

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 8, 1971

Senate called to order by the President.

Prayer by the Rev. Roy W. Moody of Gardiner.

Reading of the Journal of yesterday.

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

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

In the Senate March 31, 1971, the Majority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-49).

In the House April 2, 1971, the reports and Bill Indefinitely Postponed, in non-concurrence.

In the Senate April 6, 1971, that Body having Insisted and Asked for a Committee of Conference with the following conferees appointed on its part: Katz of Kennebec, Chick of Kennebec and Minkowsky of Androscoggin.

Comes from the House, that Body having Insisted.

On motion by Mr. Minkowsky of Androscoggin, the Senate voted to Insist.

Non-concurrent Matter

Bill, "An Act Relating to Retirement Allowance for Former Governors." (S. P. 521) (L. D. 1419)

In the Senate March 26, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-110) in non-concurrence.

On motion by Mr. Johnson of Somerset, tabled and specially assigned for April 13, 1971, pending Consideration.

Non-concurrent Matter

RESOLUTION, Proposing a n Amendment to the Constitution to Change the Time for Filing an Initiative Petition. (S. P. 382) (L. D. 1139)

In the Senate March 26, 1971, Passed to be Engrossed.

Comes from the House, Re-committed to the Committee on

State Government, in non-concurrence.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: This resolution is one that I entered at the suggestion of the Deputy Attorney General and Secretary of State which would avoid some confusion in connection of the submission and filing of initiative petition. The forty-five days as specified in the constitution always falls on Saturday, and back in the days when the constitution was adopted, I suppose, everybody worked on Saturday, and no longer do they. There is some concern in the other body about the cost of adding this to a constitutional amendment ballot in the neighborhood of \$2,000 to \$4,000. It seems like a fly speck on the wall of time as it relates to the Senate or the House. Therefore, to expedite this proceeding, I would like to move the indefinite postponement of this document.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that (S. P. 382) (L. D. 1139) be Indefinitely Postponed. Is this the pleasure of the Senate?

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

Sent down for concurrence.

Non-concurrent Matter

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)

In the House March 30, 1971, Passed to be Engrossed.

In the Senate April 6, 1971, Indefinitely Postponed, in non-concurrence.

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

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

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

Senators:

BERRY of Cumberland

HARDING of Aroostook
MARTIN of Piscataquis

Non-concurrent Matter

Bill, "An Act Relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 4) (L. D. 18)

In the Senate April 2, 1971, the Majority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-63).

Comes from the House, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

On motion by Mr. Hichens of York, the Senate voted to Insist and Ask for a Committee of Conference.

The PRESIDENT appointed on the part of the Senate the following Conferees:
Senators:

HICHENS of York
SCHULTEN of Sagadahoc
CLIFFORD
of Androscoggin

House Papers

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

Senate Papers

Fisheries and Wildlife

Mr. Wyman of Washington presented, Bill, "An Act Relating to the Size Limit On Herring." (S. P. 540) (L. D. 1645)

(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.

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the Casco Bay Island Development Association has initiated and developed over the past 8 years, plans for creation of an International Conference Center on Peaks Island; and

WHEREAS, this nonprofit civic organization representing both

year-round and seasonal residents of 7 Casco Bay Islands, and other interested associates has, on its own voluntary initiative acquired land, supervised planning and engaged in benefits resulting in Parkland and shore frontage for the public sector; and

WHEREAS, through sale of bonds and subdivision of land under the regulations of the City of Portland, this association has made available a specified 25 acres of land and structure, former defense installation, designated as the site of the proposed International Conference Center; and

WHEREAS, the 103rd Legislature and the City of Portland have recognize this endeavor and its objectives with approval both in resolution and nominal planning grants totaling \$10,000; and

WHEREAS, this investment has resulted in a design proposal which now needs feasibility testing in advance of further appropriation and fund raising endeavors toward actual construction; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Select Committee of Study consisting of 3 members of the Senate appointed by the President of the Senate and 7 members of the House appointed by the Speaker of the House of Representatives be appointed to survey the potential utilization of such a proposed Center by Maine groups including educational, business, civic and public bodies; as well as potential users from out-of-state, in particular the secretariat, diplomats and journalists of the United Nations whose visits and interest in this area served to stimulate this endeavor; and be it further

ORDERED, that \$1,000 be allocated from the Legislative Account to be used by this study committee to carry out the aforesaid purpose and that the committee shall have the authority to engage such professional assistance as may be required for clerical and supervisory duties in connection with this assignment; and be it further

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

ORDERED, that a duplicate of the report be provided to the Secretary General of the United Nations or his successor, inasmuch as the project's successful fulfillment has been personally encouraged by the Honorable U Thant - present Secretary General and the Governor's National Advisory Committee. (S. P. 541)

Which was Read and Passed.

Sent down for concurrence.

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 to Clarify the Laws Relating to Hairdressing." (H. P. 488) (L. D. 629)

Bill, "An Act Requiring a Physical Examination in Mental Competency Examination at State Mental Hospitals." (H. P. 651) (L. D. 882)

Change of Reference

The Committee on State Government on, Bill, "An Act Creating the Maine Appalachian Trail Authority." (H. P. 1128) (L. D. 1548)

Reported that the same be referred to the Committee on Natural Resources.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Natural Resources.

Which report was Read and Accepted and the Bill referred to the Committee on Natural Resources in concurrence.

Leave to Withdraw

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Retirement Benefits for Police Officers under State Retirement System." (H. P. 727) (L. D. 973)

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 Be Adopted

The Committee on State Government on,

JOINT RESOLUTION
Memorializing The Honorable William P. Rogers, Secretary of State, To Negotiate By Treaty The Eastern Seaward Boundary Between Canada and The United States and The Responsibilities of Each Government With Respect To Oil Spills In The Bay of Fundy. (H. P. 1222) (L. D. 1435)

Reported that the same Ought to be Adopted.

Comes from the House, the report Read and Accepted and the Joint Resolution Read and Adopted.

Which report was Read and Accepted and the Joint Resolution Read and Adopted in concurrence.

Ought to Pass-As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Continuation of Accreditation of the Augusta State Hospital." (H. P. 322) (L. D. 431)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-105).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-105).

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

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill contains money for the continuation of the accreditation of the Augusta State Hospital. Last June, the Governor and Council allowed money to be brought back from the fourth quarter into the third. They hired the necessary personnel, I think, fifty-five positions, to meet with the accreditation requirements. This is the money for this current quarter of the year to continue those positions. They are taken care of after July 1 in the current services budget.

I would move that the rules be suspended and this bill be given

its second reading and passed to be engrossed.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

Ought to Pass In New Draft

The Committee on Legal Affairs on, Bill, "An Act Relating to Precautions at Railroad Crossings." (H. P. 354) (L. D. 463)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1240) (L. D. 1527)

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 Transportation on, Bill, "An Act Relating to Riding in Trailers." (H. P. 471) (L. D. 599)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
JOHNSON of Somerset
KELLAM of Cumberland

Representatives:

WOOD of Brooks
CROSBY of Kennebunk
LEE of Albion
HALL of Windham
DUDLEY of Enfield
McNALLY of Ellsworth
LEBEL of Van Buren
KEYTE of Dexter
FRASER of Mexico

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

Signed:

Representative:

BARNES of Alton

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "C" (H-109).

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Black Bass Fishing in Lakes, Ponds and Rivers." (H. P. 673) (L. D. 910)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock
BERNARD of

Androscoggin

Representatives:

LEWIN of Augusta
KELLEY of Machias
CALL of Lewiston
BUNKER of Gouldsboro
LEWIS of Bristol

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-93).

Signed:

Representatives:

PORTER of Lincoln
PARKS of Presque Isle
MANCHESTER of
Mechanic Falls
KELLEY of Southport
BOURGAIN of

Fort Kent

Comes from the House, the Minority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-93).

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Election Laws on, RESOLUTION, Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence. (H. P. 525) (L. D. 687)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-92).

Signed:

Senators:

SHUTE of Franklin

MARTIN of Piscataquis

Representatives:

ROSS of Bath

BROWN of York

BUNKER of Gouldsboro

BINNETTE of

Old Town

HANCOCK of Casco

BOUDREAU of Portland

WOOD of Castine

VINCENT of Portland

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

Signed:

Senator:

MOORE of Cumberland

Representative:

MARSTALLER of
Freeport

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Resolution Passed to be Engrossed as Amended by Committee Amendment "A" (H-92).

Which reports were Read, and the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence and the Resolution Read Once. Committee Amendment "A" was Read and Adopted in concurrence, and the Resolution, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute." (H. P. 422) (L. D. 556)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1254) (L. D. 1574)

Signed:

Senator:

TANOUS of Penobscot

Representatives:

GOOD of Westfield

LINCOLN of Bethel

LEE of Albion

ROLLINS of Dixfield

SIMPSON of Millinocket

KELLEY of Machias

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. 1255) (L. D. 1575)

Signed:

Senators:

MARCOTTE of York

LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick

GENEST of Waterville

BEDARD of Saco

BUSTIN of Augusta

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft (H. P. 1254) (L. D. 1574) Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Retail Sale of Fortified Wine." (H. P. 656) (L. D. 897)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin

HOFFSES of Knox

FORTIER of Oxford

Representatives:

STILLINGS of Berwick

BAILEY of Woolwich

IMMONEN of West Paris

HAWKENS of Farmington

MADDOX of Vinalhaven

GAGNON of Scarborough

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

Signed:

Representatives:

LIZOTTE of Biddeford

SLANE of Portland

FAUCHER of Solon

TANGUAY of Lewiston

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-111).

Which reports were Read.

On motion by Mr. Shute of Franklin, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

(See action later in today's session.)

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams." (H. P. 672) (L. D. 909)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock

HOFFSES of Knox

BERNARD

of Androscoggin

Representatives:

BUNKER of Gouldsboro

LEWIS of Bristol

LEWIN of Augusta

KELLEY of Machias

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

Signed:

Representatives:

MANCHESTER

of Mechanic Falls

PORTER of Lincoln

PARKS of Presque Isle

CALL of Lewiston

KELLEY of Southport

BOURGOIN of Fort Kent

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to the Requirement for a Board of Registration." (H. P. 738) (L. D. 1000)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1242) (L. D. 1551)

Signed:

Senators:

SHUTE of Franklin

MOORE of Cumberland

Representatives:

ROSS of Bath

BROWN of York

BOUDREAU of Portland

VINCENT of Portland

BUNKER of Gouldsboro

WOOD of Castine

MARSTALLER of

Freeport

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

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

HANCOCK of Casco

BINETTE of Old Town

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

Which reports were Read.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for April 14, 1971, pending Acceptance of Either Report.

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 Expenses of Chief Administrative Officer of County Commissioners of Aroostook County." (S. P. 173) (L. D. 525)

Bill, "An Act Relating to Procedure to Establish County Budgets by County Commissioners." (S. P. 248) (L. D. 755)

Bill, "An Act Repealing Effective Date Limitation for County Salaries." (S. P. 315) (L. D. 929)

Sent to the House.

The PRESIDENT: The Chair at this time would ask the Sergeant - at - Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant - at - Arms escorted Senator Berry to the rostrum where he assumed the

duties of President pro tem, and President MacLeod retired from the Senate Chamber.

Ought to Pass

Mr. Danton for the Committee on County Government on, Bill, "An Act to Authorize Cumberland County to Raise Money for a Bridge at Harpswell." (S. P. 172) (L. D. 524)

Reported that the same Ought to Pass.

Mr. Danton for the Committee on County Government on, Bill, "An Act Creating the Cumberland County Recreation Center." (S. P. 404) (L. D. 1221)

Reported that the same Ought to Pass.

Which reports were Read and Accepted the Bills 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 Removing Tolls from Bangor-Brewer Bridge." (H. P. 16) (L. D. 25)

Bill, "An Act Relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles." (H. P. 372) (L. D. 478)

Bill, "An Act Relating to Injury or Incapacity of Certain State Employees." (H. P. 506) (L. D. 652)

Bill, "An Act Relating to Condonation as a Defense to an Action for Divorce." (H. P. 809) (L. D. 1082)

Bill, "An Act Relating to Recrimination as a Defense in an Action for Divorce." (H. P. 810) (L. D. 1083)

Bill, "An Act Relating to Meals and Housing Expense for Members of the Legislature and Compensation at Special Sessions." (H. P. 1251) (L. D. 1572)

Bill, "An Act Providing Funds for Certain High School Equivalency Examinations." (H. P. 1248) (L. D. 1569)

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

Bill, "An Act Relating to the Conduct of Hearings Required by the State's Environmental Laws." (H. P. 1246) (L. D. 1555)

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

House — As Amended

Bill, "An Act Prohibiting Discrimination for Testifying or Asserting Claim Under Workmen's Compensation Law." (H. P. 234) (L. D. 316)

Bill, "An Act Relating to Maintenance of Paupers by Certain Plantations." (H. P. 399) (L. D. 511)

Bill, "An Act Relating to Stating Purposes of Bond Issues Referred to the People." (H. P. 788) (L. D. 1064)

Bill, "An Act Relating to School Administrative District Elections." (H. P. 1237) (L. D. 1523)

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

Enactors

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

An Act Relating to Service Retirement of Liquor Inspectors. (S. P. 245) (L. D. 706)

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

An Act Relating to Permits for Kindling Out-of-door Fires. (H. P. 630) (L. D. 852)

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

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

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

Which, except for the tabled matter, 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 Relating to Aids to Navigation and Regulatory

Markers and Removal of Hazards for Safe Passage of Watercraft. (S. P. 116) (L. D. 295)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Authorizing Use of Name Maine School of Underwater Diving. (S. P. 320) (L. D. 934)

This being an emergency measure and having received the affirmative votes of 27 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.

Reconsidered Matter

On motion by Mr. Violette of Aroostook, and under suspension of the rules, the Senate voted to reconsider its previous action whereby, An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities, (S. P. 518) (L. D. 1403), was Passed to be Enacted.

On motion by the same Senator, and under further suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The President pro tem: The Chair recognizes the same Senator.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: The reason for this procedure is that this is a new draft of the bill. In the redraft, and after it reached the Governor's desk, it was discovered that an amendment which had been offered to the committee, and which the committee and all parties who were interested in this legislation had agreed would go into the bill, was inadvertently omitted and left out.

It is considered by all parties to be an integral part and important part of the bill and it would have been too bad if it had gone through and signed by the Governor without that part being inserted. So the reason that I asked for the reconsideration is to allow an amendment to be made to the

bill which will restore to the bill that part which was inadvertently omitted.

I now offer Senate Amendment "A" and move its Adoption.

The PRESIDENT pro tem: The same Senator presents Senate Amendment "A" and moves its Adoption. The Secretary will read the Amendment.

Senate Amendment "A", Filing No. S-67, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Orders of the Day

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

SENATE REPORTS — from the Committee on Education on Bill, "An Act Relating to Conferring Associate Degrees by John F. Kennedy College." (S. P. 425) (L. D. 1238) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 2, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Katz of Kennebec to Accept the Majority Ought Not to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I just wanted to refresh the memory of the Senate. John F. Kennedy College is in Fort Kent, devoted people, seven students, two full-time faculty, and cash reserves of \$700 in the Bank. The picture is deteriorating. The picture was brighter last year, it was brighter the year before, and in moving the pending question, I hope the Senate accepts the heavy Majority Ought Not to Pass Report.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I will agree with my good friend Senator Katz of Kennebec that Kennedy College has had its ups and downs. In 1971 Kennedy College had seven students, 1970

seventeen students, 1969 twenty-one students. They are having a hard time but this college is important for the area. At this time there is pending before the Board of Education acceptance or rejection of an investigation made by the Department of Education. I requested the Committee on Education to hold this bill in committee pending this report but apparently this was denied. I would like to see the report myself to see just what the Board of Education recommends. I would strongly adhere to their recommendation. I would, therefore, hope someone would table this for another week until this report is forthcoming.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The special report which was drafted at the request of the Board of Education is out and has been out for at least a week. It is about as negative a report as I have ever seen. It offers no hope. It offers no ray sunshine, and I hope we dispose of this today.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: The report that Senator Katz of Kennebec refers to has been turned over to the Board of Education for their recommendation. This is what I am hoping we would wait for before acting on this measure.

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

Mr. Violette of Aroostook moved that the Bill be tabled and specially assigned for April 15, 1971, pending the motion by Mr. Katz of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Katz of Kennebec, a division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the tabling motion prevailed.

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

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

Tabled — April 2, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Senator Kellam is interested in this bill. As a former hearing officer for the Liquor Commission, he indicated his interest to me. This bill ties in with another one which Representative Stillings has submitted in new draft, as a new draft of L. D. 32. The two bills tie together.

I would suggest that someone would table this for a week, so perhaps the other bill will catch up and we can explain both of these in their proper context.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for April 15, 1971, pending Passage to be Engrossed.

At this point President MacLeod entered the Senate Chamber and proceeded to the rostrum where he thanked Senator Berry for performing the duties assigned to him as President pro tem.

Whereupon, the Sergeant - at - Arms escorted Senator Berry to his seat on the floor of the Chamber, amid the applause of the Members of the Senate.

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

Ratification Resolution for 18 Year Old Vote Amendment. (H. P. 1224)

Tabled — April 2, 1971 by Senator Berry of Cumberland.

Pending — Adoption (Motion by Senator Katz of Kennebec)

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The purpose of this resolution is to petition the federal congress that the official position of the State of Maine is in favor of granting the eighteen year-old vote in state and local elections.

There has been some confusion in connection with this proposal because we have passed a Constitutional Amendment, which will go to the people, to ask the people of the State of Maine to vote on this. So there is a possible conflict here.

I speak, at the moment, for myself and not as Majority Floor Leader. I do feel that this issue has been completely aired. We have had a hearing on the matter of eighteen year-old votes on the constitutional amendment. I know there are reservations in the minds of some of us that we are asking that we tell Congress that we do favor the eighteen year-old vote, and yet the people of the State of Maine have not had the opportunity to express their own opinion on the subject. This does quite honestly confuse the issue. I have been for the eighteen year-old vote consistently. Two years ago, I introduced the measure for that purpose. I am going to vote in favor of the passage of this resolution.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would wholeheartedly support the position of the Senator from Cumberland, Senator Berry. I would hope this morning the Senate would pass this legislation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Like the heavy majority of the Senate, I have voted for and supported eighteen year-old voting this session but I find myself in a dreadful position of voting against the measure this morning. I noticed with some embarrassment that I made the motion originally before it was tabled to adopt the pending question. I

am very deeply impressed. This is the first time that this has ever happened to me, and I am sure that it is the first time that it has ever happened to all of you, where you have taken a position on a subject and sent it out to referendum to the people, and along comes another parallel issue and you are being asked to vote on it. I just haven't been able to get over my hang-up that leads me to the conclusion that I cannot vote to ratify the federal action while the state referendum is pending.

I am not attempting to take any of you with me this morning but I wanted to explain my vote to the Senate. Consequently, I shall vote against my own motion on the pending question.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, I 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 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 pending question once again. The pending question is the Adoption of Ratification Resolution for 18 Year Old Vote Amendment. A "Yes" vote will be in favor of Ratification; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Harding, Levine, Marcotte, Minkowsky, Shute, Tanous, and Violette.

NAYS: Senators Anderson, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Wyman and President MacLeod.

ABSENT: Senators Bernard and Kellam.

The PRESIDENT: Sixteen Senators having voted in the affirmative and fifteen Senators in the negative, the Joint Resolution is Adopted in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

Mr. KATZ: Mr. President, are you suggesting that the matter is no longer before us?

The PRESIDENT: That is correct.

Mr. KATZ: A motion is in order though?

The PRESIDENT: A motion is in order for reconsideration.

Mr. KATZ: Mr. President, maybe I had better take advantage of my unanimous consent and pose a question. I think that the basic misgivings that I had about the vote this morning was that this probably should be referred, if I am to be consistent, to a future session of this legislature; that was my intent. I think that subject to the ratification or disapproval by the people that I think that the attitude of those of us or many of us who voted against will change.

Mr. PRESIDENT: Would the Senator please defer for a moment? The Chair wishes to announce an error in the roll call vote.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Is the matter of voting still open?

The PRESIDENT: Yes, because the vote as previously announced was in error and the Chair was about to state the corrected vote.

Mr. VIOLETTE: I wish to change my vote from "Yea" to "Nay".

The PRESIDENT: The Senator from Aroostook, Senator Violette, wishes to change his vote from "Yes" to "No".

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, because of the information that the Senator from Kennebec has given, I wish to change my vote from "Yes" to "No".

The PRESIDENT: The Senator from Cumberland, Senator Carswell, wishes to change her vote from "Yes" to "No". The original

vote as given was sixteen Senators in the affirmative and fifteen Senators in the negative, with two absent. The vote was fifteen to fifteen. The vote has changed now and is recorded with the two changes, the Senator from Aroostook, and the Senator from Cumberland. Thirteen Senators having voted in the affirmative and seventeen Senators in the negative, the Resolution Fails of Adoption in non-concurrence and will be sent down for concurrence.

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

Mr. KATZ: If it were my desire to recommend this be referred to a special session of this legislature or the next regular session, should I make a reconsideration motion?

The PRESIDENT: The Senator is on the prevailing side, and a reconsideration motion is in order.

Mr. KATZ: Mr. President, before I make a reconsideration motion, would my motion then be in order?

The PRESIDENT: The Senate will be at ease for a moment.

(Senate at Ease)

Called to order by the President.

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

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to reconsider its previous action whereby Ratification Resolution for 18 Year Old Vote Amendment Failed of Adoption.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Adoption.

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

HOUSE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 438) (L. D. 573) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 6, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I move that we Accept the Minority Ought to Pass Report. I think that this is good legislation. I think it is good in the sense that I think it would allow perhaps a more rational consideration of appropriation bills that go through the legislature and go to the Governor's desk for consideration.

In this manner I do not in any way want to indicate that the legislature would be abdicating any of its duties, any of its powers with regards to consideration of legislative matters.

As we know it appropriation bills are very, very often bulky bills. They contain numerous items. I don't know how many items that the current appropriation services budget contains but I am sure it is in the hundreds probably. I am sure that while we are undoubtedly in basic agreement on perhaps a very, very large percentage of the budget, nevertheless, I am sure that there are some items in which there can be reasonable differences of opinions. We are now in the process of considering our current services budget, and I think there are a few areas of disagreement between the governor and perhaps members of the legislature with regard to a few items. I think that giving the Governor the power, what you call the item veto, I think in many instances not necessarily precludes, but I think would avoid, perhaps, some tough positions being taken. Some hard feelings are perhaps developing between the Executive and the Legislative Branch and hard positions being taken on account of perhaps a very few items on a very, very large major appropriation bill. If this legislation were authorized you could, without any problem, approve the vast majority of an appropriations bill and leave those in which there are disagreement, leave those out and work on those.

I think it would provide for perhaps a more orderly progress of appropriation legislation through the legislature and through the final enactment. It is close to forty

states now that provide for this authority on the matter of the Governor. It doesn't mean that because the majority of the states have it that perhaps it is good. I think it would be good legislation. I think it would make a contribution towards orderly progressive appropriation legislation. I would hope that the Senate would accept the Ought to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate Accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I hate to disagree with the good Senator from Aroostook, Senator Violette but if this legislation passes, a Governor with enough votes for the right to veto could do anything he wants to. I don't think we will need any Appropriations Committee because they will know before, that either you go along with me or I am going to veto it. I think we have been doing very well in the State of Maine under the present laws and rules. I don't want to see them changed and give one man a dictatorship. Thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I entirely concur with the remarks of the good Senator from Kennebec, Senator Levine. There may be some cases, I believe, that this bill would work well and other times in the majority I feel the bill would not work very well. I think Senator Violette of Aroostook has some good points in his remarks, however, I think that the part of politics as we know it, and as Senator Levine has so forcefully brought out, that many times there will be an item in a bill that the legislature will want and yet have it vetoed. And on the other side giving the gentleman in the front office everything that he

wants and yet losing out on perhaps some item that they are very much in need of.

On the other hand, this committee has heard thirty - seven, we had thirty-seven bills approximately that had to do with constitutional changes, I think as the great Democrat, Al Bryant said, a week or so ago, that our constitutions have worked very well in playing the rules of the game and abiding by the procedures, and in very few cases have they failed to work out to the public's advantage. I would request, Mr. President, a division on the motion.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: 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 one-fifth of the Senator 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 Violette, that the Senate Accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel very badly, but I have to disagree with the gentleman from Aroostook, Senator Violette. I feel that numbers of Senators and Representatives were elected by a great many people, Independents, Republicans, and Democrats, and I don't feel that they would be happy at us giving our power to the Executive Branch.

The PRESIDENT: A "Yes" vote will be in favor of Accepting the Minority Ought to Pass Report

of the Committee on the Resolution; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Anderson, Berry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson Katz, Levine, Marcotte, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Kellam.

A roll call was had. Ten Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Majority 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:

Bill, "An Act Authorizing Emergency Closing of Financial Institutions." (H. P. 1239) (L. D. 1525)

Tabled — April 6, 1971 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-72, was Read.

On motion by Mr. Schulten of Sagadahoc, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

Tabled — April 6, 1971 by Senator Wyman of Washington.

Pending — Consideration.

On motion by Mr. Wyman of Washington, retabled and specially assigned for April 15, 1971, pending Consideration.

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

Bill, "An Act Making Additional

Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Year Ending June 30, 1971." (H. P. 1217) (L. D. 1408)

Tabled — April 6, 1971 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its previous action whereby Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971", was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-70, 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 eighth 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 — April 6, 1971 by Senator Harding of Aroostook.

Pending — Acceptance of Either Report.

On motion by Mr. Conley of Cumberland, retabled and specially assigned for April 14, 1971, pending Acceptance of Either Report.

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act to Create a School Administrative District in the Town of Madawaska." (H. P. 641) (L. D. 871) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 7, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for April 13, 1971, pending Acceptance of Either Report.

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

Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

Tabled — April 7, 1971 by Senator Katz of Kennebec.

Pending — Motion by Senator Moore of Cumberland to Indefinitely Postpone.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 15, 1971, pending the motion by Mr. Moore of Cumberland to Indefinitely Postpone.

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

Bill, "An Act Relating to Changes of Fishing Regulations by the Legislature." (S. P. 321) (L. D. 935)

Tabled — April 7, 1971 by Senator Hoffses of Knox.

Pending — Enactment.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Yesterday when I had this item tabled the question was raised as to just what this particular bill would do, if it was necessary or not. I can report to the Senate that this legislation, if implemented, has come to the place pending enactment, and what it would do is help to eliminate some of the many bills which the Fisheries and Wildlife Committee are confronted with in regards to the size of motors and the size of boats on the various lakes and ponds in the state. We have this session had many of these bills up for consideration. The Department of Inland Fisheries and Game is adequately staffed. They have adequate public hearings and these matters could be disposed of in the several communities where they wish for some change or some limitation on boats and motors to

be used on those waters. This document would, in effect, require those communities to take more positive action before the bills are referred to the legislature for action to a committee and to a legislature which in many, many instances they have no idea as to what the particulars are, and we would have to more or less act on insufficient information to pass this type of legislation. As I said before, this document would require municipalities and people that are interested in this form of legislation to go before the department and present a lot of these very insignificant bills to come before the legislature. I now, therefore, Mr. President, move the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

SENATE REPORT — Ought to Pass in New Draft under same title from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 102) (L. D. 230)

Tabled — April 7, 1971 by Senator Sewall of Penobscot.

Pending — Acceptance of Report.

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

Reconsidered Matter

Mr. Marcotte of York moved that the Senate reconsider its action of earlier in today's session whereby on Bill, "An Act Relating to Retail Sale of Fortified Wine", (H. P. 656) (L. D. 897), the Senate Accepted the Majority Ought Not to Pass Report of the Committee.

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

Mr. **SHUTE** of Franklin: Mr. President, I would oppose this motion for reconsideration. This document came out of committee with a nine to four Ought Not to Pass Report. I would ask for a division.

The **PRESIDENT**: A division has been requested. As many Senators as are in favor of 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 Relating to Retail Sale of Fortified Wine", please rise and remain standing until counted. Those opposed please rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the reconsideration motion did not prevail.

The **PRESIDENT**: The Chair at this time would like to apologize to the Senate and more particularly to the Senator from Penobscot, Senator Tanous, for depriving him of his constitutional rights yesterday on the ruling made by the Chair, in reference to asking for a roll call vote.

As soon as the Chair made the ruling, I felt that it was wrong and found in Article IV, Part Third, Section 5 of the Constitution: "Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the Members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journals."

This was not the Chair's first mistake and won't be the last. I apologize.

On motion by Mr. Hoffses of Knox,

Adjourned until 12 o'clock tomorrow noon.