

# 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**

Tuesday, April 13, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. LeClair of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams." (H. P. 672) (L. D. 909)

In the House April 6, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate April 8, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Hoffses of Knox, the Senate voted to insist and join in a Committee of Conference.

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

Sensors:

HOFFSES of Knox  
MOORE of Cumberland  
BERNARD  
of Androscoggin

**Non-concurrent Matter**

Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48)

In the Senate April 6, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-26) and as Amended by Senate Amendment "A" (S-55)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and Senate Amendment "A", as Amended by House Amendment "A" (H-125) Thereto, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Black Bass Fishing in Lakes, Ponds and Rivers." (H. P. 673) (L. D. 910)

In the House April 6, 1971, the Minority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-93).

In the Senate April 8, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Hoffses of Knox, the Senate voted to Insist and join in a Committee of Conference.

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

Sensors:

HOFFSES of Knox  
MOORE of Cumberland  
BERNARD  
of Androscoggin

**Non-concurrent Matter**

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

In the House March 26, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "C" (H-109)

In the Senate April 8, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

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

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

Sensors:

GREELEY of Waldo  
KELLAM of Cumberland  
JOHNSON of Somerset

**House Papers**

Bills and Resolution today received from the House requiring

Reference to Committees were acted upon in concurrence.

### Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The House today voted to adhere to its action of April 7 whereby the Minority "Ought not to pass" Report of the Committee on Transportation on Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18) was accepted in non-concurrence.

Respectfully,

S Bertha W. Johnson

Clerk of the House

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President, may I request through the Chair - it is my understanding that this matter has been held for subsequent action by the House. If we accept this communication and put it on file, does this bind us from further consideration?

The PRESIDENT: Did the Senator ask a question?

Mr. KATZ: Mr. President, let me rephrase it. It was my understanding just prior to this session that this matter is not before us, but the matter is being held by the House for further consideration.

The PRESIDENT: The Chair would inform the Senator that this is a communication and nothing more.

Thereupon, the Communication was placed on File.

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

April 9, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The Speaker today appointed the following Committee of Conference

on the disagreeing action of the two branches of the Legislature on:

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

Messrs. DYAR of Strong

MARTIN of Eagle Lake

LUCAS of Portland

Respectfully

S Bertha W. Johnson

Clerk of the House

Which was Read and Ordered Placed on File.

### 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 Relating to the Poll Tax and Use of Proceeds for Volunteer Ambulance Service." (H. P. 612) (L. D. 823)

Bill, "An Act Relating to the Disposal of Manure." (H. P. 822) (L. D. 1096)

Bill, "An Act Relating to Bail Jumping." (H. P. 848) (L. D. 1159)

Bill, "An Act Prohibiting Publication of Real Estate Tax Exemptions of Veterans and Servicemen." (H. P. 923) (L. D. 1275)

Bill, "An Act Relating to Tuition Payments to Accredited Schools as Income Tax Deductions." (H. P. 1038) (L. D. 1429)

### Change of Reference

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to the Operation of State Liquor Stores." (H. P. 378) (L. D. 493)

Reported that the same be referred to the Committee on Liquor Control.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Liquor Control.

Which report was Read and Accepted and the Bill referred to the Committee on Liquor Control in concurrence.

### Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Clarifying the Valua-

tion of Certain Lands at Current Use." (H. P. 725) (L. D. 970)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Reimburse Certain Municipalities for Property Taxes Lost on Exempt Property Owned by the State." (H. P. 1060) (L. D. 1451)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Excise Tax on Camp Trailers." (H. P. 1061) (L. D. 1452)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Ought to Pass**

The Committee on County Government on, Bill, "An Act Relating to Uniforms for Full-time Deputy Sheriffs." (H. P. 839) (L. D. 1151)

Reported that the same Ought to Pass.

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

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

#### **Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Interest Allowed in Civil Actions." (H. P. 197) (L. D. 253)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1260) (L. D. 1643)

Signed:  
Senators:

TANOUS of Penobscot  
QUINN of Penobscot  
HARDING of Aroostook

Representatives:

WHEELER of Portland  
PAGE of Fryeburg  
KELLEY of Caribou  
WHITE of Guilford  
ORESTIS of Lewiston  
BAKER of Orrington  
LUND of Augusta  
CARRIER of Westbrook  
HENLEY of Norway

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

Signed:

Representative:

HEWES of Cape Elizabeth  
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 and the Majority Ought to Pass in New Draft Report of the Committee Accepted in Concurrence.

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

#### **Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development." (H. P. 897) (L. D. 1217)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

Representatives:

HODGDON of Kittery  
DONAGHY of Lubec  
CURTIS of Orono  
MARSTALLER

of Freeport

HANSON of Gardiner  
STILLINGS of Berwick

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

Signed:

Senators:

JOHNSON of Somerset  
CLIFFORD

of Androscoggin

Representatives:

FARRINGTON  
of Old Orchard Beach  
GOODWIN of Bath  
STARBIRD

of Kingman Township  
COONEY of Webster

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

On motion by Mr. Berry of Cumberland, tabled and specially

assigned for April 15, 1971, pending Acceptance of Either Report.

### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the Municipal Public Employees Labor Relations Law." (H. P. 420) (L. D. 547)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-120).

Signed:

Sentors:

TANOUS of Penobscot  
LEVINE of Kennebec  
MARCOTTE of York

Representatives:

GOOD of Westfield  
SIMPSON

of Millinocket

BEDARD of Saco  
GENEST of Waterville  
McTEAGUE of Brunswick  
BUSTIN of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-121).

Signed:

Representatives:

KELLEY of Machias  
LEE of Albion  
ROLLINS

of East Dixfield

LINCOLN of Bethel

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

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Senate

#### Leave to Withdraw

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act to Repeal the Oversize Lobster Law" (S. P. 306) (L. D. 900)

Reported that the same be granted Leave to Withdraw.

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Relating to Transportation to Islands in Casco Bay." (S. P. 410) (L. D. 1225)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

### Ought to Pass As Amended

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Related to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity from Public Utilities Commission." (S. P. 254) (L. D. 761)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-75).

Mr. Hichens for the Committee on Health and Institutional Services on, Bill, "An Act Relating to the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor." (S. P. 297) (L. D. 854)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-76).

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

### Ought to Pass in New Draft

Mr. Graham for the Committee on Natural Resources on, Bill, "An Act to Create the Saco River Environmental Advisory Committee." (S. P. 209) (L. D. 642)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 544) (L. D. 1661)

Which report was Read and Accepted, the Bill in New Draft 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 Transferring Services to Alcoholics and Drug Addicts

to the Bureau of Mental Health.” (H. P. 674) (L. D. 911)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 15, 1971, pending Passage to be Engrossed).

Resolve Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County. (H. P. 894) (L. D. 1214)

Bill, “An Act Relating to Staffing Committees of the Legislature.” (H. P. 1250) (L. D. 1571)

(On motion by Mr. Dunn of Oxford, temporarily set aside.)

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. 1259) (L. D. 1618)

Bill, “An Act Increasing Funds for Lincoln County Court House Capital Improvements.” (H. P. 1261) (L. D. 1644)

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

The President laid before the Senate the matter previously set aside at the request of Mr. Dunn of Oxford, Bill, “An Act Relating to Staffing Committees of the Legislature”, (H. P. 1250) (L. D. 1571)

The same Senator presented Senate Amendment “A” and moved its Adoption.

Senate Amendment “A”. Filing No. S-73, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### House - As Amended

Bill, “An Act Relating to Meetings, Chairman and Employees of Board of Commissioners of the Profession of Pharmacy.” (H. P. 454) (L. D. 609)

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

Bill, “An Act Relating to Sale Price of Liquor.” (H. P. 856) (L. D. 1181)

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

Bill, “An Act Relating to Duty of State Board of Education Concerning Interscholastic Activities.” (H. P. 985) (L. D. 1347)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 15, 1971, pending Passage to be Engrossed.)

Which was Read a Second Time and, except for the tabled matter, Passed to be Engrossed, as Amended, in non-concurrence.

#### Enactors

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

An Act Relating to Rates of the Waldoboro Sewer District. (S. P. 381) (L. D. 1138)

An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases. (H. P. 130) (L. D. 185)

An Act Relating to Switch Targets under Railroad Law. (H. P. 347) (L. D. 456)

An Act to Improve the Protection of Certain Confidential Records. (H. P. 875) (L. D. 1196)

An Act Improving the Control of Absentee Ballots Issued. (H. P. 878) (L. D. 1199)

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

An Act Relating to Removal of Packing from Journal Boxes of Railroad Equipment. (S. P. 230) (L. D. 676)

An Act Relating to Service Charges for Sewage Disposal. (S. P. 394) (L. D. 1172)

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

(On motion by Mr. Bernard of Androscoggin, tabled and Tomorrow Assigned, pending Enactment.

An Act Relating to Terms of the Members of the Land Damage Board. (S. P. 527) (L. D. 1545)

An Act Relating to Jurisdiction of the District Court in Certain Felony Cases. (S. P. 529) (L. D. 1546)

An Act Creating the Interstate Compact on Detainers. (H. P. 531) (L. D. 721)

An Act Revising the Laws Relating to Probation and Parole. (H. P. 568) (L. D. 744)

An Act to Set the Rate for Voting Lists Based upon the Cost of Preparing the Lists. (H. P. 877) (L. D. 1198)

An Act to Amend the Charter of the Jackman Sewer District. (H. P. 947) (L. D. 1306)

An Act Relating to the Reporting of Traffic Accidents. (H. P. 1243) (L. D. 1552)

An Act Clarifying Duties of Treasurer of State Relating to Securities. (H. P. 1247) (L. D. 1556)

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 Temporary Loans by the State. (S. P. 489) (L. D. 1381)

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 Relating to Continuation of Accreditation of the Augusta State Hospital. (H. P. 322) (L. D. 431)

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 Relating to the Sale of Alcoholic Beverages at International Air Terminals. (H. P. 1245) (L. D. 1554)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, and one 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**

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

HOUSE REPORT — Leave to Withdraw from the Committee on State Government on Bill, "An Act to Increase Compensation of the Boxing Commission." (H. P. 948) (L. D. 1307)

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

Pending — Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

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

SENATE REPORTS — from the Committee on Labor on Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 65) (L. D. 130) Majority Report, Ought to Pass in New Draft (S. P. 538) (L. D. 1615); Minority Report, Ought Not to Pass.

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

Pending — Acceptance of Either Report.

On motion by Mr. Harding of Aroostook, the Majority 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.

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

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

Tabled — April 8, 1971 by Senator Johnson of Somerset.

Pending — Consideration.

Mr. Johnson of Somerset then moved the pending question.

Thereupon, the Senate voted to Recede and Concur.

The President laid before the Senate the fourth 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 8, 1971 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

Mr. Tanous of Penobscot then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President, might I have the status of the Committee Report, please?

The PRESIDENT: The Secretary will give the report.

The SECRETARY: The Majority Ought Not to Pass Report was signed by eleven members of the committee. The Minority Ought to Pass Report was signed by two members of the Committee. Do you want me to read the names?

Mr. KATZ: The two please.

The SECRETARY: The two who signed the Minority Ought to Pass Report are Representatives Bither of Houston and Murray of Bangor.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I call the Senate's attention to the fact that it was an eleven to two committee report, with all three members of the Senate, after very careful consideration, reporting out Ought Not to Pass. I request a division and urge that you vote against the motion to accept the Minority Report.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I apologize for having questioned the Majority Ought to Pass Report of this committee, but there are a couple of things that I would like to know about this particular bill.

I understand there is another community in the State of Maine that has a one town school district. I also understand that the Town of Orono has legislation pending in the other body for a similar authority. I wonder if the Chairman of the Committee on Education, Senator Katz from Kennebec, might enlighten us and let us know why prior legislation was permitted to be enacted to authorize one town to form a school district, and why should we not permit this particular town to form a school district? And also perhaps he might use his clairvoyance and tell us what will happen to the Orono Bill. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Orono Bill has also been reported out eleven to two Ought Not to Pass with the same signatories. The Senator asked why previous legislatures have authorized single town districts, and the answer very clearly is political muscles and no other. Occasionally the legislature, in its capricious ways, will get somebody from Aroostook and somebody from Penobscot, each with single towns, and they will form a purely and simply political muscular alliance to try to pass a bill that really justification indicates should not pass. It happened last session, it happened the session before, and I hope it does not happen this time.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Create a School Administrative District in the Town of Madawaska."

A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the

affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

HOUSE REPORTS — from 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) Majority Report, Ought to Pass in New Draft under same title (H. P. 1258) (L. D. 1617) Minority Report, Ought Not to Pass.

Tabled — April 9, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either Report.

Mr. Moore of Cumberland moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: At this particular moment, at least I oppose the acceptance of the Ought Not to Pass Report of the Committee. This bill has to do with the water of Sebago Lake which is used for drinking water in the Portland Area, and has restrictions relative to activities near the in-take of the water supply.

There is such great growth in the Sebago Lake area that there are problems now and there will be greater problems in the future relative to the protection of the water supply. I certainly would hope that the Senate would not accept the Ought Not to Pass Report, but accept the Ought to Pass Report. I have hopes that if there is some real objection to the bill it could be cured and still do what is necessary. I would expect that we could do something about that.

I anticipate that the Cumberland County Legislative Delegation would meet this week sometime

and talk about this particular problem. I am attempting to get someone from the water district, preferably an elected official, to come up here and discuss the matter with us. I would just say that certainly for the moment I would object to the acceptance of the pending motion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was not aware that we were going to get anybody else up from the water district. We sure had a lot of them up here the day of the hearing. We had a good hearing on this. It lasted many hours, with both proponents and opponents of this bill.

There was nothing that the Portland Water District could bring out that could signify that there was any reason for this protection. They are opposed to multiple use of this area of the lake. Many biologists and men that are trained in this field have proved to us beyond any doubt that multiple use is not injurious to this water supply. The one thing that Mr. Mooney of the Water District brought out was the danger of LSD. Well, that was very far-fetched. These intakes are around 110-120 feet under water, and the idea that somebody could get down there and put LSD in it, when all they would have to do is go to the pumping station or the filter station, which isn't guarded, and put it in there anyway, that didn't hold much water.

We gave this a lot of consideration. We have held it in committee for six to eight weeks. There has been plenty of time to bring up anything they could come up with different from what they have. Throughout the nation it has been proven beyond any doubt that multiple use of these waters, that is, going over this area with a boat and fishing on it has no danger at all to the water.

In fact, the water supply at Sebago Lake in the last ten years has improved. That is hard to believe, with the development that is going on, but with the restrictions that they have on it, the

water is better today than it was ten years ago, and I have the reports here to prove it.

Of course everyone is talking about Frye Island. Frye Island is miles from this intake. It has no bearing on it whatsoever. If we want to correct Frye Island, let's not correct it by closing off the intakes.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would oppose the motion of Senator Moore. The situation, as he says, is certainly a separate one from Frye Island. However, here we do have very clearly the protection of the intake of the water system that serves the largest grown-up area in the State, and one which is extremely important to the state, and it is very important of course that it have a good water supply.

The Sebago Lake area is devoted to the multiple use theory, quite contrary to what Senator Moore has told you. Multiple use has been fostered by the people who run the Portland Water District. There is no question about this. This bill very simply says that there shall be no contamination of the water within eighteen hundred feet of the inlet to the Portland Water System. Considering the length of Sebago Lake and its breadth, its huge area, certainly eighteen hundred feet is not much to ask that people not throw their refuse into the water or do other acts to pollute it.

If there is a change necessary, perhaps it can be brought out. But I think here we should not turn down the bill, but keep it alive. If there is no reason to change it, it should be passed in its present form. So, I would hope that you would oppose the motion. I would request a division, Mr. President.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate Accept the Minority Ought Not to Pass Report of the Committee, on Bill, "An Act to Amend the Act to Prevent the

Pollution of the Waters of Sebago Lake."

As many Senators as are in favor of the motion of the Senator from Cumberland to accept 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. Seven Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion did not prevail.

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

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

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." (H. P. 911) (L. D. 1256) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing H-118.

Tabled — April 9, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Berry of Cumberland moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There are many bills which will come before you this session that contain features which are objectionable. As far as I am concerned, this bill should rate among the ten worst bills introduced at this session. I don't know whether it would be number one among the ten worst or number ten, but somewhere in that vicinity it should be.

Insofar as the punishment of a crime, we try to be even about

and fair about it. I can't take the time here to list all the reprehensible features of this bill. For example, suppose that your son and three or four of his friends were out in your automobile and, God forbid, but this does happen, your son smoked marijuana. They all, it seems to me, should be punished, seeing they are all smoking marijuana. But you would have the burden to come forward to the court and show that your son did not have permission to use your car and that you did not know that he was smoking marijuana; otherwise you would lose the automobile. The other four in the car would be punished as they ought to be punished, by jail sentence or by fine, and your son would too.

Take another example: suppose a fellow buys a very expensive car and it has been mortgaged and the mortgage has been recorded. He has no equity in the automobile at all, and he is using it for the transportation of narcotics. This would not be forfeited at all because the mortgage holder would be recorded and the mortgage holder, they would know who it was, would come forward and that would be that. No punishment at all.

Take another situation where the mortgage holder had forgot to record, and you had a very expensive car. The fellow who was using the car had no equity in the automobile whatsoever. The person who would be punished then would be the mortgage holder; he would lose the automobile. It would not matter as to what kind of vehicle it was, for example, as to whether it was an old wreck or a brand new car.

Now, it seems to me that the gravamen of a crime is not where you smoke. For example, if someone put in a bill that you ought to forfeit your house if your house is being used to smoke marijuana or is being used for drugs, we would all think of how patently absurd that suggestion would be.

There is a saying, Members of the Senate, that the law abhors forfeitures. The law abhors bills like this because it has such an

uneven effect upon the people that would pay the penalty. This is a dreadful bill. One of the things that I was tempted on the committee, before an amendment was put in - they have this "any means of transportation" - there is a rumor in town that some people bring marijuana into Presque Isle by airplane. In this case, if the pilot knew that marijuana was being smoked on the plane, I don't know what he would do with the fellow, whether he would throw him out or not, but the way the bill was originally drafted the airplane could be forfeited. Under that circumstance, with a good 707 jet going to the City of Presque Isle, it was some temptation, for example, to be in favor of the bill. I could go on and outline the absurdities of this particular bill almost ad infinitum. You notice the majority of the committee voted Ought Not to Pass. It is an old chestnut. It has been around here before, and it has been rejected. I hope that you reject it this time, and I would ask that when the vote is taken that it be taken by a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As Senator Harding from Aroostook says, this is a bill which was introduced before, and the dissertation with which he has regaled us, of course, is just exactly the one that he gave two years ago in these chambers. Only I noted with considerable interest this time the absence of his statement that we have no drug problem. This was his prime argument, as I recall it, two years ago, absolutely no drug problem here in the State of Maine.

At the time this was made, you may recall there was a vehicle which passed through the Augusta exit of the turnpike and was instrumental in delivering drugs to Cony High School. I think in the interim we have seen the drug problem, of course, increased; one of the terrible things that apparently we can do nothing about.

I think I accused the Senator from Aroostook, Senator Harding, two years ago of using this bill for political purposes because it was introduced at the behest of the Attorney General, who was considered a gubernatorial candidate in the other party from Senator Harding. Also in listening to his debate this morning I found little of factual information that he was giving us. I found that it is a reprehensible piece of legislation. I don't see it at all, of course. This is a useful tool to our law enforcement people. I think that we have got to be serious about doing what can be done in the matter of drug control. The forfeiture of vehicles for drug abuse and transportation that is proposed in this document, Mr. President and Members of the Senate, is exactly that which we have on the books now for the transportation illegally of liquor. And I ask you: is not the transportation of drugs equally serious? I hope you will support this motion.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am always so pleased to debate my good friend from Cumberland, Senator Berry. I know his friendship for me and so on, of how deeply he must have missed me last term. But, Senator Berry, I was not here the last term. The people in their wisdom in Aroostook County did not send me back, so I am afraid that it was not I who was debating the dreadful features of this bill last session; it must have been many others.

As far as the Senator's mention about the liquor forfeiture, the bill is so difficult, the law is so difficult, that it is practically never used. In my twenty-one years of practice, I have never seen a single motor vehicle forfeited under our liquor provisions because of all of these other matters which I have mentioned. I know there are some who suggest to me - this woman called me one time and she said, "Senator Harding, how many bad bills, dreadful bills, do you have on the books now, laws?" I said

they probably would run into the hundreds. She said, "Senator, just for me, wouldn't you pass this one more bad bill, because after all what harm could just one more bad bill do?" This is what we are talking about here. This has not been useful in the law enforcement; it has been an embarrassment. It does not control drugs, it does not help in any way. It is not asked for by the policemen, as such, in this state, or the judges and lawyers who work with it. It is a dreadful bill. And Senator Berry, although I wasn't here last year, had I been here last year I would have spoken about it. I am sure that others spoke even more eloquently against it than I did last year, and that is why it was rejected so overwhelmingly.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must eat humble crow on this, but in defense of my lapse of memory I must say that frequently when I look over at Senator Harding from Aroostook, I see standing in his shoes that eminent debater, the former Senator Beliveau of Oxford, with whom I engaged many, many times in joyful jousting. However, to return to the matter at hand, this is of course desired by the law enforcement people, quite contrary to Senator Harding's statement. Without further ado, I hope that you would support my motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate Accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics".

A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the

affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought Not to Pass Report of the Committee in concurrence?

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 Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 question before the Senate is whether the Senate should accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics". A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Bernard, Clifford, Conley, Danton, Graham, Harding, Johnson, Kellam, Levine, Marcotte, Martin, Minkowsky, Schulten, Shute, and Violette.

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

ABSENT: Senator Fortier.

The following were granted permission to change their vote from "Yea" to "Nay".

Senators: Anderson, Berry, Carswell, Chick, Dunn, Greeley, Quinn, and Wyman.

The PRESIDENT: There is a discrepancy in the vote, perhaps because of the many changes. The Secretary will call the roll once more. We have every Senator recorded that is present, but we only have twenty-nine added up. The pending question before the Senate is whether the Senate should accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." A "Yes" vote will be in favor of Accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President, could we have the names on the Ought to Pass and the Ought Not to Pass Reports of the Committee.

The PRESIDENT: The Secretary will give the report of the Committee.

The SECRETARY: The Ought to Pass as Amended by Committee Amendment "A" report is signed by Senator Tanous, Mr. Hewes, Mrs. Baker, Mrs. White, Mr. Page and Senator Quinn.

The Ought Not to Pass Report is signed by Senator Harding, Mr. Carrier, Mr. Lund, Mr. Orestis, Mr. Henley, Mrs. Wheeler, and Mr. Kelley.

The PRESIDENT: A "Yes" vote will be in favor of Accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have stayed out of the debate on this bill, but I feel at this time I should explain my position. I was on the Minority side, the Ought to Pass Report. You know two years ago, those that were here, I violently opposed this bill because of the many, many problems contained in the bill. We amended this bill to sort of answer some of my problems, to protect the mortgagees, at least, to give them a notice so that they can come to court, if necessary, to recoup their vehicles.

In the last two years I have seen the problems of drugs grow just out of proportion in the State of Maine. It is just unbearable and unbelievable to have seen the problem of drugs grow as much as it has. When you see children coming home from junior high and they talk about the drug problem in their own school in a little town like East Millinocket or Medway, you wonder where do we draw the line on this problem. When do we start really getting bills through that are going to have some teeth in them that might stop the flow of drugs into the State of Maine and stop this problem? Are we going to raise a complete generation of drug addicts, and are we going to stand by and permit it? Or are we going to try to enact some legislation that might help stop this flow of drugs in the State of Maine.

I agree with Senator Harding from Aroostook that this is probably a bad bill in every respect. But we do have a very, very serious problem in the State of Maine. I don't think any of you can deny that, in this drug field. Maybe we should pass some laws that would try to stop the flow of drugs in the state, and in our schools. Granted, it may not be the best type of bill that we can come up with, but again I think it compensates for the problem that we have, and maybe we should go along with the Minority Report and enact this bill. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I didn't expect to talk about this item. I am the father of four children, and I have talked to them about drug abuse. I feel we have a problem in the State of Maine and we should solve it. But by passing this legislation I think we are fooling ourselves. We are passing an unworkable bill, and we will go out and tell the people sure we have done something about it. Instead of passing this legislation, we should concentrate on educating our children as to the bad effects of the drug, instead of passing this legislation and feeling we have

done our duty when we know it is not going to work. So, I would urge you people to defeat this measure.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Just a brief comment on the remarks of the Senator from Penobscot, Senator Tanous. The fact of the matter is that there is no way that this bill can be written, or any bill can be written so the mortgagee will be protected, because in this case you have to know where the individual is residing, what town, the owner of the vehicle, where he was residing at the time he purchased the vehicle. This would require a search of all the records for the entire State of Maine, in order to determine this fact, over a great many years. So, it isn't practical and you wouldn't know.

One thing that bothers me greatly is for some to suggest that they are in favor of law and order, and that others here, because they oppose unworkable legislation, somehow are against law and order. I believe that all the members of this Senate know that I am the father of nine children and that it troubles me, it grieves me as it could grieve nobody else, the drug problem which we have in the State of Maine. I live in fear of it as much or more than anybody here lives in fear of it, but it does not help that problem to pass deceitful legislation like this which will not help in any degree. This legislation punishes somebody other than the offender and that never helps one single bit.

It is known here that the drug traffic in the State of Maine, as far as the young people are concerned, it is the young which is infested with it, and they don't own vehicles; they usually borrow vehicles or they are mortgaged vehicles. If you are going to punish them, the thing to do is to put them in jail, to put them in a reformatory, or what have you. Taking their father's vehicle away from them and forfeiting it, or taking the bank's vehicle is not going to help one single bit. So, let's bite

the bullet and try to do what will be effective, and not try to pass something like this that will deceive the people of Maine and think that we are doing something. This is a dreadful piece of legislation and no lawyer can get up here and stand and defend it that it is fair and that it will help the people of Maine.

The motion pending now is, I believe, whether or not we will accept the Majority Ought Not to Pass Report of the Committee. I would hope that you would vote to accept the Majority Ought Not to Pass Report of the Committee and vote "Yes".

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is whether the Senate will accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics". A roll call has been ordered.

The Secretary will call the roll.

A Second roll call being taken, the vote was recorded as previously indicated. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with one being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass as Amended Report of the Committee?

The Chair will order a division. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled — April 9, 1971 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

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

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

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)

Tabled — April 9, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Violette of Aroostook presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-77, was Read.

The PRESIDENT: The Senator has the floor.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with some degree of reluctance that I offer this amendment. Not reluctance in offering it, but I guess it is not with a great deal of pleasure that I want to amend the current services budget, and I don't do this as a criticism of the work of the Appropriations Committee. I think by and large with the budget that they have worked on they have done a pretty good job. But I think that there are changes in this budget which I feel ought to be restored, and the amendment I propose for the Senate to adopt this morning is for the purpose of restoring some items that were deleted from the budget and making other changes which I feel are very, very important and essential. They don't involve a lot of money, but I think they do involve senses of direction which we ought to consider very, very seriously.



The No. 1 item I want to take up is with regard to the Economic Development Department. Now, I suppose that is not a very popular topic to bring up in this Senate, because this is a department which for some reason or other has generated certain amounts of publicity and flak in the legislative halls. Now, it is not my intention here to at all get involved in the matter of personalities or what somebody says in the press or what somebody else doesn't say in the press with regard to criticism on behalf of DED or against it, but I think there were changes made in the budget for the Economic Development Department which I think, hopefully, would be considered and restored.

The bill, as we have it, makes two deletions, or a part of two deletions. The one which is most important, I think, is the removal of a major part of the planning division of the department. This removes the economist, it removes stenographic help, an illustrator, and then two other contract services which the department has had in the past. It removes actually five posts from this department and, in effect, I think, just about kills the department as a planning department.

I happen to feel very strongly that an economist is an integral part and a major part of a bureau or department of economic development. Before an economist was ever allowed in the department I talked in favor of having an economist. I feel an economist belongs in the Department of Economic Development. I think that if we are really going to give the very best assistance to industrial planning for the projects, and as to long-range directions which the state should take with regard to industrial development, I think the economist is the key man. In fact, sometimes I think he might even be as important or more important than the Commissioner himself because he is the one who can really do the basic spade work to develop projects, to project their growth, to protect their needs and to protect the direction that ought to be taken with regards to any industry.

Also the removal of two contract services from this division, I think, is harmful to the department. One of these contract people right now happens to be assigned to a potato processing project that is now being worked on in the St. John Valley. Here again it is something that is essentially needed, I think, for the State, for the County of Aroostook and most certainly for the area that I happen to come from. Now, that doesn't mean it has got to be restored because we happen to have one of these people assigned to this project. We have been working for years to have a potato processing plant in the Valley, and one of these people is assigned to this project and, hopefully, sometime or other one is going to be landed. But the service this person gives is very, very important to whether or not we may land the location of this industry in the St. John Valley.

I think, Mr. President and Members of the Senate, that the restoring of the planning division with the economist and other services is a very major key to the ability of the Department of Economic Development to do the job that it ought to do. It seems to me at this time in this day and age, particularly today where we see a major recession going on in the country, where we see in the State of Maine where we have close to 8% of our people unemployed right now — I think the last figures were that 32,000 of our Maine workers were unemployed. It seems to me that now would not be the time to reduce the ability and efficiency of this department, but to keep working to produce, hopefully, more and better jobs for our state. I just feel very, very strongly on this. I have had my difficulties and I have had my differences with some people in that department, and sometimes I don't always agree with them, but I do feel very, very strongly that we ought not to be further cutting the personnel of the department and prevent it from doing the best job that it should do. Some of us feel that it ought not to be working in some certain areas of industry,

and I know some people have expressed some feelings that the Department of Economic Development ought not to be engaging itself, for instance, in the oil promotion. Well, I think there are ways of working that out without, in a sense, reducing the personnel in the department and reducing its efficiency to do the job it should do. And I would hope that the Senate would go along and restore these people. What this amendment does that I have is that it would restore in whole this planning division.

There is another part to this which removes the division of science, technology and mineral resources from the Department of Economic Development and transfers it to the Forestry Department. I don't know why it belongs in Forestry any more than it belongs in the Department of Economic Development, frankly. I don't know what it is going to do there any better, or if it is going to do the job any better than it now is being done. I just don't know why the transfer is being made frankly, and I think it ought to be left where it is now until at least — I think there is a good argument for perhaps having this department in the Natural Resource Department — but until that happens I feel it ought to be left where it is.

So the part of the amendment with regard to the Economic Development Department would restore the services removed from the planning division, their personnel removed from the planning division, and would leave the science, technology and mineral resources division in Natural Resources.

I always have to look and answer the question: Will the result of these changes give us a better department? I submit to you that it will not. And that ought to be the test of what we do with regard to any department. Will it improve it or will it not improve it? I submit to you that the reductions made by the present current services budget we have before us does not improve the ability of the department to do the best job that

it can. That is the reason why I submit that part of the amendment.

The other part of the amendment has to do with Indian Affairs. And what, in effect, this amendment does is restore the money which will allow a Deputy Commissioner. I think that the Deputy Commissioner is an important part of that department. I think for many, many years, I know we in the State of Maine, as indeed the whole nation itself, have struggled with how to do the best job that we can with regard to our Indian population. To date we have been groping for that solution, and we have made a major investment in Maine and I think we have made major efforts in Maine to try to create a good Department of Indian Affairs. I think that restoring the Deputy Commissioner will be a step in the right direction. I think that the Commissioner himself cannot handle the job, and while that position is not now filled, I think it ought to be filled and it will result in a better department.

The next item is something which I am advised we left out of the current services budget as it was submitted by the Governor, left out in error. Where last year in special session the legislature voted to provide for our state employees and our retired employees the state paying one-half of the health and medical expense insurance program, now the state pays one-half and the employees or retirees pay one-half. Now I am advised that there are about 1,000 retired state employees who do not now receive the benefit of that coverage, and the restoring of \$65,000 per year in the biennium would allow the coverage of those 1,000 state retirees. Unless I am not properly informed, this is the reason why the amendment is being presented.

The last and final item in this amendment, Mr. President and Members of the Senate, deals with the University of Maine. Now this does not change any funds at all. As unhappy as some people may be with regard to the removal of funds from the way it was presented by the Governor, I take no

strong issue with the Appropriations Committee for that. They are the ones who have had to work out this money and, as we say, the financial picture is tough and I guess they have to face that problem as all other departments do. So I make no case here strongly for the restoration of funds removed by the Committee from the University of Maine budget. But I do very, very strongly feel that any language with regard to the freezing of the enrollment at the University of Maine ought to be removed from the current services budget.

Now, within the context and with the money that we provide the University of Maine, I think the message from this legislature ought to be that they will do the best job in educating the greatest number of our Maine students. That is what I think ought to be the message, and this is what ought to be done by the University of Maine. I personally would not want to stand here and vote and tell the University of Maine trustees that this is the money we allocate to you for the next biennium, we want you to use that money, but we don't want you to admit any more students. This, in effect, would be telling them in a sense that they are not going to use it to do the best possible job for admitting the best and the highest number of Maine students. What I think the University ought to do, consistent with good education, is view all their programs and find out where they can make adjustments and find out where they can secure additional funds but, at the very most, they ought to allow as many students as they can with the money that they have available consistent with good education. This ought to be the message which would come from this legislature to the board of trustees and to the Chancellor of the University of Maine. And this amendment which I propose, in this part of it, Mr. President and Members of the Senate, does just that.

Now, I know that there undoubtedly may be serious reservations with regard to opening up this budget to amendments, but

I feel that these are important enough that the amendment ought to be accepted and its changes reflected in our current services budget, and I hope that the Senate would accept this amendment. I ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I rise to oppose this amendment. The main point in contention here is the first item removing eight positions from the Department of Economic Development, and what it boils down to is that five of these are from the science and technology, mineral resources and geology departments. It is my understanding that the Governor and everyone concerned have pretty much agreed that they should go into Natural Resources, if there is a reorganization, and they would be in with Forestry and the Natural Resources group, so this seemed a logical place for them, much more logical than being under DED. That accounts for five of the eight positions that are lost by this department. The other three are out of the planning department of DED. Now, we have a State Planning Department that has seven employees, and the department in Economic Development had eight, plus an unclassified one. It seemed to us that the State Planning Commission would be the principal planning group in the state. They plan statewide. And it was my thinking, and I am sure that of the majority of the Committee, that in the case of the economist, he belonged with the State Planning Commission rather than with the planning department in DED. Every department in the state has to have a certain amount of planning, but it seemed that the major emphasis should be placed with the State Planning Commission's office.

So we did remove a clerk-stenographer, an illustrator, research intern who was a temporary employee, and an economist. And we gave two more positions to the State Planning

Office, thinking that they might pick up this economist if they wanted to; it was up to them.

Somehow this department has about three-quarters of a million dollars a year. They will have thirty employees. And we felt that the emphasis from the State Planning Office would be to the advantage of the state all over. Now, the DED has money enough to hire studies on any projects that they would want to make studies on, any large studies. They can contract for this.

The geology department, as I have said, we suggested putting it under Forestry because normally it should be aimed in that direction.

I would hope you wouldn't go along with this amendment. We feel that this was right. We also know that we have two more bills coming out, if there has to be a change. There is the Part II, and there is always a wrap-up bill.

As far as going down through on the Indian Affairs part of the bill, the position is vacant for a Deputy Commissioner, and we felt that the department could very well do its job without a deputy in there.

On the next part, the group health insurance, there is money in the Part II budget for additional funds. What was actually spent last year, the '69-'70 year, was \$17,500 under the group insurance, and the actual this year is \$25,500. This is what they asked for, this is what the Governor recommended, and this is what we have in the document in front of us. But they have asked in Part II of the budget for more funds.

The rest of it, the wording on the University of Maine, that came as a surprise to me. I thought of this when we were talking in Committee as putting a ceiling on so that the next time we came back there wouldn't be a built-in increase of millions of dollars. Someone else was afraid they would take money from this fund and increase salaries, and reduce the number of students taken. But this can be taken care of later if it is necessary.

I hope that you wouldn't go along with this amendment. I think we

should leave the budget as it is, and make any changes that have to be made later on.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to make just a couple of comments relative to that section of the amendment regarding the University of Maine. I had previously prepared an amendment in this regard and have made some comments to the individual legislators about it.

I feel that the placing of this language in the bill impairs the bill considerably. It reflects upon the thought processes of the members of the Committee, and I feel it is an unfavorable action all the way around. I concur with what Senator Violette has said about it. I feel it is very unfortunate that this language was put in there. It saves no money for the state. It dictates to this agency matters which we really should not be dictating as to. I feel that if there is a level of expenditure placed upon the University, that that is well within the province of the legislature, but we should leave it to the University itself to determine what the enrollment may be. I really feel that, through judicious use of the available funds, there may be some increase in students without any further cost to the state.

I think this should be left up to the trustees. As I say, I think it is unfortunate that it was put in the bill, and I would support the amendment as presented, as I say, speaking primarily to this particular area.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to oppose the adoption of the prepared amendment. I would hope that this budget document would not be opened up. This is the result of three months' work and we had a unanimous committee report on the Part I Budget.

Admittedly, there are some possible changes that could be made

in it. I think there are changes in many areas of this document that one person or another would like to see changed, but I hope the Senate would agree that in arriving at a figure such as we have arrived at, three hundred seventy-one and a half million dollars, which is within our estimated revenues, that certainly some toes had to be tread upon, and possibly some mistakes were made. But by and large we tried to do a fair and equitable job with the various departments throughout the state.

There will be other vehicles, as the good Senator from Oxford, Senator Dunn, has suggested. There will be a Part II Budget. It may be small in stature but, nevertheless, it will be a document which could reflect some of these changes if they, in the wisdom of this legislature, were thought necessary. There will be an errors and omissions, so-called omnibus bill, that will be coming along in a few months or a few weeks, hopefully weeks.

As far as the University of Maine is concerned, we were told repeatedly by those testifying before us that if we didn't increase the Governor's suggested budget for the University, which was in the amount of \$54,000,000 in Part I for the biennium, that it would be impossible to take any additional students at the University. So the Committee felt that the language which we wrote into the bill was not as sinister as some people would like to have us believe. I will read it to the Senate. It is a short paragraph, and it says this: "The University of Maine appropriation as herein provided for reflects a legislative determination that average student enrollment during the 1971-'72 and '72-'73 years will be as near as may be to the average enrollment systemwide during the 1970-'71 college year."

Now, there are those who would say that since the class that will graduate, the senior class, is smaller, due to attrition, than the freshman class that in effect we are reducing the size of the University of Maine. Certainly this isn't so. That is neither our intent nor, I think, an in fact proposition.

With the number of students the University has, which is in the order of 16,000 full-time students, certainly statistical analysis of the freshman class, of the size that it is and will be, would indicate to the admissions people how many people they can admit and how many they will expect to be graduating four years after that, so that they can determine within reason what is meant by average student enrollment.

It was not the intent of the Committee to seriously tie the hands of the trustees of the University, in whom we have tremendous confidence. But we do have, in effect, a ratchet situation at the University, as we do in other large operations. By that I mean that if you admit more students, then a year or two hence you have to have more buildings to house the students, you have to have more dining halls to feed the students, and then you have to have more professors to teach the students. So the thing just keeps increasing. And we felt with this language that we could to a degree hold the University within a reasonable rate of growth for the next two years, and let them regroup and entrench the tremendous advances that they have made in the last five to ten years.

So I would oppose the motion of Senator Violette to adopt this amendment. I would hope to see this budget document survive intact. And Mr. President, when the vote is taken, I would request the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Every time I feel overworked I walk by the Appropriations Committee door and see them working long after I am ready to go home, and I have a great respect for the care and thought they have put into this. But I think with respect to the restrictive language on the University of Maine they are unnecessarily creating a controversy that I don't think they intend.

It is not a question, as the Senator from Penobscot, Senator Sewall, says, of keeping the gains that we have made and permitting the University to gather its resources together for a couple of years. I think that this phrase, which really doesn't accomplish anything, has a potential amount of mischief in it. For example, there are in the State of Maine youngsters who have gone to two-year terminal institutions, junior colleges, with the reasonable expectation that upon completion of their work they would have the ability and opportunity to transfer into the University of Maine. This restrictive language is going to make it very, very tough.

I constantly get mail from motivated youngsters who have been working summers, saving for education, who want the opportunity now, like their older brothers and sisters have had, to go to the University, and I think unnecessarily this very clearly slams the door in their face. Either the University will have the choice of hedging on what is a reasonable increase in numbers or they are going to lock the door pretty tightly. And the fact that the senior class is substantially smaller than the freshman class very clearly indicates that you are going to reduce our ability to take in the same number of youngsters in September that we took in last September.

I think we are very fortunate in having a system where the University is more or less master of its own destiny after the appropriation is made. And I disagree very substantially with the use of the resources we are giving that the University is making. The \$52 million that I think this current services budget has in it for the University of Maine, I think, is not being used to the optimum to give the greatest number of opportunities. But within this context I would urge the Senate, and I would urge the members of the Appropriations Committee, not to restrict us on a very, very deep philosophical point. If, as the Appropriations people say, that this is not going to be terribly restrictive, and they don't mean any

harm by it, I would ask you not to put us on the spot by trying to shove it down our throat. I don't question the amount of the appropriation, but I cannot in conscience vote for this restrictive phrase which I deeply believe is going to create mischief, without saving any money.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I have one further comment. At one of the hearings, when it was evident to some of the people from the University that it was quite likely that the funds would be held down to somewhere near this level, this language was suggested from the University people.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: If I were perhaps a part of the University system I might very well want this language, and some of them do want this language, in the legislation because then they can say to a young boy or young girl from Maine who wants to enter, "Well, we are very sorry. We can't admit you because the legislature has told us to hold down the enrollment." Let them assume their own responsibilities with the money that we give them.

The PRESIDENT: Is the Senate now ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to 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." 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 pending question before the Senate is the adoption of Senate Amendment "B" to Legislative Document 1577. A "Yes" vote will be in favor of adoption of Senate Amendment "B"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Danton, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky and Violette.

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

ABSENT — Senators Bernard and Fortier.

Senator Danton was granted permission to change his vote from "Nay" to "Yea".

A roll call was had. Eight Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, with two Senators absent, Senate Amendment "B" failed of Adoption.

Mr. Kellam of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-65, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This amendment effectuates the matter which I discussed previously in relation to the other proposed amendment. I am sure that by looking at it you can see that this has certainly got to hold the record as being the least offensive amendment ever requested as to an appropriations bill.

I would hope that the Senate would go along with this particular matter since the Appropriations Committee members themselves have seemed to have admitted in the previous discussion that they see no objection to striking this particular paragraph from the bill.

I will not repeat myself, any more than I usually do at least, to the effect that I do feel it is very inappropriate for the Senate to pass the bill as it is. I think it does not reflect to the credit of the

legislature. By not taking out this particular dictum which would require the stabilizing of the enrollment, or seem to require the stabilizing of enrollment, I think it is very, very poor judgment. I think it also seems to prejudge the situation relative to the University of Maine insofar as any further requests are concerned, and I feel that during the Part I Budget it is not appropriate for a particular segment of that budget to be completely excluded from any further consideration during the session.

As I have said, my requested amendment will not alter the dollar amounts, it does not affect the level of spending of the University, it doesn't affect any of these things that the Appropriations Committee have recommended; it merely takes out a paragraph which I feel is very poor language indeed and which I do not want to be a part of having placed into the law.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I don't want to be redundant in my debate with the good Senator from Cumberland, Senator Kellam.

This area, of course, is what we discussed a few minutes ago, having to do with the University. I would again suggest to the Senate that there will be other vehicles coming along in a few weeks, and if in the judgment of this legislature this language is not acceptable then I would suggest that one of these next two vehicles could accommodate the good Senator from Cumberland. So I would hope that the motion would not prevail and that the Senate would not vote to open up the Part I Budget.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It seems to me if the Appropriations Committee has no objection to the removal of this language that they should possibly step down with the rest of us just a little bit and allow the amendment to go on.

I fail to see where there is anything particularly sacred about the considerations of the Appropriations Committee. I appreciate the fact that they do work hard. They have got a lengthy bill and they have put in a lot of hours. But sometimes things could come out just a bit different than they want them to. And as far as waiting for some other bill to come down the pike to take care of a problem which is before us right now it seems to me to be very, very unreasonable.

I just don't feel that there is any reason why, by the fact that the Appropriations Committee comes out with a draft of a bill, that it has to stay that way without the removal of a comma, punctuation or anything else. It almost strikes me that if we were for some reason or other to have some unfortunate misspelling in a bill from the Appropriations Committee, which would place upon the laws of this state some language which not only would be offensive to me but be very offensive to everybody, due to typographical errors, it almost seems that possibly the Appropriations Committee would object to correcting that particular mistake. It just seems very unreasonable. I think that this amendment can do no harm. I would like to have it added to the bill, and I would ask for a roll call when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: It is extremely difficult for me to get up and vote against a motion or an amendment presented by the very good Senator and very good friend of mine from Aroostook, Senator Violette, but as the Chairman of the Appropriations Committee stated, we have been locked up in the attic on the fourth floor here now for a good many months and, as anyone who has served on the Appropriations Committee knows extremely well, it is not a relatively very easy job.

I would concur too with the statements expressed by the good Senator from Cumberland, Senator Kellam, that there isn't a document that comes from any committee that we consider sacred. I think the good Senator from Presque Isle, Senator Harding, debated this morning very much at length what just about everybody here termed a bad bill and possibly could never be made a good bill.

The Part I Budget, which is \$371 million, is very lengthy in character and certainly I suppose if we sent ten different people upstairs this morning to go through the budget they would probably come up with different figures and probably different recommendations. We have only done as a committee the best job we felt we could do. We knew it was going to be subject to scrutiny, that there would be probably some people offended by some of the cuts that were made, perhaps by the changes in the language such as the amendment before us relative to the University of Maine.

I think it is only fair too that the Senate should know that one day last week, it was Thursday of last week, immediately following the session, we spent the entire afternoon, in fact, up to about quarter of 6:00 that evening, discussing a proposed amendment for the Part I Budget. The fact is perhaps the longer length of time we spent in discussion, not only with the Appropriations Committee but with other interested parties, perhaps the length of time led to the fault of not being able to get together to get a committee amendment on Part I. That amendment would have taken care of, I think, ninety per cent of the objections of all parties concerned.

I would say, as one member of the Appropriations Committee, in discussion in executive session of the Appropriations Committee, although I have reservations on some of the things in question, some of these areas, and some of the other gentlemen on the Appropriations Committee share those objections, I think there is an excellent opportunity that the Appropriations Committee will sit



down and will iron out these problems and will report back to both houses an amendment or in a new bill something that will at least satisfy, I think, a great number of people. Therefore, being a signer of the unanimous Ought to Pass Report of the Appropriations Committee, I shall vote with the Committee and hope that we can remove these objections in another bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am perplexed. If it is the will of the Senate that this offensive language be removed, why isn't it removed in the vehicle that carries it? Why are we asked to wait until some other vehicle comes along?

My big hang-up about this - and this is why I am going to very cheerfully vote for this amendment - my big hang-up is that I am very critical of the tuition practices of the University of Maine. We give what amounts to a \$1,600 a year scholarship to every young student who goes to the University of Maine, without any regard to whether he needs it or not. We have what amounts to a \$50,000,000 a biennium scholarship program without any regard to need.

Now, let us presume that the trustees of the University take a new look at the whole structure of tuition and they find out that without any further recourse to the Maine taxpayer they can educate a thousand more Maine kids in the next biennium. Believe me, this language may not be rigid, but it is too rigid to permit them to take in an extra thousand students. I would like to give the trustees the right to review tuition practices, to review the utilization of current resources, and I am absolutely confident, whether it is during this biennium or a subsequent biennium, that the trustees are going to take a different attitude toward the utilization of our present resources. Consequently, I will vote for the amendment.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As a former member of the Appropriations Committee, I can agree with a couple of things that have been said here. This Committee does put in a lot of time, a lot of effort, a lot of study and a lot of devotion. But I would also tell you this: that if there is any one bill that deserves not to be treated sacredly it is this bill, because the Appropriations Committee with its ten members and its very limited staff, in the very limited time that it has only had the opportunity to give these things a very cursory examination.

This is one of the great weaknesses of our legislative system, that this Appropriations Committee, with the immense responsibilities that it has, that it does not have the staff and the opportunity to examine these things and consider them more thoroughly. So this bill should be no more sacred than any bill of any committee that anybody else here serves on.

Now, the fact of the matter is that we have some very unfortunate language in this bill which I believe, if the Appropriations Committee were to have a chance to reconsider it, if it were before them again, I doubt very much that it would ever appear there. I find it so difficult to follow the reasoning here, that everyone will agree practically that this is bad language, but we can take it out later. I mean, this is what has been said. Well, we are going to be very busy here. We are already behind schedule. This thing is before us now, and we will never have a better chance to remove the offensive language. So, if it is offensive, let's change it now instead of trying to keep track of another bill that will come along whereby we can put it in, because we may very well forget it.

I think that the legislature, when it takes upon itself the responsibility to tell the trustees what the enrollment will be, I think it is a very heavy burden. Now, you folks, when you go home, some people in your area will receive

a letter from the trustees of the University saying that we cannot accept you because it has been a policy of the legislature that enrollment is to be limited. So you will then be taking on this burden. I think it is a very unfair burden, it is uncalled for. I think the bill is before us now, we ought to act responsibly and remove this language which ought not to have been there in the first place. So I hope you will support the amendment which the good Senator from Cumberland, Senator Kellam, has presented.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I worked right from January all through the session trying to get some improvements for the Augusta State Hospital. It was promised on the Senate floor that there was money in the appropriations bill for an administrator of the Augusta State Hospital and some other positions. Now, I am taking the word of the Appropriations Committee, which I know has worked many, many late hours, and I just will not challenge them on this point. If they say that an amendment can be made on another bill, or that the amendment that we wish can be placed on another bill, then I am going to take their word. And I think there is no sense in wasting many, many long hours opening the bill up and closing it, opening it up and closing it. We have many, many important things coming before us yet and, as I said before, I worked many, many months trying to get improvements at our State Hospital, and I will take the word of the Appropriations Committee that this will come through in another bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Bill, "An Act to Appropriate Money for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." A roll call has been request-

ed. Under the constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted? Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the adoption of Senate Amendment "A" to Legislative Document 1577, 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." A "Yes" vote will be in favor of the adoption of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators Bernard, Clifford, Danton, Graham, Harding, Katz, Kellam, Marcotte, Martin, Minkowsky, Shute, and Violette.

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

ABSENT: Senator Fortier.

A roll call was had. Twelve Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator being absent, Senate Amendment "A" failed of Adoption.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 9, 1971 by Senator Hoffses of Knox.

Pending — Enactment.

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 tenth tabled and specially assigned matter:

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

Tabled — April 9, 1971 by Senator Moore of Cumberland.

Pending — Adoption of Senate Amendment "B" — Filing S-71.

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

Mr. LEVINE of Kennebec: Mr. President, I move that Senate Amendment "B" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that Senate Amendment "B" be indefinitely postponed.

The Senator has the floor.

Mr. LEVINE: Mr. President and Members of the Senate: I am not an attorney, but reading this amendment, I don't know if they are trying to make a joke of the enforcement agencies or a joke of our laws. It says here that if any dogs make any noise or do anything wrong you can call a police officer. I think we have laws now in the State of Maine that if anybody disturbs the peace, whether it is a dog or any animal, you have got a right to call a police officer, so I don't see any need for this amendment. I think this amendment is designed to kill this measure.

We have a great problem in the State of Maine now with rabies, and I hope that we don't have any people that get rabies. If we adopt this amendment, there is a chance that we might bring it on us, and I would like this body to vote to kill this amendment.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would first of all ask for a division on the Senator's motion. Naturally, when there is any kind of a disturbance in a community on the part of any individual or by a dog a person has the right to call the police.

I submit there are many facets in this proposed dog law, L. D. 359, that are offensive to people

who live outside of built-up areas, and since this bill has been moving along its legislative course I have had many calls from people in the country who do have serious objections to it.

There is no question that there is a need to control dogs when they run at large, raising havoc and creating destruction to both property and wildlife and to livestock populations. L. D. 359 proposes to control the movement of every dog in the state at all times, unless being used for hunting purposes.

As written, this bill would require both the city dog and the country dog to be restrained. There is a definite need to restrict the free movement of canines in built-up areas, where people are crowded enough as it is, but the country dog is another matter, and there are hundreds of them scattered throughout Maine. Many on farms, where they perform vital chores such as herding sheep and cattle. And I had a call from a lady in North New Portland the other day telling me that her dog was providing a vital service to their family in doing just this, and that if this bill were passed they would lose the services of their dog.

The fact can't be denied that one of the biggest problem areas involving dogs is in the country, and I am not denying the fact by pointing out that there are already laws on the books prohibiting dogs running at large during the dangerous winter months for deer. And there are other statutes aimed at protecting livestock and people from ill-mannered dogs roaming at large.

My amendment would allow the country dog to roam at large, except as otherwise provided by law. He will be given a chance and, unless he misbehaves, he could continue to explore the wildlands around his home.

We know of one such country dog, a beagle, who lives not far away. His name is "Snoopy", you have seen him in the comics on Sundays. And he says that he is the head beagle of "Peanuts" comic strip fame. Now Snoopy is licensed and he is vaccinated

against rabies. He comes home every night, although he does like to spend a good deal of time over the ridge in pursuit of rabbits or female companionship. Snoopy's master keeps pretty good track of his whereabouts, and makes sure that he is restrained during the deer danger months. If L. D. 359 is enacted as it is now written, Snoopy will be forced to stay at home, without the benefit of rabbits or companionship. He says his only alternative is to have his master's wife knit a sweater for him on which the words are written "I am hunting", written on both sides of the sweater. Then he expects the warden will lock him up for either hunting out of season or hunting without a license. I hope the motion for indefinite postponement of this amendment does not prevail.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I agree with the good Senator from Kennebec, Senator Levine, and I want to bring this out because I think it is the first time in two years that I have voted with him. He is always accusing me that I won't. I feel kind of bad for Snoopy, but not bad enough so that I am going to support this amendment of Senator Shute's from Franklin. I think it would destroy the bill; he is exempting the rural areas where we certainly do have a problem. I think that the bill is aimed at the rural areas, certainly as much as

the urban and compact sections. I would hope that you indefinitely postpone this amendment.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Senate Amendment "B" to Bill, "An Act Relating to the Control of Dogs", be indefinitely postponed.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Levine, that Senate Amendment "B" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

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

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

Tabled — April 9, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.