

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 15, 1971

Senate called to order by the President.

Prayer by the Rev. Douglas M. Morrill of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act to Create a School Administrative District in the Town of Madawaska." (H. P. 641) (L. D. 871)

In the House March 31, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate April 13, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that body having Insisted.

Mr. Berry of Cumberland then moved that the Senate Adhere.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Cumberland, Senator Berry, and I would hope that the Senate would defeat the motion and then go on to recede and concur with the other branch.

In opposition to the motion, I guess that this is a situation which would be to create a school administrative district in Madawaska and which, in effect, is the creation of a single municipal district. I guess there are some good differences of opinion as to whether or not this is good or bad.

I guess down through the years there has been no one who has fought harder for the creation of the school district law and has fought just as hard to maintain it as the years have gone by in the Senate and out of the legislature. I do think, however, that there are circumstances where the formation of a single municipal district ought to be approved, and I don't think we should set a hard and fast rule that at no time should we not allow the formation of a

single municipal district. I think Madawaska is a case in point where, hopefully, this would be allowed.

I think Madawaska finds itself in a situation where all the communities surrounding it have organized into districts, there are districts all around it. I know that there were some attempts to create a district with District 34 over the past year, which was Frenchville and St. Agathe, but all the municipalities involved rejected that. Both Madawaska and the districts around it have fully completed construction programs. Madawaska's own building needs run to 1985, I am advised by the school board, and so they are not trying to get into a district in order to generate that much more money for the community. In fact, they are over-built at this point and have plenty of room.

A very, very valid argument has been given to me by their school board where they feel the creation of a district would certainly allow the consideration of their educational matters under a district form, where instead of just being one article out of 35 or 40 articles in the town warrant, and trying to rush through consideration of a budget exceeding a million dollars in the hurly-burly of a town meeting, where I think the formation of a district would allow, in their feeling, a much more orderly consideration of school matters. This is probably one of the basic reasons why they would like to see the formation of a district.

I would hope that the Senate would feel that this a case which has enough merit to allow the formation of the district and, Mr. President and Members of the Senate, when the vote is taken on the present motion to adhere, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If a division has not already been requested, and I guess it has, I would now request one.

I would also like to mention that the motion to adhere is a very

rare one used in these bodies, and I have seen it used in both bodies more this time than all the rest of my experience in the Senate put together. I think this is very undesirable and that this can create a lot of problems for us, because we have one branch saying we are going to adhere and we are not even going to listen to what the other branch says. This is very bad. So I would hope that you would vote against my good friend, the Senator from Cumberland, Senator Berry, if for no other reason than this is a very bad precedent. And I never recall an education bill where we have adhered and took that position. This will get us into a lot of trouble if we start this kind of thing.

I would also like to mention about Madawaska, it is not in my district and I have nothing at stake here as such, but I speak on this as I have for Pownal, for example, when they wanted a single member district, but Madawaska is bounded on the North by Canada, they are bounded on the east by Grand Isle, which is already in an SAD with Van Buren, it is bounded on the south by Long Lake, and it is bounded on the west by SAD 33, which consists of two towns, Frenchville and St. Agathe. Now, they have already had a vote on this, and SAD 33 rejected the idea of uniting with Madawaska by 187 to 18. Another reason why this is just unworkable for Madawaska to unite with SAD 33 is that if they united Madawaska would have 92 per cent of the cost, and they would have 56 percent of the students. It is just an unworkable situation.

Now, I don't think that here in Augusta we can mandate and say you will do this and you will not do something else, and try to command these towns as to what they will do. If you were to use the standards which are usually used as to what an SAD would be, Madawaska meets the standards in that it is a realistic thing, economical, and it is efficient. The high school would have students of 600 members, and the junior high school complex would have 900. So, I would ask you, with all due respect, to oppose the motion

that has been made to adhere, because this is not a customary thing to do, especially on an education bill.

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 adhere on Bill, "An Act to Create a School Administrative District in the Town of Madawaska," Legislative Document 871. A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate adhere will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Senate voted to Recede and Concur.

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

Mr. KATZ of Kennebec: Mr., President, for the purpose of making a motion that we insist and request a committee of conference, I move that the Senate reconsider its action of a moment ago.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby the Senate receded and concurred. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose the motion and hope that it would not prevail. And I would hope that the Senate thereafter would accept my motion to recede and concur. I would request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, there were some rather interesting statements made in connection with this L.D. in the

previous debate. I recall, if I am correct in my memory, that there were words like "political muscle" and "pressure", things like that. These are rather interesting charges to be made. I think perhaps everybody should go on record, and I would request a roll call on this motion.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it receded and concurred with the House on Bill, "An Act to Create a School Administrative District in the Town of Madawaska." 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 motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it receded and concurred with the House on Bill, "An Act to Create a School Administrative District in the Town of Madawaska." A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Chick, Dunn, Greeley, Hoffses, Katz, Moore, Schulten, Sewall, Wyman and President MacLeod.

NAYS: Senators Anderson, Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Hichens, Johnson, Kellam, Levine, Marcotte, Martin, Minkowsky, Peabody, Quinn, Shute, Tanous and Violette.

A roll call was had. Eleven Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion to Reconsider did not prevail.

Joint Order

WHEREAS, the dance band of Foxcroft Academy recently com-

peted in the Northeastern Stage Band Festival at Boston, Massachusetts; and

WHEREAS, the Foxcroft Academy Band was awarded first place in its division among some 51 bands from the northeastern states and Canada; and

WHEREAS, out of all these musicians 20 were selected for an all-star band, 2 of whom represented Foxcroft Academy; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 105th Maine Legislature extend to the entire membership of the Foxcroft Academy Dance Band, its manager, director and school principal, a message of gratitude for their outstanding accomplishment and wish them continued success in their efforts to bring honor to the State and further enrichment of life through music; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. Tillson D. Thomas and Mr. Robert R. Thorne in recognition of the band's inspiring performance. (H. P. 1270)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

The Bill today received from the House requiring Reference to Committee was acted upon in concurrence.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill "An Act Relating to Insurance Trade Practices." (H. P. 800) (L. D. 1073)

Bill, "An Act Defining Financial Institution under the Banking Laws". (H. P. 956) (L. D. 1317)

Bill, "An Act to Establish a Bank Holding Company Act." (H. P. 1014) (L. D. 1393)

Bill, "An Act relating to Removal of Abandoned Street Railroad Tracks." (H. P. 858) (L. D. 1182)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for William J. Davidson of Gardiner. (H. P. 218) (L. D. 285)

Bill, "An Act relating to Death Benefits before Retirement under Maine Retirement System." (H. P. 250) (L. D. 331)

Resolve Granting Retirement Benefit Credits to Philip Caminiti of Portland. (H. P. 1040) (L. D. 1431)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Authorizing Temporary Bank Closings in Emergencies." (H. P. 758) (L. D. 1024)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Relating to the Change of Name of the Old Cemetery Association." (H. P. 999) (L. D. 1361)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, to Reimburse Donald H. Young of Portland for Damage to Property by Escapee from Boys Training Center. (H. P. 1032) (L. D. 1423)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Increasing the Debt Limit of the Town of Wiscasset School District." (H. P. 1221) (L. D. 1434)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolve Passed to be Engrossed.

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

The Committee on Legal Affairs on, Bill, "An Act to Amend the Birch Point Village Corporation." (H. P. 942) (L. D. 1301)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-134).

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

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act Relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses." (H. P. 442) (L. D. 577)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-130).

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

Which report was Read and 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.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County." (H. P. 487) (L. D. 628)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-129).

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

Which was Read.

(On motion by Mr. Dunn of Oxford, tabled and specially assigned for April 22, 1971, pending Acceptance of the Committee Report.)

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Create the Orono-Veazie Water District." (H. P. 823) (L. D. 1097)

Reported that the same Ought to Pass in New Draft Under Same Title. (H.P. 1265) (L.D. 1665)

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Exemptions from Taxation of Institutions and Organizations." (H. P. 950) (L. D. 1309)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

ROSS of Bath
FINEMORE of
Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo
CYR of Madawaska
DRIGOTAS of Auburn
DAM of Skowhegan

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

Signed:

Representatives:

COTTRELL of Portland
McCLOSKEY of Bangor

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

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

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Careless Discharge of Firearms." (S. P. 406) (L. D. 1222)

Sent to the House.

Leave to Withdraw—Covered by Other Legislation

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Expert Witness Fees as Court Costs." (S. P. 232) (L. D. 694)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Restitution of Funds Defrauded from Consumers." (S. P. 357) (L. D. 1053)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Education on, Bill, "An Act Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine," (S. P. 473) (L. D. 1492)

Reported that the same Ought to Pass.

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

Ought to Pass —As Amended

Mr. Hichens for the Committee on Health and Institutional Services on, Bill, "An Act to Provide Temporary Licenses for Administrators of Medical Care Facilities Other than Hospitals." (S. P. 355) (L. D. 1051)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-82).

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

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Waiver of Examination for Cer-

tain Practical Nurses." (S. P. 109) (L. D. 288)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY

of Androscoggin

Representatives:

SANTORO of Portland
PAYSON of Falmouth
LEWIS of Bristol
CLEMENTE of Portland
DOYLE of Bangor
CUMMINGS of Newport
LESSARD of Lisbon

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

Signed:

Representatives:

DYAR of Strong
McCORMICK of Union
BERRY of Madison

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Authorizing Counties to Establish and Operate Parks, Playgrounds and Open Areas." (S. P. 380) (L. D. 1135)

Reported that the same Ought Not to Pass.

Signed:

Senator:

SCHULTEN of Sagadahoc
GRAHAM of Cumberland

Representatives:

AULT of Wayne
MacLEOD
of Bar Harbor
HERRICK of Harmony
CUMMINGS of Newport
HARDY of Hope
BROWN of York
WHITSON of Portland
CURRAN of Bangor

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

SMITH of Waterville
KILROY of Portland

Which reports were Read.

On motion by Mr. Bernard of Androscoggin, the Senate voted to Substitute the Bill for the Committee Reports.

On further motion by the same Senator Recommended to the Committee on County Government. Sent down for concurrence.

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Prohibiting the Landing of Supersonic Transport Planes in Maine." (S. P. 486) (L. D. 1456)

Reported that the same Ought Not to Pass.

Signed:

Senator:

SCHULTEN of Sagadahoc

Representatives:

AULT of Wayne
MacLEOD

of Bar Harbor

HARDY of Hope
BROWN of York
HERRICK of Harmony
CURRAN of Bangor

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

Signed:

Senators:

GRAHAM of Cumberland
VIOLETTE of Aroostook

Representatives:

KILROY of Portland
WHITSON of Portland
SMITH of Waterville
CUMMINGS of Newport

Which reports were Read.

On motion by Mr. Kellam of Cumberland, tabled and specially assigned for April 21, 1971, pending Acceptance of Either Report.

Second Readers

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

House

Bill, "An Act Appropriating Funds for Comprehensive State-wide Planning and Services for the Developmentally Disabled." (H. P. 564) (L. D. 740)

Bill, "An Act Reclassifying the Waters of Lake Auburn and Little

Wilson Pond, Androscoggin County." (H. P. 606) (L. D. 808)

(On motion by Mr. Bernard of Androscoggin, temporarily set aside.)

Bill, "An Act Relating to Appeals on Questions of Law in Criminal Cases." (H. P. 885) (L. D. 1206)

Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit." (H. P. 887) (L. D. 1208)

Bill, "An Act Increasing Compensation for Members of the State Board of Barbers." (H. P. 907) (L. D. 1251)

(On motion by Mr. Johnson of Somerset, temporarily set aside.)

Bill, "An Act Relating to Educational Programs for Optometrists." (H. P. 936) (L. D. 1290)

Bill, "An Act Relating to Compensation Under Workmen's Compensation Law for Total Incapacity, Partial Incapacity and Death." (H. P. 1249) (L. D. 1570)

(On motion by Mr. Tanous of Penobscot, tabled and specially assigned for April 20, 1971, pending Passage to be Engrossed.)

Bill, "An Act Relating to the Requirement for a Board of Registration." (H. P. 1242) (L. D. 1551)

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

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

The President laid before the Senate the matter temporarily set aside by Mr. Bernard of Androscoggin:

Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County." (H. P. 606) (L. D. 808)

Mr. Bernard of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-85, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Johnson of Somerset:

Bill, "An Act Increasing Compensation for Members of the State Board of Barbers." (H. P. 907) (L. D. 1251)

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

Mr. JOHNSON of Somerset: Mr. President, I would like to present Senate Amendment "A", which does exactly the same thing for the Board of Hairdressers.

Senate Amendment "A", Filing No. S-83, was read.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

Bill, "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees." (H. P. 278) (L. D. 367)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-50, was Read.

The President: The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President and Members of the Senate: In explanation of this amendment, the original bill called for a forty hour week and time and a half after forty hours for highway employees and the Mental Health and Corrections Division employees which are not now covered under the forty hour week and time and a half overtime.

Now, it is my understanding that the bill as it stood was given an unfavorable report because of the amount of money involved and the apparent shortage of money at this time. What the amendment does is provide for a forty hour week with no reduction in pay for these same employees. I guess there is still a price tag on it, but I hope that the amendment would be accepted so it could move along, and undoubtedly it will wind up on the Appropriations Table and we will see what can be done at that time.

I hope that the Senate would accept the amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

Bill, "An Act Relating to the Right of Access by Landlords." (H. P. 1253) (L. D. 1573)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 22, 1971, pending Passage to be Engrossed.

Bill, "An Act Relating to Fees for Inspection of Motor Vehicles." (H. P. 1256) (L. D. 1576)

Which was Read a Second Time.

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

Mr. BERNARD of Androscoggin: Mr. President, I have an amendment, but it has not yet been reproduced, and I wish that one of my colleagues could table this perhaps for one legislative day.

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

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

House — As Amended

Bill, "An Act to Clarify the Sea and Shore Fisheries Laws." (H. P. 147) (L. D. 202)

Bill, "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles." (H. P. 1244) (L. D. 1553)

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

Bill, "An Act Relating to Catering at Events and Gatherings." (H. P. 1257) (L. D. 1589)

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

The President laid before the Senate the matter temporarily set aside by Mr. Shute of Franklin:

Bill, "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles." (H. P. 1244) (L. D. 1553)

On motion by Mr. Shute of Franklin, the Senate then voted to reconsider its action of yesterday whereby House Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-74, to House Amendment "A" was Read.

Thereupon, on motion by Mr. Levine of Kennebec, tabled and specially assigned for April 21, 1971, pending Adoption of Senate Amendment "A" to House Amendment "A".

Senate

Bill, "An Act Relating to Installation of Sprinkler Systems in New Hotels." (S. P. 329) (L. D. 977)

Which was Read a Second Time.

On motion by Mr. Hoffses of Knox, tabled and specially assigned for April 20, 1971, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act Clarifying the Secondary School Tuition Law." (S. P. 276) (L. D. 859)

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

Sent down for concurrence.

Orders of the Day

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

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

Tabled — April 8, 1971 by Senator Violette of Aroostook.

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

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As mentioned to you on the 8th, I would like this bill to be held pending the report from the Board of Education, and I hope someone will table it. The Board of Education will have their next meeting on May 7th, which is quite a while from here, and actually the tabling motion should be for May 11th, if possible.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: We are getting into warm weather. Here is a request for tabling this bill pending a report of the State Board of Education and its evaluation.

I can tell you what the evaluation is going to be, and I can tell you what the report says. The report says there is absolutely no justification in the world to give degree-granting authority to an institution with two full-time teachers and seven students. Now, let's face the issue and vote on it. Either it is going to get approved or disapproved, but let's face up to it. We have tabled a dozen measures already today.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am apt to be the optimistic type. I was told by Mr. Nickerson that he would give his blessing to the Board of Education regarding this bill, regarding Kennedy College giving associate degrees, and I believe him. He told me that he would recommend to the Board of Education that Kennedy College be allowed to award degrees on a trial basis for a two-year period, and I believe him.

As mentioned before, I asked the Committee on Education to hold this bill in committee, which was denied.

I think this matter is important to my area, and I think it is important to Kennedy College, and I don't think it is going to hurt

this body a great deal to table this for a while longer. And if the report of the Board of Education is negative, I will fold my wings and go along with Senator Katz from Kennebec.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move this matter lie on the table for one calendar month.

The PRESIDENT: The Senator from Aroostook, Senator Violette, now moves that Legislative Document 1238 be tabled and specially assigned for one calendar month from now, pending the motion from the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this is the height of pessimism. I would hope we would be out of here one month from now. I think a month from now we conceivably might not be here, and it would seem to me that tabling beyond the date of adjournment certainly wouldn't be a practical matter. I would hope we defeat this motion and come up with something practical. On the other hand, if the Senator is serious, that a month is the time involved, I think this is far too much beyond the realm of reason, and I would request a division on the tabling motion, Mr. President.

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

Mr. VIOLETTE of Aroostook: Mr. President, in discussing the time of tabling, I am perfectly willing to entertain any consideration by anyone as to what they would consider is a reasonable time shorter than my time. I didn't recall the date which was stated, and I was just trying to allow for sufficient time to consider what has been discussed here. Now, if anybody has a better date to propose, and which would accomplish what I would like to see accomplished by the time

requested, then I am open to any other motion or suggestion.

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

Mr. KATZ of Kennebec: Mr. President, I find myself unable to make a motion until the Senator withdraws his motion. Subsequently I would like to make one.

Thereupon, Mr. Violette of Aroostook withdrew his motion to table.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: There are two things involved here. One, waiting for a meeting of the State Board of Education, which is going to act upon a document which is presently within my possession, and which is about as black and damning a document that I have ever seen pertaining to any institution ever since I have been here. So if we are not going to table until May 15th, maybe a pertinent motion may be to table until Tuesday or Wednesday of next week, at which time I will reproduce the document and let the Senators be judges of what the decision is going to be.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I only wanted to offer some explanation on my request for the May 11th tabling date. It is because the Board of Education meets on May 7th, which is a Friday. May 11th is the following Tuesday.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for April 20, 1971, pending the motion by Mr. Katz of Kennebec that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

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

Tabled — April 8, 1971 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Kellam of Cumberland, Retabled and specially assigned for April 22, 1971, pending Passage to be Engrossed.

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

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

Tabled — April 8, 1971 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Reconsider Engrossing.

On motion by Mr. Wyman, of Washington, retabled and specially assigned for April 22, 1971, pending the motion by the same Senator to Reconsider Passage to be Engrossed.

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

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

Tabled — April 8, 1971 by Senator Berry of Cumberland.

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

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: In Ellsworth over the previous weekend I was harassed by a group of businessmen who are conducting small businesses. Perhaps I am putting it a little strong. I will say that they were very much disturbed over the proposed increase in the minimum wage.

They were unanimous in their assertions that if this went into effect that they would have to let many employees go. Now, this would simply mean a raid on the unemployment office and another tax burden on the taxpayers.

It is inevitable that the federal government is coming up with an

increase in the minimum wage, and I can see no reason why the State of Maine should jump the gun. Therefore, I shall go along with the motion of the Senator from Cumberland, Senator Moore, for indefinite postponement.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think it is no secret that I do not think this is a good bill in its present form.

There is a lot of merit to what the Senator says about the inability of small businessmen to meet a two dollar payroll. The cost of doing business today leads to some regrettable things. One of the major stores on Water Street in Augusta this past week was in the intolerable position of having just two people on the floor. This is a large store, and they had only two clerks on the floor. The cost of doing business is a real factor. And having a store understaffed is just a pure and simple invitation to shoplifting, and shoplifting is getting to be an extremely serious problem. In my business I have lots of things out on the floor, open so that somebody can walk by and steal, and occasionally they do. Fortunately, it is not an endemic situation with me yet.

But I would oppose the motion to indefinitely postpone, purely and simply because I would like to offer an amendment which would increase the minimum wage from \$1.60 to \$1.75, which I would consider a reasonable level. I haven't figured it out percentagewise, but I am sure some of you can. To increase from \$1.60 to \$1.75 over a period of years that have gone by, in the face of inflation, I think is a realistic appraisal. I would not expect employers to be enthusiastic or jubilant for support of any increase in the cost of doing business, so the fact that the business community is hostile to an increase in minimum wages is expected and reasonable. But I think also reasonable is the fact that we might consider raising the minimum wage from \$1.60 to \$1.75.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was indeed surprised to see my very good friend from Hancock, Senator Anderson, opposing my bill, but I suppose he has an obligation to represent his people as every one of us has.

I would hope that you would not go along with the motion to indefinitely postpone and that perhaps we might get this matter in its present form to the other branch to be debated in that body. I look forward to defeating the motion to indefinitely postpone, and will argue afterwards against the motion of the Senator from Kennebec, Senator Katz, but at this time I do hope you will go along with me against the motion to indefinitely postpone. Thank you.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill was quite well debated the other day, but I want to bring out just one point here before we vote on this. Why do we feel in the State of Maine that we have got to be ahead of every other state? The only states that are ahead of the federal minimum wage, which we are on now in the State of Maine, are Alaska, California and New York. New York is \$1.85 and California is \$1.65.

I would like to bring up the states like Michigan and Ohio. The State of Ohio has a minimum wage of \$.75 an hour. Michigan, one of the highly industrialized states in the nation, is \$1.25 an hour. We are not going to prove anything by going ahead of the federal wage here. We are only going to hurt ourselves and hurt the marginal worker. I hope you will go along with my motion.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: We have heard this argument on minimum wage for many years. I can remember when the first minimum wage was passed, it was \$.25 an hour, and the same arguments were raised, how can you afford to pay a fellow \$25

an hour when he may not even be worth it. So this is a consistent thing which has gone through all the way up through.

Another thing, as my good friend from Hancock County, Senator Anderson, has mentioned about Washington, about what we are waiting for them to do, this is a case where we have a chance to act on our own, and we don't have to wait for the dictates from Washington. It seems to me that that would be a responsible thing for us to do. So, if a division has not been asked, Mr. President, I would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I think I should clarify one thing. I am not opposed to the minimum wage. In fact, I worked and supported the first minimum wage that we had in the state. I thought at that time that we needed it. Undoubtedly we need it now, but we don't need to exceed the federal minimum.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that Bill, "An Act Increasing Minimum Wages," be indefinitely postponed. A division has been requested. As many Senators who are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-68, was Read.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and specially assigned for April 21, 1971, pending Adoption of Senate Amendment "A".

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

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development." (H. P. 897) (L. D. 1217) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 12, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Clifford of Androscoggin moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I believe that I have requested recognition from the Chair in the proper parliamentary order. I would ask the Chair to so rule.

The PRESIDENT: The Senator is correct. The Senator has the floor.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

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

Tabled — April 13, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that H. P. 671, L. D. 911, be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I rise in objection to that motion and will ask for a division.

This bill, L. D. 911, was heard before the Mental Health and Institutional Services Committee, very carefully on both sides, and the Committee came out with a 12-1 Ought to Pass Report. Over the week-end there was considerable telephoning and lobbying done by the Health and Welfare Department, or some of its members, and many of the Senators came back very much confused and some of them convinced that this was a wrong move. They were convinced that some of the personnel of the Health and Welfare Department would lose their jobs if this came to pass. But I would read under Section 6: "The duties imposed upon the Department of Health and Welfare, Alcoholism Services, are transferred and imposed upon the Department of Mental Health and Corrections, Bureau of Mental Health, and any funds appropriated by the 105th Legislature to Alcoholism Services in the Department of Health and Welfare shall be transferred to the Bureau of Mental Health Department of Mental Health and Corrections to carry out the purposes of this Act." This means that these people will be transferred from one division to another; they will not lose their jobs.

Federal Law 9116, passed the 31st of December 1970, designates that a single state agency is the sole agency for administration, in order to obtain two hundred thousand dollars of federal money for alcoholics rehabilitation. It has been recommended that this is a mental health problem, and I have letters in my possession, one from a doctor in Westbrook which I would like to read: "For the past fifteen years my work with alcoholics has revealed that it is primarily a mental health problem, and the physical aspects are secondary. Therefore, it is my considered opinion that it is archaic, and inappropriate that alcoholics and allied drug problems be under the Department of Public Health and Welfare. Alcoholic and Drug addiction should definitely be under

the Department of Mental Health. Signed Harold D. Libby M.D."

A letter from the Advisory Committee on Mental Health Department of Mental Health and Corrections, John Ballou, Chairman, from Bangor states that: "This committee strongly supports the proposed legislation. It is believed that the transfer especially of services to alcoholics to the Bureau of Mental Health would result in the development of extensive innovated and effective programs for alcoholics in the state. We are aware and have been aware since the mental health plan for the state was developed some years ago that alcoholism is one of the greatest health problems facing our state today. As you know, present federal guidelines as established by Congress have orientation toward the providing of services to alcoholics and drug users through comprehensive mental health centers. All of the regions of the state have such comprehensive mental health centers in existence, some of which are already dealing with the problem of the alcoholic. The transfer of services to alcoholics to such centers of the Bureau of Mental Health will make it possible more easily to develop and expand, largely through federal and local funds, this much needed service to the citizens of Maine."

I have in my hand petitions signed by over two hundred people throughout the State of Maine, many of them alcoholics belonging to AA, several doctors, several law enforcement officers, including three sheriffs, asking that this be transferred to the Division of Mental Health and Corrections.

I would, therefore, oppose this motion of the Senator from Kennebec.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The thrust of the argument that we just heard is that the primary implication for the alcoholic is mental health, and consequently we should put this in the Department of Mental Health and Corrections.

Any function involving rehabilitation involves various departments. For many years vocational rehabilitation was in the Department of Education, until we moved it last session. We are not denying the fact that the educational implications involved in rehabilitation are very strong, but we have faith in the ability of administration to use the facilities of one department for another. We are presuming that even though we have moved rehabilitation from Education into Health and Welfare that the two departments will talk together and they will work together toward the delivery of the necessary services.

Here we have alcoholism in the Department of Mental Health, in the Division of Rehabilitation. And we are told that the primary implications are in another department, so let us rip it out of where we put it last session, primarily, incidentally, because Washington wants it there. This is the implication that you heard in debate the other day with some implications too that if we don't do this we are going to jeopardize the flow of federal funds, and it just ain't so.

The whole thrust of my argument today, ladies and gentlemen, is that we have by legislative act evaluated the rehabilitative needs of our people and created for the first time one Department of Rehabilitation, and we have expressed confidence that this Department of Rehabilitation will have the executive ability and compassion and understanding of our government system to use the facilities of other departments, wherever necessary, for the delivery of services. And I say it is wrong, and I have a feeling of regret that one department, the Department of Mental Health and Corrections, is seeking to rip apart a single unit that we created last session. And my plea to you today is don't create a further dislocation. Give this approach a chance to work. If it doesn't work, let's look at it again after we have given it a chance.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: We must keep pace with the times. We must be flexible. We must keep up to date. Now, the Division of Alcoholic Rehabilitation Services was only recently moved to the new Bureau of Rehabilitation, that is true. It was perhaps appropriate at that time to put it in the new bureau, but this was before the national program in alcoholism was developed, which channels all federal funding through the National Institute of Mental Health. Mental health centers, which are coordinated under the Bureau of Mental Health, have been designated as the primary, and I state, the primary applicant for these funds.

Now, just to prove that the Department of Mental Health and Corrections is not trying to grab everything, as the Senator from York said, that the Department tried to transfer a hundred thousand dollars over to the Department of Health and Welfare, and the national association or the National Mental Health Association frowned upon this. They will not work with this.

Now rehabilitation services are only a partial response to the problems of alcoholism, and certainly not the best, for rehabilitation implies that alcoholism has already taken its toll on the individual and his family. A transfer to the Bureau of Mental Health would: one, place more emphasis on primary prevention and early treatment; two, would mobilize, and I repeat again, mobilize, — and this is something that has not been done — it would mobilize the existing resources of the present network of community mental health services on behalf of the alcoholic. It would retain rehabilitation as an important component of the comprehensive alcoholism treatment program.

Now, I say that we just can't live in yesteryear; we have got to keep up with the times, we have got to be flexible. I spoke to a group in Portland several months ago, it was the Greater Portland Personnel Managers Association of the Chamber of Commerce. Many of these personnel managers

related their concerns about the problems that they are having in business and industries. They were desperate in explaining to us the problems that they have with their workers. Many of them have family problems and work problems because of alcoholism. We had this meeting so that they could ask us just what we thought the best way would be to coordinate alcoholism rehabilitation services. I say to you that today we have the opportunity to be flexible, to change, to bring ourselves up to date.

Now, there is no intention of changing or getting rid of Mr. Good from Health and Welfare. They only want to change him and his people over to Mental Health and Corrections. Now, Max Good has done a fine job, but he has done a fine job up to a point. We must go beyond what is being done now because the problems are not being solved. We must find new means to solve our old problems.

Now, I have loads and loads of up - to - date information from national, and if we are going to get any funds at all for alcoholic rehabilitation, we have to go through the Department of Mental Health and Corrections. We must do this or else we are going to be on the tail end of any funds for alcoholic rehab.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I guess that my seatmate and I, Senator Carswell from Cumberland, disagree on this particular bill. I disagree very strongly, and stand here in support of Senator Katz's motion for various reasons.

This particular field is close to my heart as an attorney because I have had many, many opportunities to work in this field with many people who have had problems in this area. Usually a problem of alcoholism is followed by a marital problem. So that this problem has come before me on many occasions in my last sixteen years of practicing law.

I can tell you now that this small group we have at this time that is working in the State with this

particular problem is doing a wonderful, magnificent job. And I can tell you that they are effective, and that they do give their personal attention to each and every person who has a problem with drinking. They seek out the individuals in the mills, they approach their families, they get them to attend AA meetings, they conduct these AA meetings. They certainly are doing a wonderful job. Granted, they are a unique group, a very small group, in a sense, and by removing them from this particular area that they are now in, and putting them under the Department of Mental Health, you are going to create a vast and large umbrella which, in my opinion, will detract from the uniqueness of this group right now that are giving this personal attention to the people that need the help.

You can compare this to a huge college, for instance, a big college, your students don't get the personal attention that they need. But you take a small college, a unique type of college, the students get the close advice and guidance of their teachers. I compare this particular situation as similar to this.

Now this group is doing a good job, so why take this away from them? In my opinion, they are solving the problem, so why take this away from them? When it has been shown to me that they have failed in what they are doing, and what the present program, if it has failed to achieve what it is supposed to, then let's look elsewhere. Let's just not change for the sake of change.

I ask you to go along with the motion of Senator Katz from Kennebec to indefinitely postpone this bill, and permit this group to go on in doing the work which they are now doing for mankind. 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 am no expert on this subject, but when I found out in Waterville who is working with this group now, there is a gentleman in Waterville, Mr. Pooler, who I knew

all my life, and after talking to him I find out that he is so dedicated to his work that he is really not doing it for the compensation mainly alone.

If we try to change every two years every department—we are the same as an industry or any other field—it takes a while before they can do a good job. Nobody is denying they are doing an excellent job, but if we try to shift it to some other department, in the meantime we are going to lose a couple years, and I don't think the people who need the help will be given the help they deserve. So I will go along with the motion of the good Senator from Kennebec, Senator Katz.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I have never heard so much dialogue as I have heard this morning on a subject really that is somewhat meaningless. When everyone says that the Department of Alcoholic Rehabilitation is doing a good job, I would concur, but when we look at the over-all problem that we have in the state we can actually say that the job being done is really deplorable. And again it falls back into the same category that the good Senator from Cumberland, Senator Carswell, has often mentioned in debate in respect to the Augusta State Hospital.

It comes back to us because of the fact that again we as legislators have been negligent on our part in not appropriating the proper funds to really attack the problem that we have within the state.

I concur with many of the words said here by Senator Tanous and Senator Katz, and also I concur very heartily with Senator Hichens and Senator Carswell. The transfer of the Department from Mental Health and Welfare to Mental Health and Corrections I don't think is really going to make that great a difference as far as its operations.

Some good-hearted soul sent me volumes one through five, plus the present Senate bill that is before

the United States Congress, Senator Hughes bill, and all relative to the subject we are discussing here today. I, for one, and I am sure that many of you are, am deeply concerned with the problem that we are discussing, but until we sit back and focus our attention and our eyes on what we are really contributing in dollars and cents to help arrest the problem that we have, it won't make any difference if we put the Division of Alcoholic Rehabilitation down in Forestry.

I have tremendous mixed emotions. I stated last week the Department of Mental Health and Corrections gave a grant of ten thousand dollars to the Half-Way House in York County. Last night I also learned that the Department of Health and Welfare also has come up with two or three grants of five and ten thousand dollars for various other projects in the field of alcoholism. Mainly, the Serenity House in Portland received a grant though the workings of the Health and Welfare.

When we look at the budget and see that we are running the Division of Alcoholic Rehabilitation on \$80,000 a year, plus what monies we are able to generate through the Department of Rehabilitation, which used to be referred to as the Department of Vocational Rehab., we are just barely scratching the surface.

I have talked at length with Senator Katz in respect to this, seeing that he was on the commission that studied this last year or three years ago, I guess it was, and his feelings are that he would like to see them work this thing out at least for another session or at least another two years. It is my understanding though that the commission really never became involved in the problem of alcohol, in a sense. Their main discussion on that commission was mainly vocational rehab. So, again, we are sort of left standing here wondering which is the best department in which to have alcoholic rehab. located.

I know just about all the counselors that are employed under the direction of Mr. Good, and I certainly concur with Senator Carswell from Cumberland on her remarks made, particularly as to

the job that they are doing. I thought that the Department of Rehabilitation has been well established now for a period of fifteen or sixteen years, and when we look again at the whole thing we see that they have approximately seven or eight counselors throughout the state located in offices. We have two or three court counselors who are trying to get around from court to court to handle problems that come before the courts. Well, there is no question in my mind really that we just can't possibly get at the crux of the real seriousness of this thing unless we are going to sit back and take keen notice of how vast this situation is to try to really institute a program that is going to be of benefit to the citizens of this state.

It is my hope that sooner or later we as legislators will sit down and try to get before whoever is going to head this thing up and see if we can't put a meaningful program before this legislature, pass it, and really take a strong blow at trying to minimize the very severe problem that we do have. If you don't know whether I am speaking for or against the bill, that is entirely why I got up here this morning, because I have just as many mixed reactions about it as everybody does, but I do realize that alcoholism is a mental disease.

Now, it is my understanding that one-third of these departments throughout the state are under Mental Health, one-third of them are under Health and Welfare, and another third of them are under what they call Drug and Alcoholic Abuse Commissions. So I really don't know just how important it is here, as far as this bill is concerned, as to whether or not it should be under Health and Welfare or under Mental Health and Corrections.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: In view of the remarks made telling of the Division in the Health and Welfare and Mental Health Division, as far as alcoholics are concerned, I would read this excerpt from Public Law 91-616

again: "The funds would be available only if a single state agency was designated as a sole agency for the administration of the plan." In other words, we would be giving up the federal funds if it stays the way it is now. I would like to have the Committee Report read again if possible.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The Ought to Pass Report was signed by Senator Hichens, Senator Greeley, Representative Doyle, Representative Clement, Representative McCormick, Representative Dyer, Representative Lewis, Representative Payson, Representative Santoro, Representative Berry, Representative Lessard, Representative Cummings.

The Minority Ought Not to Pass Report was signed by Senator Minkowsky.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I just very briefly want to say I don't accept the implication that this is going to cut off the flow of funds to the State of Maine. I am not quite sure what plan the Senator was talking about, but in a phone call just this morning to the New England Region that Dr. Schumacher made at my request, the implication is very strong that the federal people would prefer us to get together in one way, but the word is prefer, not insist. And I do want to call your attention to the fact that alcoholism was considered very deeply in our present formation. I was on the executive committee where most of the work was done, and alcoholism was an integral part of rehabilitation considerations.

Mr. President, I don't think that a recorded vote has been requested. I will ask for a division please.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: As the

lone signer of the Minority Ought Not to Pass Report, I feel justified in one way to express that I have a dual purpose here in the Senate: to be on the Committee on Education, which I was at the time when this bill was heard, and did not have sufficient time to speak to other members of the Health and Institutional Services Committee, insofar as expressing to them what my experience has been with the Alcoholics Division of Health and Welfare and why the bill was defeated two years ago.

I listened very attentively to the remarks made by Senator Carswell, Senator Conley, and Senator Hichens, and I was very much impressed with them, but I came to one other conclusion, and it was simply this: that this is nothing more than an empire building tactic of the Mental Health and Corrections Department.

Insofar as the remarks made by Senator Hichens that it has been lobbied by Health and Welfare, in one respect this may be true, it has a great deal of merit, but I would say that these people lobbied outside of the Senate Chamber; not as the employees in the Mental Health and Corrections Department were lobbying here this morning. And this particular point irritates me a great deal because I don't feel that state employees who are involved in Mental Health and Corrections should be up here lobbying on a particular piece of legislation.

Another point that was brought out by Senator Carswell of Cumberland, Max Good has done a tremendous job. Max Good has done a fantastic job over the past seventeen years in that department. He has done such a great job that when nobody wanted to bother with alcoholics in the State of Maine he was dedicated to this particular job. Now all of a sudden, because of the implication that more federal funds be available to this particular Division of Mental Health and Corrections, that the almighty dollar has taken precedence over the duty that these people have performed over a number of years in helping out their fellow man, to me the duty of helping a fellow man far super-

sedes the almighty dollar which everything seems to revolve around here at the present time. If the Bureau of Mental Health at the present time has got the authority to establish programs to combat alcoholism without such legislation, actually in the past they have shown very little inclination to do so. There are quite a few failures on the part of Mental Health and Corrections. And I think members of the 104th Legislature will remember when funds were allocated to private alcoholic counseling services in the southern part of the state, which fell flat on its face. I would hope that everybody in the Senate would sincerely go along with the recommendation that this particular bill be indefinitely postponed as offered by Senator Katz.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I again say that, yes, Max Good within the Department of Health and Welfare had been doing a fine job. But I think there is a great deal to say about expanding the job that is being done and going a step further. Now, I stated that the primary applicants for federal funds will be the Department of Mental Health and Corrections. These are the first people who will get priority in getting funds for alcoholic rehabilitation because the new law, the recent law that was passed by the last Congress, states this, so we do have to operate under the law.

The good Senator from Penobscot, Senator Tanous, mentioned that this small group was working under a small umbrella. Well, I am very sorry that I have to disagree, but I do feel that we all believe that the Department of Health and Welfare is one of the biggest spending agencies within state government. Perhaps if we place alcoholic rehabilitation under Mental Health and Corrections, and operate within the latest law, then we can indeed improve our alcoholic rehabilitation services.

Now, I do have the latest book from the federal government, and

it states here that direct grants for special projects for alcoholic rehabilitation—and this is all inclusive—it states that this will be under Mental Health and Corrections. And I hate to see the legislature shortchange the people in the State of Maine by not going along with an agency which will be considered as the prime agency for receiving these funds.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I dislike to bring personalities into this thing, but I feel forced to. The Senator from Androscoggin, Senator Minkowsky, has stated that a member of the Health and Corrections Department has been here lobbying this morning, and I would also like to state that a member of the other body has also been here lobbying for a relative of his. He has been giving the implication that if this comes to pass that his relative will lose his job, which isn't true. And before a number of Senators upstairs in our Senate Retiring Chamber, he made the statement that if I got this thing passed he would vote against every bill that I stood for.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health" (H. P. 674) (L. D. 911), be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

Mr. Minkowsky of Androscoggin moved that the Senate Reconsider

its action whereby the Bill was Indefinitely Postponed.

Mrs. Carswell of Cumberland then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Minkowsky of Androscoggin to Reconsider.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, a division was had. Twenty Senators having voted in the affirmative, and eleven Senators having voted in the negative, the Bill was tabled and Tomorrow Assigned, pending the motion by Mr. Minkowsky of Androscoggin to Reconsider.

Mr. Graham of Cumberland was granted unanimous consent to address the Senate:

Mr. GRAHAM: Mr. President and Members of the Senate: As the Senator from Cumberland, Senator Berry, mentioned yesterday, Vietnam Veterans have come to the State House today and they are waiting downstairs to address us. These men are all from the State of Maine, they are veterans of the war in Vietnam many of them have been wounded, and they have come here especially to tell us about the war in Vietnam. I think there is no group that has a better right to tell us about that war, and no group is better qualified to explain that war to us. And no group, it seems to me, has a better claim on our attention than these veterans who have been fighting in Vietnam. I therefore would hope that someone would make a motion that we adjourn temporarily in order to hear these veterans who are now assembled in the Hall of Flags downstairs.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: I had the pleasure, as I mentioned yesterday, of discussing this proposed meeting with six very intelligent and interesting veterans of the Vietnam War who saw service over there. They had requested of the Legislative Leadership that the Legislature adjourn at 11:00 o'clock for the purpose of meeting with

them. I pointed out to them that we have two things that guide us in our deliberations: one the business on the calendar and, second, the 1:30 scheduled hearings. After a very frank, open and complete discussion, they were in full agreement that if we could hope that we could finish our business by 11:30 that they would be very happy to meet with us at that time. Noting that we have two items left on the calendar, neither one of which seems to be of a great time-consuming nature, I fail to see the need for this particular thing. I think we will be able to meet with them very promptly.

I would like to add the word that these gentlemen are from all over the state, and they would like to have a chance to talk with those of us from their own area, and I would encourage everybody to go down. I would hope that we could defer a motion on this, I would consider it merely of obstructionist nature, and finish the two minor items, and then do what we are talking about.

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

Bill, "An Act Relating to Duty of State Board of Education Con-

cerning Interscholastic Activities." (H. P. 985) (L. D. 1347)

Tabled — April 13, 1971 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Relating to Retail Sale of Fortified Wine." (H. P. 656) (L. D. 897)

Tabled — April 14, 1971 by Senator Marcotte of York.

Pending the Motion by Senator Shute of Franklin to Adhere.

Mr. Marcotte of York moved that the Senate Insist and Ask for a Committee of Conference.

On motion by Mr. Shute of Franklin, a division was had. Nine Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.