

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, April 9, 1971

Senate called to order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

Reading of the Journal of yesterday.

**Joint Order**

Out of Order and under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, April 13, at 9 o'clock in the morning. (S. P. 543)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From The House  
Non-concurrent Matter**

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

In the Senate April 1, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-46) as Amended by Senate Amendment "A" (S-51) Thereto.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" 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: JOHNSON of Somerset  
GREELEY of Waldo  
KELLAM of Cumberland

**Non-Concurrent Matter**

Bill, "An Act Relating to Reimbursements for Professional Credits of Teachers." (H. P. 1220) (L. D. 1411)

In the House March 24, 1971, the Majority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill was Indefinitely Postponed.

In the Senate April 7, 1971, the Majority Ought to Pass in New Draft report Read and Accepted

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

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

On motion by Mr. Katz of Kennebec, 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: KATZ of Kennebec  
MINKOWSKY  
of Androscoggin  
CHICK of Kennebec

**Joint Order**

ORDERED, the Senate concurring, that the State Controller supply for the use of the Legislature 200 copies of a list of state employees with their salaries paid as of January 1, 1971, 160 of the said copies to be deposited in the Office of the Clerk of the House and 40 of the said copies to be deposited in the Office of the Secretary of the Senate; and be it further

ORDERED, that said list be distributed one to each Member of the House of Representatives and Senate and the balance to the Clerk of the House and Secretary of the Senate for such distribution as they may see fit. (H. P. 1263)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-113).

Which was Read.

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

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I realize the futility of speaking on this order today, but I must tell you that my sense of fair play has been upset by this order. Of course, I knew of its coming by reading of the action in the other body. I realize too that this legislative order and so-called snoop book has been part of the legislative scene for some time. But having been both a legislator and a state employee, I believe I

can look upon this order with some degree of objectivity.

What the state employees are paid is the legislature's business. Any legislator who wishes to learn what annual salaries for any positions are paid can obtain this information from the Finance and Administration Department.

Now, this legislative order will cost something over \$1,000, and I suggest that this legislature can find a lot more productive work for this \$1,000 than to publish this snoop book.

This joint order and this snoop book are repugnant to some of us and, because I feel as I do, I shall ask for a division and will vote against passage.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I didn't realize this was on the calendar until I heard the good Senator from Franklin, Senator Shute, speak on it.

Two years ago I introduced this order here in the Senate and there was very little opposition to it. It is true, we can go look up the salaries. In fact, I looked up some of the salaries at the University of Maine and I wish I hadn't because I have felt bad ever since thinking of what a tremendous increase in their salaries there has been.

But I hope we are going to come up with an increase for state employees, and I think that this book, so that we can tell what the different wages are, is very valuable to us. So I would certainly be in favor of this book so we will know what we are discussing when we are discussing salaries.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Speaking as a member of the body, I would like to support the position of the Senator from Franklin, Senator Shute, wholeheartedly.

I have historically been against this procedure. I consider it downgrading. I think that we are asking for information of a personal nature that we can get, if we abso-

lutely feel it is vital for the discharge of our legislative duties, merely by picking up the telephone and asking anybody at the University of Maine or the Bureau of Personnel. I think if we are genuinely concerned about salaries here, all we need to find out what grade or what particular classification anybody is in and we can easily find out the salary, if that is what we are concerned about.

I agree that this is an expenditure of money that well might be used for some other purpose. I think it is the motive of this order which has historically caused me to oppose it. It is not done, in spite of the protestations that are made, in the spirit of cutting down on expenses. It is going to be very easy to pick any particular salary and say that this is too high for an individual or hold it up for ridicule and say that here is a good place to save money. I don't think that is the spirit with which we should be discharging our duties, and I hope you will support the Senator from Franklin, Senator Shute.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I speak solely as the Senator from District 24. I have had some mixed feelings about this publication for some time. Now I see by the amendment, No. H-113, that it is being expanded to include the employees and officers of the University of Maine.

Now, I don't say that they ought to be given greater safety than anyone else, but I don't know the reason for including the University of Maine. Another year somebody is going to say well if the State of Maine makes any contribution to any other agency that they also ought to print the salaries of their employees. So I would hope that the Senate would support the motion of the Senator from Franklin, Senator Shute, on this matter.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I am not very excited over this from either side, but with the

amendment that does touch on the University of Maine I think we might have some rather eye-opening facts brought out.

We have heard at our hearings several times the point that the lower grades of classified service for the people working at the University are not up to the state levels, and yet we found out that last year one person getting \$22,500 was getting a \$2,500 raise. I think somewhere along the line, in my mind at least, if there were several of the \$2,500 raises they could have been spread out and helped at the lower level and done a better service for more people.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I have one of these so-called snoop books in my desk here dated 1946. I think we are entitled to this so-called snoop book.

Two years ago we set up a special study committee here for the Highway Department, and we were offered or appropriated \$25,000. We spent about \$3,300. I wish there was some way we could charge this \$1,000 to the balance on that which we didn't spend.

The PRESIDENT: The Chair would ask the Senator from Franklin, Senator Shute, if he would withdraw his motion for a division until the Secretary reads House Amendment "A"?

Thereupon, Mr. Shute of Franklin withdrew his motion for a division. House Amendment "A" was Read and Adopted and the Chair ordered a division on the passage of the order as amended.

A division was had. 14 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Joint Order, as Amended, received Passage in concurrence.

#### Joint Order

WHEREAS, the provision and availability of health care is obviously dependent on health manpower and manpower licensure affects the problems of supply, quality, geographic distribution, and use of personnel; and

WHEREAS, the shortage of health manpower, coupled with increased requirements for health care services, has resulted in a galaxy of new occupational titles; and

WHEREAS, it is estimated that nearly 200 such health occupations now exist and that there will be 20 to 25 supportive personnel for each physician in 1975; and

WHEREAS, it is recognized that needs exist to foster the growth and contributions of the various allied health personnel, to ensure high quality patient care and safety through careful employee preparation and performance and to allow employers to flexibly utilize existing manpower; and

WHEREAS, it appears that the licensing of additional health care occupations may fractionalize further the provision of health services, impede job advancement for employees and hinder management in utilizing new knowledge and technological advances; and

WHEREAS, the furtherance of health care services depends on a more unified approach for preparing, developing and using manpower in a safe and flexible manner; and

WHEREAS, no objective study of licensure and regulatory laws having an effect on health manpower utilization in Maine has ever been conducted by the Legislative Research Committee or by any other objective group representing the welfare of the people; and

WHEREAS, it is the responsibility of the Maine Legislature through the passage of legislation to protect the welfare of its citizens and to protect and promote the effective and safe utilization of health care personnel; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to conduct a detailed review of all state laws and regulations that relate to utilization of health manpower; and be it further

ORDERED, that the Legislative Research Committee shall report its findings and conclusions, together with any proposed legislation bearing upon the subject of

this Order to the next regular session of the Legislature. (H. P. 1262)

Comes from the House, Read and Passed.

Which was Read.

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

Mrs. CARSWELL of Cumberland, Mr. President and Members of the Senate: I would just like to say that I am very pleased to see such an order on the calendar today. I think many of us recognize the need for a study of health care services, and I support passage of such an order.

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

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

### House Papers

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

### Communications

Maine State Archives

April 6, 1971

Honorable Kenneth M. Curtis  
Governor of State of Maine  
Members of the One Hundred  
Fifth Legislature of Maine  
Gentlemen:

In compliance with Maine Revised Statutes Annotated, Title 27, Section 278, subsection 6, I have the honor to submit the accompanying report relating to the work and needs of the Office of State Archivist.

Respectfully,

SAMUEL S. SILSBY, JR.  
State Archivist

(S. P. 542)

Which was Read and with accompanying papers Ordered Placed on File.

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 Involuntary Hospitalization of the Mentally Ill." (H. P. 649) (L. D. 880)

### Change of Reference

The Committee on Natural Resources on Bill, "An Act Creating the Cobbossee Annabessacook Authority." (H. P. 786) (L. D. 1062)

Reported that the same be referred to the Committee on Legal Affairs.

Comes from the House, the report Read and Accepted and the Bill Referred to the Committee on Legal Affairs.

Which report was Read and Accepted, and the Bill Referred to the Committee on Legal Affairs in concurrence.

### Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Fund the Costs of Public School Education from State Sources." (H. P. 835) (L. D. 1131) Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

### Ought to Pass

The Committee on Natural Resources on, Resolve, Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County. (H. P. 894) (L. D. 1214) Reported that the same Ought to Pass.

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

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

### Ought to Pass — as Amended

The Committee on Health and Institutional Services on Bill, "An Act Relating to Meetings, Chairman and Employees of Board of Commissioners of the Profession of Pharmacy." (H. P. 454) (L. D. 609)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-106)

The Committee on Business Legislation on, Bill, "An Act Revising the Laws Relating to Licensed Small Loan Agencies." (H. P. 552) (L. D. 728)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-86)

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for April 14, 1971, pending Acceptance of the Committee Report.)

The Committee on Labor on, Bill, "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law." (H. P. 600) (L. D. 801)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-107).

The Committee on Liquor Control on, Bill, "An Act Relating to Sale Price of Liquor." (H. P. 856) (L. D. 1181)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-108).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

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

The Committee on Education on, Bill, "An Act Relating to Duty of State Board of Education Concerning Interscholastic Activities." (H. P. 985) (L. D. 1347)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-94).

Comes from the House, the report Read and Accepted and the Bill Recommended to the Committee on Education.

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

### Ought to Pass in New Draft

The Committee on County Government on, Bill, "An Act Increasing Funds for Lincoln County Court House Capital Improvements." (H. P. 555) (L. D. 731)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1261) (L. D. 1644).

The Committee on Natural Resources on, Bill, "An Act to Authorize Pollution-control Facilities to be Financed by the Issue of Revenue Obligation Securities under the Municipal Industrial and Recreation Obligations Act." (H. P. 465) (L. D. 593)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1259) (L. D. 1618).

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

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

The Committee on Judiciary on, Bill, "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles." (H. P. 101) (L. D. 145)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1244) (L. D. 1553)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-102).

On motion by Mr. Johnson of Somerset, tabled and specially assigned for April 14, 1971, pending Acceptance of the Committee Report.

### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake." (H. P. 201) (L. D. 268)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1258) (L. D. 1617)

Signed:

Representatives:

BERUBE of Lewiston

CONLEY

of South Portland

EMERY of Auburn

TYNDALE

of Kennebunkport

MARSH of Hampden

SHUTE

of Stockton Springs

RAND of Yarmouth

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

Signed:

Senators:

MOORE of Cumberland

VIOLETTE of Aroostook

MARCOTTE of York

Representatives:

MOSHER of Gorham

BARTLETT

of South Berwick

WILLIAMS of Hodgdon

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

Which reports were Read.

On motion by Mr. Moore of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." (H. P. 911) (L. D. 1256)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HARDING of Aroostook

Representatives:

CARRIER of Westbrook

LUND of Augusta

ORESTIS of Lewiston

HENLEY of Norway

WHEELER of Portland

KELLEY of Caribou

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-118).

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth

BAKER of Orrington

WHITE of Guilford

PAGE of Fryeburg

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

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Holding Examinations to Practice Barbering" (H. P. 266) (L. D. 355)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York

GREELEY of Waldo

MINKOWSKY

of Androscoggin

Representatives:

PAYSON of Falmouth

McCORMICK of Union

CLEMENTE of Portland

LEWIS of Bristol

BERRY of Madison

SANTORO of Portland

CUMMINGS of Newport

DYAR of Strong

LESSARD of Lisbon

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

Signed:

Representative:

DOYLE of Bangor

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

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

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health." (H. P. 674) (L. D. 911)

Reported that the same Ought to Pass.



Signed:  
Senators:

HICHENS of York  
GREELEY of Waldo

Representatives:

DOYLE of Bangor  
CLEMENTE of Portland  
McCORMICK of Union  
DYAR of Strong  
LEWIS of Bristol  
PAYSON of Falmouth  
SANTORO of Portland  
BERRY of Madison  
LESSARD of Lisbon  
CUMMINGS of Newport

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

Signed:

Senator:

MINKOWSKY

of Androscoggin

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. Katz of Kennebec then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The President: The Senator has the floor.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It was my privilege to serve as vice-chairman of the Commission of Rehabilitation Needs for two years. It was a tremendous effort and it involved hundreds of people from every county in the state. It was the most comprehensive study I have ever been involved in and it really, really got down into the essentials.

When the whole thing was over I stacked up all reports from all the different parts of the state and they were some two feet high when it was finished.

The real thrust of this entire devoted group of unpaid volunteers from all over the state was that we should have one single comprehensive rehabilitation program in the state. That involved a couple of things, but amongst other things it involved alcoholic rehabilitation, vocational rehabilitation, special services and eye care, and having a director of rehabilitation services. That is what we have done,

and it is just starting to get going now.

There isn't any argument in the world that can convince me that hundreds of people have said this is what they wanted and a casual bill gets put in, based on some federal implications, and we are going to destroy the thing before it has gotten started, and I would request a division on my motion.

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

Mr. MINKOWSKY of Androscoggin, Mr. President and Members of the Senate: I cannot significantly add to the remarks by the Senator from Kennebec, Senator Katz, but I can break this down into seven major points. The first point I would like to emphasize to the Senate is:

1. The Division of Alcoholism Services was just transferred to the new Bureau of Rehabilitation (Dept. of Health & Welfare) by the 104th Legislature, as the result of a two year study by the Governor's select commission on rehabilitation needs, which with major agency and citizen representation considered a variety of alternatives before making its recommendation.

2. There is pending legislation to combine the Dept. of Health & Welfare, the Dept. of Mental Health & Corrections, and some other service agencies in a new Dept. of Human Services, which if enacted would negate the necessity of L. D. 911, even if it had clear merit.

3. The existing alcoholism program in its present departmental location has been successful. I might say for over twenty years with many sincere dedicated people who have contributed immensely to its success.

4. The Bureau of Mental Health has had, and currently has legal authority to establish programs to combat alcoholism without such legislation — but has shown little inclination to do so. In fact, a program for alcoholics which formerly existed at the Bangor State Hospital, under the co-sponsorship of Doctors Pooler and Kadi and the Division of Alcoholism Services,

has recently been terminated by the new hospital administrator.

5. The implementation of the intent of this bill would dilute the alcoholism services program by combining it with a program of drug abuse. These two problems are separate and distinct, and require different approaches and solutions.

6. L. D. 911 makes no provision for the transfer of present staff, designates no organizational structure, and provides for the transfer of funds only in general terms.

7. There is nothing in the bill which provides or even suggests program improvement or extension of services.

I would sincerely hope that the members of the Senate would go along with the Minority Ought Not to Pass Report.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I rise to ask for a division on this. I wasn't going to debate it today, but as long as two of the opposition have debated it I will get into it a little bit.

This bill was heard by the Health and Institutional Services Committee. There was opposition along with the proponents. We carefully considered it and it came out with a twelve to one Ought to Pass Report. In reference to the suggestion made the staff will be deleted, it will not. The duties imposed upon the Department of Health and Welfare will be transferred to the Department of Mental Health and Corrections. That includes the monies and that includes the staff.

As we had a very lengthy debate on that before our committee, we were convinced that federal aid would come much more easily if it was under the Department of Mental Health and Institutions than under the Department of Health and Welfare. So I would ask that you vote to approve the Majority Ought to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I have a deep respect for the work of legislative committees, and I am sure they gave it a lot of thought. But in all honesty, Mr. President, I spent two years of my life — not just casual public hearing — but two years of my life listening to people from all over the state, and there were hundreds of them. And if there is one thing that they said, it is that we should have a unified system facing the rehabilitative needs of our people.

I would deny parenthetically that federal aid is going to flow any differently depending upon whether it is in the left-hand pocket or the right-hand pocket. Certainly the implications of rehabilitation are very close to the Department of Education, very close, obviously, but we took it out of the Department of Education. But the relationship still remains, and whether it is in Mental Health and Corrections or not, the federal aid will flow and the cooperation between the two departments will still exist. I just hope that you will give this unification, the first time ever that we have had a unified system of rehabilitative services, give it a chance to live a little bit before you destroy it.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I rise this morning to support the Senator from York, Senator Hichens. Very much like the good Senator from Kennebec, Senator Katz, I too have been extremely involved in the programs of alcoholism through the last fifteen years. I think if you talk to any psychiatrist, he more than likely will tell you that the alcoholic problem with the individual is what we consider to be somewhere around seventy to eighty percent mental.

In my association with one program that is active in York County, we were very successful in working through the Department of Mental Health and Corrections in obtaining a grant to help get them established down there in Old Orch-

ard Beach, and they have been what I would hope to say is at least somewhat successful in helping to restore to society the many individuals who have been having a great problem throughout their lives.

I don't think really this is as earth-shaking as the good Senator from Kennebec, Senator Katz, would lead you to believe, but it certainly is my feeling that under the Department of Mental Health and Corrections this problem would be brought far more to the scene, to the public eye, as to the magnitude of the problem that we have in the state.

I would hope that the Senate would concur in accepting the Majority Ought to Pass Report of the Committee.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: In essence, Senator Conley from Cumberland has stressed a very, very good point, but I would like to point out to him and to other members of the Senate that it isn't always possible for these people who are alcoholics to relate with psychologists or psychiatrists, as he pointed out would happen in some cases. These people prefer to speak to people along their own level who have been trained to evaluate and to analyze their problems. I think this is where it is extremely important that this department, until it is reorganized in the Human Resources Department, if it should be enacted in the future, stay where it is at the present time.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I did not intend to speak on this bill, but I would like to make it very clear that I served on the Maine Commission on Rehabilitation Needs. I first began my rehabilitation work in 1957 when Elmer Mitchell was the head of Vocational Rehabilitation, and from 1957 on Elmer Mitchell and I have worked together on many rehabilitation bills. While serving on

the Maine Commission of Rehabilitation Needs, I found it very interesting, but at the same time I was not in favor of placing rehabilitation within the Department of Health and Welfare. I believe in saying what I believe and sticking by it.

The Committee report which placed rehabilitation under Health and Welfare was not a unanimous report. Sister Mary McGill served on that Commission with me, and she voted against this proposal. I voted against it and Elmer Mitchell, who I call "Mr. Rehabilitation", asked to withhold his vote. He was not happy about going under Health and Welfare. If he was going to have to be changed he did not want to go under Health and Welfare; he would rather stay under Education. However, the majority ruled, so I would hope the majority would rule today. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health."

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

A division was had. Ten Senators having voted in the affirmative, and eighteen 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.

#### **Senate Leave to Withdraw**

Mr. Hichens for the Committee on Taxation on, Bill, "An Act Relating to Current Use in the Assessment of Real Estate Taxation." (S. P. 146) (L. D. 385)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

### Second Readers

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

#### House

Bill, "An Act Relating to Precautions at Railroad Crossings." (H. P. 1240) (L. D. 1527)

Bill, "An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute." (H. P. 1254) (L. D. 1574)

(On motion by Mr. Moore of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

#### House - As Amended

Resolution, Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence. (H. P. 525) (L. D. 687)

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

#### Senate

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

Bill, "An Act Creating the Cumberland County Recreation Center." (S. P. 404) (L. D. 1221)

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. 533) (L. D. 1577)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

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

Sent down for concurrence.

#### Enactors

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

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

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for April 14, 1971, pending Enactment.)

An Act Relating to Retirement Benefits for Forest Rangers under State Retirement System. (H. P. 318) (L. D. 418)

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

An Act Relating to Reimbursement Rates for Transportation and Special Educational Expenditures. (H. P. 587) (L. D. 782)

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

An Act Relating to Approval of Schools Enrolling Out-of-State Students. (H. P. 1236) (L. D. 1522)

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

Resolve, Designating Part of Route 219 as a State Highway. (H. P. 283) (L. D. 372)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Table.)

#### Emergency

An Act Relating to Trapping Muskrats. (S. P. 174) (L. D. 526)

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

Mr. VIOLETTE of Aroostook: Mr. President, just as a point of inquiry, and I make no objection to the bill. I thought maybe somebody would point out to us the emergency nature of trapping muskrats.

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a very good question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: When I saw the weather Wednesday I didn't think there was any need for an emergency on this particular piece of legislation because I didn't think that we would ever arrive at the point of spring muskrat trapping. But today the weather has improved and it would indicate that we may still have spring after all. And the purpose of the emergency clause on this bill was to permit the trappers to take muskrat by conventional means this spring.

We have been a little slow getting this bill through the machinery, and I know it has delayed the boys in their trapping enterprises but, hopefully, there may still be a few muskrat left for them to trap if this bill is enacted.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am perfectly satisfied with the answer and I will vote for enactment.

Thereupon, this being an emergency measure and having received the affirmative votes of 24 Senators, with three Senators having voted in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Orders of the Day

On motion by Mr. Berry of Cumberland, Senate at ease.

(Off record remarks)

Called to order by the President.

### Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of yesterday whereby Bill "An Act Relating to the Conduct of Hearings Required by the State's Environmental Laws," (H. P. 1246) (L. D. 1555), was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Ought to Pass Report of the Committee was Accepted, and the Bill

subsequently given its two several readings.

Thereupon, on further motion by the same Senator, the Bill was substituted for the Report and Re-committed to the Committee on Natural Resources in concurrence.

### Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of yesterday whereby on Bill, "An Act Providing for Mandatory Retirement for Teachers," (S. P. 305) (L. D. 899), the Senate voted to Insist.

Thereupon, on further motion by the same Senator, 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:

KATZ of Kennebec  
MINKOWSKY  
of Androscoggin  
CHICK of Kennebec

### Reconsidered Matter

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action of yesterday whereby, An Act Relating to Permits for Kindling Out-of-door Fires, (H. P. 630) (L. D. 852), was Passed to be Enacted.

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

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1250) (L. D. 1571) from the Committee on State Government on Bill, "An Act Relating to Staffing the Joint Standing Committees of the Legislature," (H. P. 432) (L. D. 567)

Tabled—April 7, 1971 by Senator Wyman of Washington.

Pending—Acceptance of Report.

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

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

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

Tabled—April 7, 1971 by Senator Berry of Cumberland.

Pending—Enactment.

On motion by Mr. Shute of Franklin, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-71, was Read.

Thereupon, on motion by Mr. Moore of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

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

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 89) (L. D. 133)

Tabled—April 7, 1971 by Senator Berry of Cumberland.

Pending—Final Passage.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 14, 1971, pending Final Passage.

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

Bill "An Act Relating to School Construction Aid." (S. P. 152) (L. D. 421)

Tabled—April 7, 1971 by Senator Anderson of Hancock.

Pending—Passage to be Engrossed.

Mr. Kellam of Cumberland presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-53, to Committee Amendment "A" was Read.

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

Mr. KATZ of Kennebec: Mr. President, this bill has two pur-

poses, one a major consideration and one of relatively minor consideration, depending upon what town you live in. Basically what the bill does is restore school construction aid in an amount equal to what it was when we first started it. Originally statewide we supplied about forty-nine percent of the construction costs of schools. Then the state valuations have gone up and up and this figure has been materially reduced, so essentially the bill tries to re-establish the equity it originally intended.

It does one other thing, and I don't consider this as important as the first. Presently the percentage of school assistance the communities get varies from eighteen percent for the so-called rich communities to sixty-six percent for the so-called poor communities. This bill will change it from eighteen percent down to fifteen percent on the one end, and raise the the maximum percentage allowable to the poor communities from sixty-six to eighty-five percent. The committee kicked this around at substantial length, and we found that we were giving some of our precious resources to too great an extent to the so-called rich communities, so we changed it from a minimum of eighteen down to fifteen. On the upper end there were just tiny communities involved and the money didn't amount to a hill of beans as far as we could see, and we raised the percentage from sixty-five to eighty-five. And we feel that we have a more equitable situation so that theoretically the burden on people all over the state will be more equal when it comes to building schools.

Consequently, I would oppose the adoption of Senate Amendment "A" and request a division.

The PRESIDENT: The Chair would inform the Senator from Cumberland, Senator Kellam, the amendment he is offering is an amendment to Committee Amendment "A". First the Senate will have to reconsider its action, under suspension of the rules, whereby it adopted Committee Amendment "A" before Senate Amend-

ment "A" to Committee Amendment "A" could be offered.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President, I withdraw my motion, and I would offer the motion which the President just stated.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that under suspension of the rules the Senate reconsider its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, could we please have the filing number on Senator Kellam's amendment?

The SECRETARY: The filing number on Senate Amendment "A" by Senator Kellam is Filing No. S-53. The filing number on Committee Amendment "A" is Filing No. S-47.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate. Am I in order to speak on the merits of the amendment?

The PRESIDENT: The Senator has the floor.

Mr. KELLAM: Mr. President and Members of the Senate: What the amendment that I have offered would do is to take out what I would call the surplusage that has been installed in the bill, raising the ceiling to be paid by the state on construction aid.

The present law states that the range of payments will be between eighteen percent and sixty-six percent. That is the current law, and it varies according to a sliding scale supposedly based upon the ability to pay of the community itself.

If you look at the bill, the bill is an entirely different type of bill

from the law as it now exists. The law now has a chart type of arrangement whereby communities that fall within certain brackets will receive a certain percentage of aid. This 421 installs a formula type of arrangement, but it adds to the formula the fact that they will go up to ninety percent of aid to communities and the committee amendment has reduced that ninety percent down to eighty-five percent.

If you look at the statement of facts on the bill, you will see it says the intent of this bill is to biennially update the per pupil valuations on table two to reflect the average increase of state valuations and to maintain the state's share of cost at a constant percentage. Now, nowhere in that paragraph relative to the statement of facts does it say anything about increasing certain units from the sixty-six maximum up to ninety percent or up to eighty-five percent, as the committee amendment proposes.

It is my contention that the merits of this bill lie solely within the statement that the original construction cost formula did result in something like forty-nine percent of aid as an average and, because of inflationary factors, the per pupil valuations have increased considerably. And with the increase of per pupil valuations you would have a decrease in construction assistance. These merits have nothing to do with raising the ceiling from sixty-six percent to eighty-five percent.

It just strikes me we are taking a matter which does have considerable merit, and in selling that particular suggestion to the legislature we are going to tack on the additional factor of raising the maximum amount to eighty-five percent. It just strikes me that when you have a locality building a school, it seems to me, they should have some of their own money in it, particularly when we are going around and including swimming pools and a few other things in the cost of these schools. That is the reason I am going to submit this amendment. It merely keeps the ceiling and the floor where they are now.

As far as the cost factor goes, I have talked to the Education Department and tried to get some idea what it costs. I think it might amount to something like a million dollars a year, but that is just a ball park guess they gave me over there. What we have here, we passed the bond issue, as you well know, for fifty million dollars to be used to fund the construction aid, and it doesn't strike me that now that the money is available the departments will see how fast they can get rid of it so they can come back again and ask for some more. I hope that the body will support me on this particular amendment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am distressed because this session the Senator from Cumberland, Senator Kellam, and I have been in such great agreement on issues before us.

I wouldn't want the Senate to get the impression that the question of 15 to 18 percent or 66 to 85 percent is going to deplete any bond issues. The figures here are very small. The communities are very small. It is true that some communities in the state have been building swimming pools, but it is also true that there are some communities in the state on the poor end who are so poor that they are really struggling to build inexpensive classrooms, and that was the committee's thinking.

With respect to the statement of intent, the committee held the hearing on the bill, not on the statement of intent. And Mr. President, I might observe that this is our first session writing statements of intent, and I think that several of them that I have seen so far this session are candidates for the New York Times outstanding fiction of the year.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I have a letter that I just received about an hour ago from Mr. Gor-

don. It is on the bill itself, and I would like to read parts of it.

I won't read it all, but it says in 1958 when the Sinclair Act was passed a town with median state valuation per pupil could qualify for school construction aid at a 49 percent rate, and because of the change in state valuations they are presently getting about 30 percent in school construction aid. The purpose of the bill is to bring this back up to the ratio that it started, and the bill will keep faith with the people.

Then Mr. Gordon goes on to say that if L. D. 421 is enacted, it will increase the cost of construction during the life of the \$50 million bond issue by 37.7 percent. If the present law is not changed, and all construction aid is paid from the bond issue, including old and new projects, it is estimated that the money will be totally used up during the early part of the '75 to '77 biennium. If L. D. 421 is adopted, and all construction aid is paid from the bond issue, the \$50 million will probably be exhausted before the end of the biennium of June 30, 1975.

This is a very expensive bill, and I think we should give it quite a lot of thought before we pass it.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I just want the Senate to clearly understand that my remarks, as I made them a moment ago, about the implication of the amendment that was being offered, the monies involved here are very, very small. And Senator Kellam, I am sure, and I would both agree that the impact of the bill is in the bill itself and not on the question of changing these percentages for individual towns.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that under suspension of the rules the Senate reconsider its action whereby it adopted Committee Amendment "A" to Legislative Document 421. A division has been requested. As many Senators as are in favor of suspending the rules in order



for reconsideration of the adoption of Committee Amendment "A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, and fourteen being less than two-thirds of those Senators present, the motion did not prevail.

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

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

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

Tabled — April 8, 1971 by Senator Katz of Kennebec.

Pending — Adoption.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: For the reasons that were stated in such depth yesterday, to give the people of the State of Maine, the voters, a chance to express themselves on the referendum that we have passed to them on our proposed amendment to the Maine Constitution, I feel that we should withhold our ratification of the proposed amendment to the Federal Constitution. I move this matter be referred to the next special or regular session of the Maine Legislature.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that House Paper 1224, Ratification Resolution for 18 Year Old Vote Amendment, be referred to the next special or regular session of the 106th Legislature.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose the motion by the Senator from Kennebec, Senator Katz. I think there is some validity for his argument, but I think that this legislature has expressed itself very clearly on how

it feels with regard to giving our 18 year olds the right to vote, and I would hope that we would defeat his motion and adopt this resolution.

I think we should join with the states which are now adopting this resolution to amend our Federal Constitution. I think this is really a matter of national importance, and certainly I feel that we should move ahead at this time and adopt the resolution for giving the right to vote to the 18 year olds at the national level. So I would oppose the motion of Senator Katz, and I hope that we can adopt this resolution and terminate it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I too would oppose the motion of the Senator from Kennebec, Senator Katz. There are open to the people of this country two methods of doing what we are talking about here. One is by ratification by the legislatures of a sufficient number of required states to approve such a change, and the other is by constitutional amendment of our own State Constitution.

I think that we have fully debated the merits of the 18 year old vote. I remind you the people have lowered the voting age to 20. There was a good margin on such a vote, but the Federal Government has put the federal elections at 18 years of age. I would urge you to oppose this motion and then vote for the adoption of the resolution.

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

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

The PRESIDENT: A roll call has been requested. Under the constitution, in order for the Chair to order a roll call it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question once again. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Ratification Resolution for 18 Year Old Vote Amendment be referred to the next special or regular session of the Maine Legislature.

A "Yes" vote will be in favor of the motion; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Dunn, Hichens, Katz, Minkowsky, Moore, and President MacLeod.

NAYS: Senators Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Hoffses, Johnson, Kellam, Levine, Martin, Peabody, Schulten, Sewall, Shute and Violette.

ABSENT: Senators Marcotte, Quinn, Tanous, and Wyman.

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

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted in concurrence?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, we have a lot of vacant seats here today. I hope someone would table this until the next legislative day.

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

Mr. Hichens of York then moved that the matter be tabled and Tomorrow Assigned, pending Adoption.

On motion by Mr. Violette of Aroostook, a division was had. Nine Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Joint Resolution was Adopted in concurrence.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I now move that we reconsider our action whereby we adopted this joint resolution, and I hope you will vote against me.

Thereupon, a viva voce vote being taken, the motion to reconsider did not prevail.

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

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

Tabled—April 8, 1971, by Senator Schulten of Sagadahoc.

Pending — Adoption of Senate Amendment "A"—Filing S-72.

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

Sent down for concurrence.

### (Off Record Remarks)

The Adjournment Order having been returned from the House Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until April 13, 1971, at 9 o'clock in the morning.