year Olds. (H. P. 643) (L. D. 873)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

Resolve, Authorizing the Forest Commissioner to Convey Certain Land in Franklin County. (H. P. 724) (L. D. 969)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Perley E. Joy of Milo for Loss of Bee Hives by Bear. (H. P. 783) (L. D. 1059)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

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

Bill, "An Act to Remove Remarriage Restriction on Survivor

Benefit Payments under State Retirement System." (H. P. 624) (L. D. 834)

Tabled—March 25, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

Thereupon the Bill was Passed to be Engrossed in concurrence.

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

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)

Tabled — March 30, 1971 by Senator Johnson of Somerset.

Pending — Consideration.

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

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

Senators:

JOHNSON of Somerset

WYMAN of Washington

CLIFFORD

of Androscoggin

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

HOUSE REPORTS — from the Committee on Transportation on Resolve, Designating Part of Route 219 as a State Highway. (H. P. 283) (L. D. 372) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 30, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Greeley of Waldo to Accept the Majority Ought Not to Pass Report.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I request a division on the motion and I would like to speak to the motion. This is one of the few cases that I have ever seen come out of the Transportation Committee on the type of bill that this is where it is practically a

split report. The vote was seven to six.

This is an unusual bill in that someone did put the bill in and asked that this be designated a state highway. It includes thirty miles of road and it goes through five towns. I think there are probably a dozen other members of this body who would like to put a similar bill in, but they felt that it wouldn't have a chance and they didn't put it in.

It has come through from the other body Ought to Pass, and I am sure Senator Greeley, the good Senator from Waldo, will give us a lot of figures and so forth, but my contention is that, in looking at the objectives of the Highway Department, it would seem to me that a great many people today are perturbed or disturbed about the amount of dollars that are being spent on new ribbons of concrete or bituminous that go through our woods and our forests and really take a lot of our so-called ecological balance away from us, and that the highway people are not putting the dollars back in the roads that we already have and already use.

This bill actually calls for nothing more than winter maintenance or snow removal, and the price they put on it is around 190 some odd thousand dollars, which is a tremendously high figure as far as snow removal is concerned.

In the average town, the town that I am aware of, and I believe these five areas are in that category, the state donates or contributes a hundred dollars toward the plowing per mile, and the town appropriates the difference. They average around \$340, \$350, \$360, somewhere in there, and some are less. And it would seem to me that their price figure is away out of line on this particular bill because it could be done at \$500 a mile if it was let out to a contractor, and I think there would be many people who would bid on a bill of this type.

I believe that someone will probably say that the state will have to buy a lot of equipment to do this operation, and in one case I heard they will have to build a garage. But it seems a little

ridiculous when you go through five towns and you realize they are all in different stages of upkeep in the wintertime. And this is a direct route from this area up toward Rumford into Augusta.

Number two, the Highway Department, I think we all agree, does a good job, and they do it their way. They very seldom ask the legislature how they want it done, except for maybe the Androscoggin Bridge or things like that. And it would seem to me it is about time the legislature told the Highway Department that we want this or we want that. About all they ask for is to do their job and do it as well as they can the way they want to do it and with the money we provide.

It would seem to me that with the two cases I have mentioned here, where people are feeling that some of the roads we already have built should be maintained a little better, plus the chance we have now of telling them what we want done, I would hope that the Majority Report is not accepted.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: If I remember right, four years ago there was a member of this body who had a bill on the table for quite some time. He finally took it off because he thought that he was quite secure. In fact, I can truthfully say that I don't feel that way this morning. If I did, and this being April Fool Day, I think I might be April fooled.

This bill involves thirty miles of road and is situated in six different towns.

The reason that I voted against this is because I considered it a pet bill, and why pick out one little place in the State of Maine to do a job like this and not help other towns? If we are going to open the door, why not open it good and wide and take care of about 1500 more miles of road similar to this thirty miles.

There is about 480 miles of federal aid secondary located in different counties in the State of Maine, there is over a thousand

miles of state aid road located in different counties in the State of Maine, with equal traffic and more traffic than the one we are talking about here today.

If we want to get into this thing, why don't we prepare some amendments so we all have something to take back home. I hope we can accept the Majority Ought Not to Pass report.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, Designating Part of Route 219 as a State Highway.

A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

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

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

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act Increasing Mileage Allowance for State Employees on State Business." (H. P. 305) (L. D. 405) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — March 30, 1971 by Senator Johnson of Somerset.

Pending — Motion by Senator Wyman of Washington to Accept the Minority Ought Not to Pass Report.

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

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

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees." (H. P. 278) (L. D. 367) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 30, 1971 by Senator Harding of Aroostook.

Pending — Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for April 6, 1971, pending Acceptance of Either Report.

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

Bill, "An Act Relating to Mass Gatherings." (H. P. 1090) (L. D. 1479)

Tabled — March 31, 1971 by Senator Harding of Aroostook.

Pending — Reference.

On motion by Mr. Harding of Aroostook, referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 31, 1971 by Senator Shute of Franklin.

Pending — Motion by Senator Marcotte of York to Reconsider Acceptance of Majority Ought Not to Pass Report.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I hesitate to get involved in a discussion over Moose River and its problems with the Forestry District because I know I shall be arrayed against my good friend

from Washington, Senator Wyman, and this disturbs me. But Moose River happens to be in District 21, and it is part of my bailiwick and, as such, I feel that I must defend the feelings of the majority of the residents of Moose River.

Moose River, perhaps you will recall, is adjacent to the Town of Jackman. It is a relatively new organized town, having been organized as a municipality in 1958. Prior to that date they were an organized plantation and prior to that, of course, an unincorporated township.

I have a letter here from the First Selectman, Chester H. Moore, the First Selectman of Moose River, in which he gives the position of the board and the residents in the community. I think it bears repeating some of the letter before this body so that you can be helped in making some deliberation or coming to a proper conclusion.

Mr. Moore writes: "Evidently the Legislature passed a bill making it impossible for a town to remove itself from the Forestry District, and we now have to go through the Legislature to secure the permission. In 1967," Mr. Moore writes, "the residents voted 100 percent to get permission to withdraw from the District. We had a bill drawn up and introduced at that time but the citizens were failed to be notified of the hearing date so the only ones heard during that hearing were those in opposition to the bill.

"This year", he says, "we tried again and did attend and we spoke at the hearing.

"We paid last year \$2952 into this Forestry District. The most we would have to pay if we had a bad fire would be one-half of one per cent of our state valuation, which for the moment is \$720,000., or \$3600."

It would appear to me that in order to pay \$2952 is a pretty high premium to get back \$3600, but this is the case of Moose river. He says, "This seems to me to be a pretty high tax for so little benefit. However, this isn't what I consider to be the real injury to the towns involved. Only twelve organized towns pay this tax out

of over 400; 495 to be exact. This to me is proof positive that discrimination is taking place in our state tax system. If we as assessors did this in assessing property we would be arrested. It certainly is a far cry from fair taxation as decreed in the manual.

"The opposition claims", Mr. Moore goes on, "if we did not pay this tax we would be left without 'fly-over' protection." As you know, in his part of the country they do have forestry planes that fly daily when the weather is proper and provide this type of protection rather than the mountain-top surveillance.

Mr. Moore says, "This is absurd as we are almost surrounded by unorganized towns, the only organized town being Jackman to the south. Fires have been spotted in Jackman by these planes and Jackman does not pay this tax. They would of necessity have to fly the area for protection of the unorganized townships."

Mr. Moore says, "We feel also that these towns paying the tax are helping to pay the fire insurance for the bigger land owners. I wish my neighbor would pay part of my insurance on my house. In the case of Moose River we pay over 60 percent of the tax on land owned by Scott Paper Co., who pay the balance.

"I believe the best answer to this dilemma is to pay the state forestry bill from general funds. In this manner everyone will be paying his share.

"I doubt if the combined tax paid by the twelve towns amounts to enough to break the state if they had to pay it. If this bill fails our only alternative will be to refuse to pay the bill. We will then let the courts decide whether it is discriminatory taxation. Sincerely yours, Chester H. Moore, First Selectman of Moose River."

I submit that the people of Moose River have voted 100 per cent to detach themselves from this tax which they feel is discriminatory. I support the motion, the current motion of Senator Marcotte, for reconsideration of acceptance of the Minority Ought to Pass Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: There is another bill coming behind this bill which will accomplish what has been mentioned. It would take all of the towns out of the Forestry District, organized towns, and allow expense to come out of the general fund. It seems to me that in order to dispose of this and get it out of the way the best we can do is to oppose the motion of the good Senator from York, Senator Marcotte, and not reconsider this bill at this time.

I just don't like to see this Forestry District destroyed or eroded piecemeal. Now, if we are going to do the job, I think we ought to do it completely. We have another measure which will provide for that. I have talked to the good Senator from Piscataquis, Senator Martin, and have told him that I will be very glad to go along and have the Forestry District fight fires during the winter, which they are not allowed to do by law, and will try to resolve this on a basis which is satisfactory to all.

Now, in addition to that, there is great confusion in regard to the figures: I have a letter this morning from Ernest Johnson and I will read one paragraph of it.

He says, "In fact, however, the local valuation of Moose River indicated that only forty - four percent of the town's valuation represented land, exclusive of buildings and personal property. This being the case under the present statute, the district tax on Moose River was adjusted accordingly. Thus, the actual Forestry District Tax assessed against Moose River in 1970 was \$2,951. If this had not been in effect," he said, "had Moose River been subjected to tax at the full eight and one-half mill rate, times the total state evaluation, the tax would have been \$6,630." So the buildings are not included in this tax, and a lot of it is paid by non-resident owners.

I just don't like to see this Forestry District eroded piece by

piece. There is another measure coming, and I will be very glad to try to help the good Senator from Piscataquis work out something that will be satisfactory. So, I hope you oppose this motion to reconsider.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: My good friend, Senator Wyman from Washington, stated that the buildings are not assessed in this tax. This is a very complex problem.

The statute regarding the Forestry District does state that the buildings are exempt, however, \$2,950 is collected from all of the property owners within Moose River; not only from the owners from the land. So here we have a tax of \$2,900 that is a protection and service to the owners of woodland. This \$2,900 is collected from all of the property within Moose River. So, I maintain that the owners of buildings and in truth, personal property also are paying a portion of this tax.

If you recall, yesterday I mentioned that I would come in with an amendment to this bill that could be palatable to all, but I am unable to come in with this amendment, as mentioned yesterday, because of the complex nature in computing the Forestry District Tax. Member municipalities would have to issue two tax bills: one for other appropriations and one to the owners of land alone who are getting service. Also, I attempted to remove dams and powerhouses from this tax, but L. D. 196 involves Title 12, Section 1201, and the tax revenue section in the statute comes under Title 12, Section 1601.

I would like to explain to the members of this body and give them some information relative to the amount of this tax and the amount collected by counties, and also the larger amount by different towns. We have 54 townships in this Forestry District besides all of the unorganized townships within the state. Out of these 54 townships we have twelve towns which

are organized; the others are plantations.

In 1970, \$1,007,990 was collected by the District, which includes \$181,624 from these 54 incorporated towns. In the last five years these towns paid \$740,416 in District Tax and received \$65,919 in fire suppression costs. Towns within the District involve most every member of this Senate. Towns with the higher tax cover Allagash in Aroostook County with \$5,460, in 1971, Rangeley Plantation in Franklin County with \$5,890, and Sandy Point in Franklin County with \$4,713. \$3,064 from the towns in Hancock County. Lincoln Plantation in Oxford County paid \$10,774. Medway in Penobscot County paid \$7,616. Moscow in Somerset paid \$36,970. Pleasant Ridge in Somerset also paid \$28,155. \$22,300 was paid by towns in Washington County.

Moose River joined the district in 1909, the same as most of these 54 towns.

In 1909 all of these towns were mostly woodland. The system was all right at that time. But members of this Senate, don't you think types of property have changed since 1909? What Moose River people wanted then is different than today.

As mentioned yesterday, all property owners pay this tax, and some pay and do not get the service.

Moose River has 331 for population. The District Tax for 1970 was \$2,950. The property receiving this service paid a little over \$1,000, therefore, owners of other property paid \$2,000. I maintain this is not fair, and correcting this situation lies upon our shoulders. Thank you.

The PRESIDENT: The Chair would wish to correct an error that is in your advance journal and calendar. The calendar reads, "Pending motion by the Senator from York, Senator Marcotte, to reconsider Acceptance of the Minority Ought to Pass Report of the Committee." The Senate on March 30th accepted the Majority Ought Not to Pass Report of the Committee, and that action is what is under reconsideration at the present time. The motion of the Senator from York, Senator Marcotte, is that the Senate reconsider

its action whereby it accepted the Majority Ought Not to Pass Report of the Committee; not the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: As a member of the Taxation Committee, I signed the Ought Not to Pass Report, but after some research and considerable soul searching I find this morning that I must support the motion of the Senator from York, Senator Marcotte.

At the hearing there was considerable stress put on the fact that \$2,955 was a very reasonable amount of premium to pay for fire protection. But there were several factors which I think were not sufficiently emphasized. For one thing, the protection was only for approximately six months out of the year because there is no liability for the Forestry District unless there is danger of forest fire and, of course, that eliminated all the months when there might possibly be snow on the ground. Consequently, the town is paying a premium of \$2,955, for the year 1970 for protection of \$3,600, and that for only six months out of the year.

Another factor which was not brought out sufficiently, it seems to me, at the hearing was also the fact that this protection at no time, of course, covers buildings or personal property.

Another item which was not brought out, of course, is the fact that due to the fact that buildings and personal property are not protected by the District, this required maintenance of a separate fire department by the municipality to protect buildings and personal property, which department, of course, is also available in case of a catastrophe to protect the wildlands.

So for all these reasons, plus those advanced by the other speakers, I hope you will support the motion of Senator Marcotte.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In opposing the motion for reconsideration, I think that the thinking of the Senate might well be crystalized on the point that if we make an exception for Moose River we certainly are showing preference, and this isn't something that should be done. I have listened to the debate here on many broad, general issues, and I think this does not apply to a bill where we are trying to take one segment of municipal government out of the Forestry District. I would hope that we would oppose the motion to reconsider.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As an opponent of this bill, I have already stated that I would be very happy to overcome some of these objections that the good Senator from Oxford, Senator Fortier, has raised.

There is another bill right behind this in which we will use all the towns the same, and I certainly hope we will dispose of this now once and for all by voting against the motion.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I want to emphasize that I don't know too much about the subject, but after listening to both sides, and after listening to the good able Senator from Washington, Senator Wyman, I think that he agrees himself that there is an injustice. But the only way to correct it, he says, is by the new bill. We don't know if the new bill will pass or not, so if there is an injustice why don't we correct it now, and then pass the other bill later. Then we will be sure everything is all right. If we don't do it now, and the other bill doesn't pass, the injustice will not be corrected. So I think, if the good Senator Wyman agrees something should be done, why don't we do it right now?

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: The other bill mentioned by my good friend, Senator Wyman from Washington, is a bill that I have introduced that would make it as easy for the towns to get out as it is to get in the Forestry District. At present they vote themselves into the Forestry District at their town meetings, but it requires an act of the legislature to get out.

My bill, if it passes, would enable the towns with a vote at their town meetings to express their wish to remain or get out of the Forestry District. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Marcotte, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Eliminate Moose River from the Maine Forestry District."

The Chair will order a division. As many Senators as are in favor of the motion by the Senator from York, Senator Marcotte, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

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

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

Enactors

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

Emergency

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-one and Nineteen Hundred and Seventy-two. (H. P. 1233) (L. D. 1520)

This being an emergency measure and having received the affirmative vote of 29 members of the Senate, with one Senator voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Hoffses of Knox,

Recessed until 11:45 o'clock.

Senate in Recess

Called to order by the President.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the following tabled and unassigned matter:

Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans." (S. P. 370) (L. D. 951)

Tabled — March 25, 1971 by Senator Berry of Cumberland.

Pending — Motion to Reconsider Failure of Enactment.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In urging you to vote for reconsideration of the motion whereby this bill failed of enactment, I would like to very briefly review for you what has happened, to explain why we are in the situation we are here, and explain the consequences of our action if we pass this bill to be enacted or if we fail to pass this bill to be enacted.

There is currently outstanding and in default loans guaranteed by the State of Maine in connection with the construction and operation of the Maine Sugar Industries Plant in Easton, two loans. These loans originally totaled eight million dollars for the building and installation, and there is a loan of some two and one-quarter million dollars for equipment and, as I said, both of these are in default.

As has been mentioned here several times, we are seriously concerned as to the future of this industry for several reasons, the most important certainly being the economy of the State and, in particular, the economy of Aroostook County, which in no small measure would be affected by this industry.

Now, in default of these loans the state has found itself obligated to make payments, and these payments are monies which the state must provide to the original lenders of the money which, of course, was the reason that the people loaned the money in the first place.

We have to date made principal payments on each of these loans. We have reduced the eight million dollars to seven and three-quarter million dollars, having paid a quarter of a million dollars on the principal. We have reduced the equipment loan to one-half a million dollars out of state money. From other sources there have been some principal payments made on this loan of equipment, but to date the state has paid out in principal on the bonds \$750,000. It will continue to make such payments in the future and, from the information which we have, I think we honestly must say that the end is not in sight. This means that our action here today and the decisions which we shall make have extreme significance. I think they have extreme significance for the future of all types of state-backed financing of an industrial and recreational nature.

If we were to pay at the moment something in the order of \$9,000,000 in cash, we would remove the state from the situation that it finds itself in. This is what it would take to clear up the situation and, whether we do it in the near future or spread it out over a long term, it looks as if the state may find itself facing the discharge of a debt of this magnitude. Let's hope not, but certainly from what we can see now this is what is staring us in the face.

Now, the matter at hand is how should this be handled at the present time. We have been soul-searching now for at least a month on what is the proper method.

There are several methods open to us. Considerable emphasis has been placed on the bonding method of discharging the state's obligation. I would point out to you that the bonding method calls for selling bonds to make good on bonds, which certainly is increasing the cost of what is proposed by selling bonds for this purpose. The bonding method is provided in the statute which set up the Maine Industrial Building Authority, and it was in there as a guarantee that the purchasers of the bonds would receive their money. If the business is so guaranteed, and we are not financially solvent, and the insurance fund which has been built up by a small percentage increment on the loans charged, as far as interest expense goes on the financing by M.I.B.A., if this insurance fund which has been built up was adequate to pay for the defaulted requirements, than this would be, of course, the preferable method and it has been the method to date.

So far the State of Maine has not had to sell bonds to make good on guarantees of the Maine Industrial Building Authority, and parenthetically may I point out to you that if it is possible to keep the record of the state clean in this respect it is certainly a major consideration. One of the proud things that we have been able to say about this method of bringing industry into the state has been that never has the state had to sell bonds to make good on the guarantee. This is worth quite a lot.

The legislature is in session and, accordingly, the provision that bonds can be sold does not take. I read to you before in the debate on this matter the legislation specifically which holds out bonding as a possible method. Now if we were not in session, then the Governor and Council would have to sell bonds to provide the cash to pay these requirements. But we are in session, and the Legislature is here ready to act for the people of the state in supplying the funds necessary to meet the default requirements.

The Governor has placed a great deal of emphasis in his discussions with the Council, as reported by

the news media, on the fact that the Council had to sell bonds to meet this requirement. And this, of course, is patently not so. The law very specifically says that bonds may be sold. And this discretionary power is given for a very good reason, for the reason that a situation may exist such as exists now where we find ourselves with ample cash available to make the payments necessary on the defaulted loans.

As a matter of fact, at 3:00 o'clock this afternoon, for the first time in the state's history, the state will have failed to meet its financial obligations. Now, this is an extremely unhappy occurrence, and it is to be regretted that we are being pushed to the point where such an eventuality is almost that. The final responsibility certainly must rest upon the shoulders of the Governor. He, and he alone, must take the responsibility for putting the State of Maine in the unique and unbelievable position where, with money in the bank, the state will be in default of its financial obligations. I hope that you would share my viewpoint and vote for reconsideration.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am no expert at finances, but I would like to be realistic. The Majority Leader knows that he can't get a two-thirds vote here today, and I feel that the best solution and the most honest solution would be for the Majority Leader to inform the Council that they should give a short-term note for a month or two months for a million dollars, and then maybe by that time we will resolve the question.

By doing so, I think the state can make a little money, because the \$25 million we have in surplus I am pretty sure is invested. Our rate of interest will be higher. We are getting more interest now on our money that we have in surplus than the state can go out and borrow money for right now on short terms. So the best solution would be not to play politics.

I am not going to say who is right on this issue, but there is such a thing of doing it right, and to do it right the Council should go in now and get together with the Governor and give a short-term note. That is the only way the state will not lose their rating, and it is the only way the state can make a little money, because on the money we would have to pay for the million dollars we are getting more interest. That is the only way to do it now, if we don't play any politics with it.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is not with a great degree of pleasure that I rise here to speak on this matter. I can understand real differences of opinion as to how we should operate the fiscal policies of the state, and it may well be that there is ground for disagreement as to what we would do with the surplus funds that are accruing in our state budget.

We have submitted previously to the members of the Senate our position with regard to how this matter should be handled and the reasons for it. It has been our feeling that the vehicle to take care of this obligation was provided for by the people when they authorized the issuing of bonds in the event of default of loans guaranteed by M.I.B.A., and the vehicle is completely set up for the Governor and Council to handle this procedure.

Now there has been a lot of talk about surplus and that if we have it we should use it for this purpose instead of going the bonding route, and we disagree. The last ten days or so, or since this matter has come under discussion, is one of the few times it has been mentioned to me that the State of Maine was rolling in money and didn't know what to do with it. It has always been my assumption since we entered this legislature, and prior to it, that we would have a great deal of trouble in this legislature in dealing with the problems that we had before us and to find the money necessary

to do so. Somebody was jokingly asking me yesterday whether or not somebody was going to pass a bill to provide for extending the unemployment benefits to legislators because he thought this legislature was going to go on for quite a while. But, regardless of when it does adjourn, and by the time that we come close to adjournment and we have before us all of the Current Services Budget, the Part II Budget, the Capital Expenditures Budget, and all of the numerous L. D.'s which call upon the State of Maine to make decisions on how it is going to finance these items of legislation, many will agree that we only wish we could do so, if we only had the money to do it, but we don't.

It seems to me it is a very logical and responsible position to take that to remove a million dollars from surplus at this time to take care of an obligation that can be met by already presently approved procedures would be shortchanging ourselves in our abilities to handle the legislative and the fiscal problems that are going to confront us before this legislature adjourns. This is the position we have taken, and this is the position that we still take, and we think it is a responsible one.

There is always room for disagreement, and I highly respect the members in the other party who don't agree with this. But it is our position, and I submit that our party can stand on it with assurance that it is a responsible position. This has been our position to date.

The matter of the eventual success or failure of the sugar beet industry in Maine, what will happen, and what the state will have to do eventually if it is required to pay the money on the guarantees is not the issue here today. I hope, and I am sure that most members of this legislature hope, that if we can revive this industry and grow another beet crop that our state will not have to face the possibility of raising much more money to pay for the default payments. But this is really not the issue here today. And I submit here at this point, at this hour,

that the matter has taken on a far more serious aspect than a difference of opinion as to how this million dollar obligation is going to be paid, whether it will be through the bonding media or through the surplus.

This matter, in my judgment, should not have been allowed to come to this eleventh hour where there is danger that the credit of the state may be impaired by failure to take timely action to resolve this problem.

Now, I want to set this matter in chronological order so we can understand exactly and know exactly how this situation has developed. The Governor and Council approved the issuance of temporary notes on September 1st of 1970 and on December 18th of 1970, which would be due April 1, 1971, in anticipation of the receipt of money from bonds authorized to be issued under the constitutional provisions to pay for the defaulted payments under the M. I. B. A. obligation. The reason this was done was not because of the reluctance of the Council to go the bonding route on this. The reason this was done was in order for the State of Maine to gain a more advantageous interest rate by issuing on a certain date a larger amount of securities.

There was no question at that time that prior to April 1st bonds were going to be issued to pay this temporary loan which was coming due on April 1st. And this was proceeding within the approved statutory period of issuing bonds to pay for these temporary loans, until later in February someone came up with the idea that this ought to be taken out of surplus. This is when the trouble started. And L. D. 951 was produced under an order ordering the Appropriations and Financial Affairs Committee to report out a bill to take this amount out of surplus to pay for this obligation.

Now, I want just briefly to review with you the procedure on this bill. Certainly no hearings were held on it. It was brought back into the Senate during the first days of March and was engrossed in the Senate on March 2nd. It went to the other branch

and failed of enactment there by a substantial margin. It was brought back to the Senate and was tabled on March 17th unassigned. Now, I think that certainly a number of people were aware that the deadline of April 1st was coming up fairly soon and that the state would have to do something with regard to this, but it laid on the table until March 25th, when it was removed from the table and failed of enactment. After having failed of enactment it still remained alive by a motion for reconsideration, and it has remained on the table until this moment on April 1st when the State of Maine has to put up the money to take care of this obligation.

I would have been happy if this bill had been removed from the table a long time ago so we could have disposed of it once and for all one way or the other and, after the legislature had spoken, that we then could have proceeded in an orderly manner to meet this obligation. But this is not what has happened, and I submit that on the part of certain people this has been a power play, this has been an engagement of brinkmanship, which today at this point results in threatening impairment of the credit of the State of Maine.

Now I submit to the members of the Senate that the Democratic Party in this legislature has not played brinkmanship. We have our constitutional right as members of this legislature to vote according to our convictions on legislative matters, and if they fail of enactment, well this is the way that the ball ought to roll. But some people don't seem to be willing to accept that fact, and they let this thing come to its final hour where they say that if you fail here in the Senate it may well be that the credit of the State of Maine is going to be impaired. Well, we accept no responsibility for the situation which has arisen and exists at this point. We could have solved this many days ago by defeating this bill, as we feel it should be, and then let the Governor and Council, under statutory provision, proceed to issue the bonds and issue the

securities to pay for this obligation. This is still what the Governor and Council can do today. It is our position here that, having arrived at this point, the avenue is still there, that this is the responsible way to dispose of this matter, and we will object to reconsideration. If the reconsideration motion prevails then we will object to enactment and we will ask for a roll call. I request a division on the reconsideration motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would request a roll call in this connection.

I followed the comments of Senator Violette from Aroostook with close attention, and I understand him to say that because the Governor did not get his way that the Republican Party is responsible for the situation because we did not agree that the issue was dead when the bill failed of enactment. And I stand personally accused by Senator Violette of brinkmanship because I feel that I am doing what is right for the State of Maine in explaining the issue and the consequences of the several courses of action.

I am going to repeat right now that I do not consider the comments and the remarks of Senator Violette his own, because I have heard them from Governor Curtis, and this is the person with whom I consider I am debating. I know very well that the members of the Democratic Party are sound business people, that it must make some of them sick to their stomach to engage in what we are discussing and considering today.

I point out to you that the surplus of the State of Maine increased \$2.2 million in the month of February alone, to a total of \$25.5 million. I point out to you that the Appropriations Committee has increased the surplus an additional \$2.7 million by a transfer of debt requirements from the surplus account to the general services budget. According to my figures, this is \$27.9 million, or \$28 million, that we now have in the treasury of the State of Maine, and we are

defending the desirability of selling bonds to get a million dollars to pay off an obligation of the state.

I can think of no more classic example of fuzzy financial thinking than what we are talking about today. I would hope that the Governor by this time would have reviewed the situation, that he would say that because of what is involved I would reluctantly release the members of my party and ask them to support this. I think this is what we should be doing. I think we should all be working together, the Governor and the Legislature both, in an attempt to solve this problem for the good of the state. I don't think it is party politics; I think it transcends this. I think what we are talking is good financial operations which will reflect proudly on the record of the State of Maine in the future as it has in the past.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to ask a question to the good Senator from Cumberland, Senator Berry, through the Chair. Wouldn't the Senator from Cumberland agree with me that if you can't get a two - thirds majority then my solution would be the best: that is, to get short term financing, as I mentioned before, so the state would really benefit for two months or three months, and then try to resolve it later rather than to lose our credit.

The PRESIDENT: The Senator has posed a question through the Chair which the Senator may answer if he wishes.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My response to the inquiry from Senator Levine of Kennebec would be that we have the money available, that the determination or the resolution of the question two months from now would be on the same grounds, with the same stakes and with the same principles involved. About the only thing I think we would have then that we don't have now would be more cash. So, I would say that

I think that this is the solution that we have.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I heard the answer from Senator Berry but it wasn't an answer; it was a question. When I used to teach school and when I used to ask a child a question I always liked to get a direct answer. My question was: If we don't come to an agreement today, instead of losing the state's credit, wouldn't it be wiser for us not to play politics on both sides, but to get a short - term loan? The state will not lose any money by it but gain money by it. I feel that we are all reasonable people, and by that time we might resolve it to the satisfaction of both parties. I would like the good Senator from Cumberland, Senator Berry, to think about it, and after the vote to see to it that we don't lose our good name in the State of Maine.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I have read in the press sometimes that I have been accused of being partisan. I do take pride, I think, that in all of the debates I have had in this Senate I never made a personal affront against another Senator, and I hope I never violate that.

For the moment, however, I do rise to speak in defense of my good friend, my loyal supporter from Aroostook County, Senator Violette. I want to tell the members of this Senate that no man tells Senator Violette what to do, and when Senator Violette speaks in this Senate, he speaks his own will. He is willing and he has, to my personal knowledge, disagreed with the chief executive of this state on many occasions and with different chief executives. I want the Senator to know that the members of both political parties here know that in the things which he says he is speaking his will and his views. The fact that they may coincide with the chief executive's is only coincidental.

I think of a little song, "The Games that People Play," and this is a little game that is being played not because the Governor of this state wants it to be played nor because the Democratic Party wants it to be played. These things could have been disposed of long ago. And if, God forbid, the credit of this state is impaired, it is not the responsibility of this legislature; it will be the responsibility of the Executive Council, who weeks ago could have made this crisis unnecessary and who today could make this crisis unnecessary.

Now this Senate is not going to vote for the enactment of this, in my prediction, and I predict that the other branch is not going to. So the Executive Council is going to have to face up to its responsibilities. But if the credit of this state is impaired by virtue of this irresponsible action which the Council has taken, they will bear the burden. This will be a colossal expense to the state, but it will be just one more reason why this ancient, irresponsible body should be abolished.

I hope when the vote is taken that you will vote against reconsideration and that you will vote against enactment.

The PRESIDENT: Is the Senate ready for the question?

Mr. Berry of Cumberland was then granted permission to speak a fourth time.

Mr. BERRY: Mr. President and Members of the Senate: We seem to be turning over page after page here of a script which has a familiar ring. The words of Senator Harding of Aroostook, of course, were in the press release of Governor Curtis last Saturday when he castigated the Council for doing quite to the contrary of what the Governor said: being an old, archaic, stubborn group of men; quite to the contrary, a courageous, intelligent group of people who have brought out in the open this entire situation.

As an aside, I find here a little political philosophy where the Chief Executive thinks that his word is final, good and not to be questioned. Actually the council is fully aware of the fact that there is a surplus. And they are fully aware of the fact that the proper solution

to the problem is the provision of cash from this surplus. They are fully aware that the Chief Executive is trying to do something which will be injurious to the record of the State of Maine. These statements have been made, as I say, both by Governor Curtis and by Senator Harding. So, far from the Governor's Council being a vestige of the old days, and useless, we find it alive, vibrant and effective.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have been listening very intently to the debate, and economics I did not study in college, but I do have a sizable family and I do handle money in the course of a year. It seems to me that what Senator Violette from Aroostook has asked us to do is to make a loan to pay a loan, and this is simply what it boils down to. I am sure that group economics, as many, many of the members of the Democratic Party will agree, that it isn't sound fiscal policy to borrow to pay off a loan. This is what we are being asked to do if we are to vote against reconsideration and against enactment of the proposed legislation.

In my law office, usually this is done by people who are on the brink of bankruptcy. They are at the end of the road. They borrow money to pay off a loan. They make a loan to make a loan, or to pay a loan. This seems sort of ridiculous to me. Where does the road end? We have another payment due on a loan next week, what do we do, borrow again to pay off a loan that is due next week? Now, if you don't have the money in the bank, then I agree, we are forced to borrow to pay a loan. But this isn't the situation. I understand we have got millions of dollars in the bank, somewhere around ten anyway, so why not use some of the surplus that we have, some of our savings account, and pay off this loan and get rid of it. We would save money on interest for one thing. We get the issue out of our hair so we could go on to other legislation.

When we are accused of being irresponsible—now it requires in this particular case a positive vote to do something, a positive vote to solve a problem, and I charge the party that withholds the votes that are necessary to enact this are the ones that are acting irresponsibly towards the citizens of this state. Thank you.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: One final brief comment that I want to make, and I want to make this very clear. There is this mention of millions of dollars in the surplus which we don't know what to do with, and therefore we ought to use it. I don't subscribe to that statement. We don't know yet what uses we will have to make of the money that we will have available by the end of this fiscal year. It may well be that we will have a surplus that we can use for other purposes.

Now, I have supported legislation introduced by Senator Berry which would allow the legislature to enact, without having to send out to referendum, capital expenditures of certain amounts. And many of us feel, and I have agreed with him, that if we have capital expenditures and we don't have the ready money to pay out of money that is available to the state, that instead of having to send them out annually and perennially and burdening the taxpayers with myriads of bond issues, that the legislature should have the authority of approving those expenditures without having to send them out on bonding issues to the people. People say, "Why don't you people settle it in Augusta instead of sending it to us here?" Well, the constitution precludes us from doing that.

It seems to me that we are going to be faced again with these types of expenditures by the time we come close to adjournment time. It would only make sense that we hold the money that we have in surplus now so that we can take care of these situations and take care of these problems. This is

really the essence of the situation as far as the surplus.

We are not rolling in money as some people may wish to have other people believe. We aren't that fortunate. I think that by the time that the end of the legislature rolls around we are certainly going to be faced with that hard fact, that we don't have the money available to do the things that all of us would agree we would like to do. So let us make use of this bonding procedure now, and let us retain our surplus so that we can take a more objective look at how we will use it by the time that we have all of the legislative bills, expenditures and requests before us.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I have sat here and listened with keen interest to the castigation of the Executive Council. I am reminded of 1965 when I sat in this Senate as a member of the Minority Party. The matters of governmental reform were at that time proposed, as they have been ever since and have been before us in this session. With only five of us in the Senate, our floor leader allotted certain responsibilities to each of us to discuss the various matters of governmental reform. It became my lot to defend the Executive Council.

I did a little research work. I appraised the situation in Massachusetts versus the situation of the Executive Council in Maine and the majority parties in each state. Nevertheless, I defended the Executive Council. If my memory does not fail me, at that time I pointed out that the responsibility of the Executive Council was to represent the legislature during the time that it was not actually in session. Now, I think that most of you here know my political affiliation, you know the circumstances as have been accused of us, that we wish to retain the executive council, that archaic form of government. It may come as somewhat of a surprise to you when I say I am in favor of abolishing the Executive Council,

but not until some responsible body of men and women are prepared to assume those responsibilities that are now vested in the hands of the Executive Council, principally those matters which pertain to the approval of a body to those appointments made by the Chief Executive.

Now, this legislature is in session. We are here to transact the business of the state. I say this with all due respect to the members of the Executive Council—I see some present in these chambers, and I know that there are others listening to the discussion here—the members of the Executive Council, in my humble opinion and appraisal, their duties and responsibilities are very limited as long as we, the members of this legislature, are in session. To be sure, they have responsibilities, yes, but I firmly believe that it is our responsibility, as representatives of the people, to dispose of the matters at hand, and let's not pass the buck. Let's not abrogate our duties to that archaic method and body of the Executive Council. Let us face up to our responsibilities which are before us here today, and let us not jeopardize the good name of the State of Maine.

On motion by Mr. Berry of Cumberland, Senate at ease, pending the sound of the bell.

(Senate at Ease)

Called to order by the President.

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

Mr. BERRY of Cumberland, Mr. President, I withdraw my request for a roll call.

The PRESIDENT: The request for a roll call has been withdrawn. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans," (S. P. 370) (L. D. 951), failed of enactment. A division has been requested. As many Senators as are in favor of the motion of reconsideration will please rise and remain standing until counted.

Those opposed will please rise and remain standing until counted.

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

The PRESIDENT: The pending question is enactment of Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those 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 more. The pending question is the enactment of Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans," (S. P. 370) (L. D. 951). This being an emergency measure, under the Constitution, in order for its passage it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. A "Yes" vote will be in favor of enactment of this bill; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Ber-

ry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Clifford, Conley, Danton, Fortier, Graham, Harding, Levine, Martin, Minkowsky and Violette.

ABSENT: Senators Katz, Kellam, and Marcotte.

A roll call was had. Eighteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with three Senators absent, eighteen being less than two-thirds of the entire elected membership of the Senate, the Bill failed of Enactment.

Mr. Levine of Kennebec was granted unanimous consent to address the Senate:

Mr. LEVINE: Mr. President and Members of the Senate: At this point, I would like to plead to the good Senator from Cumberland, Senator Berry. The battle is over now, and we don't have any losers or we don't have any winners; our interest is what is best for the State of Maine. At this point now let us not jeopardize our good interest rate in the State of Maine. Let Senator Berry go and plead with the Council to get a short-term loan for two or three months and we will all be the winners.

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

Thereupon, on motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.