

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 22, 1971

Senate called to order by the President.

Prayer by the Rev. Nicholas Liberis of Biddeford.

Reading of the Journal of yesterday.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Moore of Cumberland,

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48)

(S. P. 552)

Which was read and passed.

Under further suspension of the rules, sent down forthwith for concurrence.

On the disagreeing action between the two branches on Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808), the President appointed on the part of the Senate the following Conferees:

Senators:

SCHULTEN of Sagadahoc

GRAHAM of Cumberland

BERNARD of

Androscoggin

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

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

In the Senate April 13, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-47).

Comes from the House, Recommended to the Committee on Education, in non-concurrence.

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 matters on our calendar today pertaining to school construction, both of which have a substantial amount of financial

significance to the Committees in the state. This and the other were recommended to the Committee on Education by the other body. It is the intent of the Committee on Education to amend these on the floor of the Senate rather than recommit. I, therefore, hope that somebody would table this until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act Continuing the Maine Cultural Building Authority." (S. P. 348) (L. D. 1016)

In the Senate March 24, 1971, Passed to be Engrossed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill, which would have continued the life of the Cultural Building Authority up to a specific date is covered by a letter from the Attorney General's Department. I will just read one sentence out of it. "My research indicates that the Cultural Building Authority would normally go out of business either when it accepts the building as completed or June 30, 1971, whichever is later."

Consequently, it would appear that the Cultural Building Authority would continue until all the guarantees under the contracts existing have been completed, and this legislation, accordingly, is unnecessary. I move that the Senate recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate recede and concur. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

In the Senate April 9, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-161) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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)

In the House March 23, 1971, the Majority Ought Not to Pass report Read and Accepted.

In the Senate April 14, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Senate Amendment "A" (S-50) in non-concurrence.

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

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

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

Senators:

WYMAN of Washington

CLIFFORD

of Androscoggin

FORTIER of Oxford

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate be authorized to hire a temporary typist or stenographer for the Senate at a weekly rate of \$90 to become effective April 26, 1971 and not to exceed a period of 6 weeks. (S. P. 551)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriation

from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D., the A.F.D.C. and Medical Care programs for the forthcoming month of May. (S. P. 550)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Refer to the

106th Legislature

The Committee on Labor on, Bill, "An Act Creating the Maine Health Care Facilities Labor Relations Act." (H. P. 746) (L. D. 967)

Reported that the same be Referred to the 106th Legislature.

Comes from the House, the report Read and Accepted and the Bill Referred to the 106th Legislature.

Which report was Read and Accepted and the Bill Referred to the 106th Legislature in concurrence.

Leave to Withdraw

The Committee on State Government on, Bill, "An Act Relating to Salary of the Supervising Inspector of Elevators." (H. P. 609) (L. D. 820)

Reported that the same be granted Leave to Withdraw.

The Committee on Agriculture on, Bill, "An Act Relating to Packaging of Toxic Substances with Consumerables." (H. P. 980) (L. D. 1342)

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 Business Legislation on, Bill, "An Act Relating to Limited Insurance Agent's License." (H. P. 256) (L. D. 338)

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.

On motion by Mr. Johnson of Somerset, tabled and Tomorrow

Assigned, pending the acceptance of the Committee Report.

The Committee on State Government on, Bill, "An Act to Create a Crime Laboratory." (H. P. 919) (L. D. 1271)

Reported that the same Ought to Pass.

The Committee on County Government on, Bill, "An Act Relating to the Transition to the Somerset County Commissioner Districts." (H. P. 1114) (L. D. 1533)

Reported that the same Ought to Pass.

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

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

The Committee on State Government on, Bill, "An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain." (H. P. 825) (L. D. 1115)

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-162).

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 County Government on, Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 91) (L. D. 135)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-147).

(On motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.)

The Committee on Fisheries and Wildlife on, Bill, "An Act Prohibiting Dragging for Fish in Spruce

Creek, York County." (H. P. 264) (L. D. 353)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-149).

The Committee on County Government on, Bill, "An Act Creating York County Commissioner Districts." (H. P. 553) (L. D. 729)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148).

(On motion by Mr. Marcotte of York, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.)

The Committee on Public Utilities on, Bill, "An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payments of Rates." (H. P. 1097) (L. D. 1485)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-151).

The Committee on Public Utilities on, Bill, "An Act to Incorporate the Andover Water District." (H. P. 1098) (L. D. 1504)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-150).

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

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

Ought to Pass in New Draft

The Committee on Fisheries and Wildlife on, Bill, "An Act Prohibiting the Driving of Deer While Hunting." (H. P. 560) (L. D. 736)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1280) (L. D. 1680)

The Committee on County Government on, Bill, "An Act Creating Piscataquis County Commissioner Districts." (H. P. 584) (L. D. 779)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1279) (L. D. 1679)

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

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Conveyance of Secondary Pupils." (H. P. 763) (L. D. 1029)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-143).

Signed:

Representatives:

LUCAS of Portland

TYNDALE of

Kennebunkport

SIMPSON of Standish

BITHER of Houlton

LAWRY of Fairfield

WOODBURY of Gray

HASKELL of Houlton

MURRAY of Bangor

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

Signed:

Senators:

KATZ of Kennebec

CHICK of Kennebec

MINKOWSKY of

Androscoggin

Representatives:

MILLETT of Dixmont

LYNCH of

Livermore Falls

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

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Permit the Sale of Beer on Sunday for Off-premises Consumption." (H. P. 1033) (L. D. 1424)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin

HOFFSES of Knox

FORTIER of Oxford

Representatives:

STILLINGS of Berwick

LIZOTTE of Biddeford

BAILEY of Woolwich

IMMONEN of West Paris

HAWKENS of Farmington

MADDOX of Vinalhaven

GAGNON of Scarborough

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

Signed:

Representatives:

SLANE of Portland

TANGUAY of Lewiston

FAUCHER of Solon

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft." (H. P. 607) (L. D. 818)

Reported that the same Ought to Pass.

Signed:

Senators:

GRAHAM of Cumberland

VIOLETTE of Aroostook

Representatives:

KILROY of Portland

HERRICK of Harmony

WHITSON of Portland

SMITH of Waterville

CUMMINGS of Newport

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

Signed:

Senator:

SCHULTEN of Sagadahoc

Representatives:

MacLEOD of Bar Harbor

AULT of Wayne

BROWN of York

HARDY of Hope

CURRAN of Bangor

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

Which reports were Read.

Mr. Schulten of Sagadahoc then 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: I would just make a few comments before action is taken on this bill.

This is somewhat of a companion measure to the one we had yesterday and, of course, deals with the passage of SST planes over the State of Maine. What this bill would do, as I understand it, it would be quite simple and would simply try to prohibit the planes, the SST's, if they do start flying in this country, from going over the State of Maine at supersonic speeds. It is just as simple as that.

We have had some assurance that thus would not happen, that the planes would start slowing down out over the water and so forth. I would point out that the statements I have heard from the Federal Aviation Agency were that they would prohibit the supersonic speeds over inhabited land areas or populated land areas. In looking at that, it seemed to me it was somewhat vague because, obviously, if they were going to prohibit it over land areas it ought to be all land areas. I know there are people in New York City who feel that some parts of the State of Maine are relatively uninhabited or unpopulated, and I think myself it would be well for the state to be on record that we do not wish to have the planes that travel at these speeds over the state causing the damage which they can cause.

So I feel the bill is worthwhile, and there should be no objection to it if it does repeat what we intend to do anyway. For that particular reason, I would oppose the motion before the Senate to accept the Minority Report, and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and

Tomorrow Assigned, pending the motion by Mr. Schulten of Sagadahoc that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to School Construction Aid for All Administrative Units." (H. P. 737) (L. D. 999)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec
CHICK of Kennebec

Representatives:

WOODBURY of Gray
TYNDALE

of Kennebunkport
HASKELL of Houlton
SIMPSON of Standish
BITHER of Houlton
MURRAY of Bangor

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

Signed:

Senator:

MINKOWSKY
of Androscoggin

Representatives:

MILLETT of Dixmont
LAWRY of Fairfield
LYNCH

of Livermore Falls
LUCAS of Portland

Comes from the House, Reports and Bill Recommended to the Committee on Education.

Which reports were Read.

On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Excluding Residential Housing from Site Location Law Planning Board Communities." (H. P. 785) (L. D. 1061)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
VIOLETTE of Aroostook
GRAHAM of Cumberland

Representatives:

MacLEOD

of Bar Harbor

BROWN of York

CURRAN of Bangor

WHITSON of Portland

SMITH of Waterville

CUMMINGS of Newport

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

Signed:

Representatives:

AULT of Wayne

KILROY of Portland

HARDY of Hope

HERRICK of Harmony

Comes from the House, the Bill Substituted for the Reports and Recommended to the Committee on Natural Resources.

Which reports were Read.

Thereupon, on motion by Mr. Schulten of Sagadahoc, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches." (H. P. 744) (L. D. 1006)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HARDING of Aroostook

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth

CARRIER of Westbrook

WHEELER of Portland

HENLEY of Norway

PAGE of Fryeburg

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-154).

Signed:

Senator:

TANOUS of Penobscot

Representatives:

LUND of Augusta

WHITE of Guilford

ORESTIS of Lewiston

BAKER of Orrington

KELLEY of Caribou

Comes from the House, the

Minority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion which the good Senator has made, and when the vote is taken I would ask that it be taken by a division. I would hope that this body would go along with the majority on this, Ought Not to Pass.

Just to explain very briefly what this does is that, as you know, if there is a crime being committed in your house the authorities can go for a search warrant, if necessary, to enter that house to search for certain things related to the crime. Well, this has nothing to do with crimes at all. This has to do with housing codes and administrative matters. We asked at the committee hearing were they having any problems inspecting the houses, going into them to look them over to see if they complied, and they said that it is very rare that they have any problems. In fact, the incidence of problems were five-ten thousandths of one percent. But they were fearful that they might have a problem sometime in the future and, therefore, they wanted to have this weapon so they could go to the court and have a search warrant made of your house.

Now, to show you what they are after here, this is hypothetical, suppose that on the street there were 999 houses and you had examined them all except one. The other house looked like it was in good order. There were no problems, but in order to complete your report you would like to have a search warrant. Under this bill, is this your intention that you would be able to go and get a search warrant? We were told, "Certainly, because this is what we would need

to complete our report." So, as we see it here, as the majority of the committee saw it, there has been absolutely no need demonstrated for this invasion into your home. It has nothing to do with crime. It is just to help some administrative person to be able to complete his reports.

The reason it troubles me greatly is that when someone wants to come to my home and they want to look it over, I would like to have them be polite and ask if they could come in. And, as they said at the committee hearing, they are invited in in the overwhelming cases. It is only five - ten thousandths of one percent of the cases when they are not. But you give them this power, then they can demand and say "Let me in right now or I will go for a search warrant." Well, this is not the way I like it. I like to have people come to my home, especially where no crime is involved, and for them to be polite and ask to come in. And they are received throughout the State of Maine if they do it that way. I think that is the reason the majority of the Committee felt that it was not necessary for this bill. And when the vote is taken, I would ask that it be taken by division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I agree wholeheartedly with what the Senator from Aroostook, Senator Harding, has just stated, and I am not going to repeat it.

Up until now we have had search warrants to investigate for violations of the law, crimes, but this is the first step taken to have a search warrant to invade the privacy of your home. And that is what it is. A man's home is his castle, and it has been held sacred through the years. Now, this is the first step to invade the sacred castle of your home to see what they can find out for administrative purposes, and I hope that you will go along and defeat the motion before you of the good Senator from Penobscot, Senator Tanous.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I enjoyed the way that my good friend, Senator Harding of Aroostook, has emphasized the majority report of the committee, because it is a majority report of the committee that the bill ought not to pass, by one vote, as was mentioned, or by one member rather, so it was made a Majority Ought Not to Pass Report by one member of the committee.

Further on in your book, on Page 6, it tells the history of the bill up until now, so apparently there is some merit to this bill before us.

I don't like to use scare tactics to defeat a bill, and I accuse both of my fellow Senators on the Judiciary Committee of having used that with you. If you will read the bill, you will notice that the bill calls for the Supreme Court to issue the rules and the method for these searches to be conducted. Now this is the Supreme Court. The Supreme Judicial Court of the State of Maine must issue by rule, if administrative searches are to be conducted in the State of Maine, the method by which they are to be conducted if they are at all to be conducted. If the Supreme Court of the State of Maine sees no need to establish a rule for administrative searches—the committee, incidentally, has amended the word "search" to "inspection"—it is funny how a word can sometimes make a big difference. But this is for administrative inspection, as the committee has amended this particular bill. It does make a difference in that area as well. And again, the Supreme Court of the State of Maine must establish by rule the method that will be used to conduct administrative inspections. Moreover, it will be necessary for an individual, before you can conduct an administrative inspection, so-called, that the individual who desires to do so, the law enforcement official, will have to go to a District Court and get this particular authority from the District Court before he can act.

So it is not as easy as it appears to be. There will not be any invasion of your private domain, no invasions of your private domain. This is aimed, as has been mentioned, at some areas where building inspectors are prohibited from entering the premises. And this has happened, contrary to what my good friend, Senator Harding from Aroostook, has told you. There were many instances reported, in the Portland area specifically, where building inspectors were not admitted to the premises, and they have no way whatsoever to enter the premises to do their job, none whatsoever. So this would be some way to at least put the pressure on and assist these inspectors in gaining admission to some of these places to fulfill their duties as prescribed by the Maine Legislature.

Now, we have passed and enacted all sorts of bills, administrative bills, but we have failed to give them any authority to fulfill the duties which we have imposed upon them. We impose a duty and yet fail to give them any method or way of enforcing their duties. This bill merely seeks to do this. We ourselves have made these rules, and we have failed to provide them with any way to fulfill them, and this is a method to do so.

Again, I repeat, we are not going to invade the private domain of any individual. The Supreme Judicial Court of the State of Maine will have first to set up the rules, and over and above that they will have to get the authority from a District Court Judge to see that their demands are not unusual and that there is a real need for what they ask. I ask you to support the Minority Ought to Pass Report of the Committee. Thank you.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: This little monster was before us in the last session, and I would just like to remind my colleagues that it originated right in my home town of Auburn, Maine where we had one man belonging to the Democratic Party elected to the City Council which was

made up of a majority of Republicans.

Apparently things didn't go too well during some of the public sessions, so a little elbow bending was applied to this gentleman to get him into line. One of the things that was brought to our attention was the fact that all at once the city inspector wanted to inspect a man's private castle. The man refused. Lo and behold, the next thing we knew there was this bill being submitted to the legislature.

Now in Auburn we happen to have five legislators, and we all belong to the same party. It would only seem appropriate that the person who wrote this bill would have approached us and asked one of us to submit the bill and let us be fair about it and let it have its day in court and let us hear the thing out, but he went elsewhere and approached another representative to sponsor the bill.

So the next thing we knew, the only logical reason we heard that the building inspector wanted to inspect this particular house, the only one in Auburn where he was denied entrance, was that it had something to do with the code enforcement ordinances that were in effect and, of course, Auburn was one of the recipients of a million dollar code enforcement program. Well, come to find out, the outer boundaries of the code enforcement area weren't even within walking distance of this man's house. He probably lived over a mile away from the outer boundaries of the code enforcement area, yet the city inspector persisted in inspecting this man's private home.

The next thing we knew, there was some rumor that this particular man's septic tank had a straight pipe which led into Taylor Brook, which was situated directly behind his home. I can assure my colleagues that when the brook is dried up in the spring you can walk back there, you can walk right across the bed of the brook, and there are no septic tank pipes that lead into the brook. The rumor was absolutely false. It was nothing more than a political deal to embarrass a certain public official. For that reason I opposed it in

the last session, and I certainly am violently opposed to it this session.

It is ironic that the very same legislator has submitted before us this session an amendment to a bill that would raise the classification of Taylor Brook to B-1. Now, I can assure you that here is a man who is trying to do a good job for his constituents, he is trying to upgrade a body of water, and I am as sure as I am standing right here that he is not contributing to the pollution of this body of water. I certainly hope that my colleagues will go along with me in opposing this bill.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I never thought I would find myself fighting this hard for a bill sponsored by a Democrat, but when there is some merit to the bill I feel that I should.

Again, I repeat, that this procedure will not invade your private domain, and it will be done, as I say, under the rules of your Supreme Court. And if we are going to put some teeth in some of our administrative laws in the State of Maine we have got to do something in this area. We are not going to have slum clearance, we are not going to be able to use some of the programs which we are going to initiate as far as the administrative level is concerned, unless we do pass some legislation in this area. I think many of the legislators have seen this and have voted in favor of it, and again I ask your support. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: We should be perfectly clear on this, that without this bill no one can get a search warrant to go into your home unless a crime is being committed in there and it is necessary to search and find evidence of that crime.

With this bill it will be possible to do so.

It is true that certain rules will be laid down, nevertheless, the last

vestige of our privacy, that is your home, will be subjected, if you vote for this bill, to invasion by search when no crime is being committed whatsoever, merely because some inspector wants to complete a report.

The statistic that I cited to you was cited to us that the incidents of problems on inspections on these administrative matters was five - ten thousandths of one percent. I did not say that there were no problems. What I said to you was that the problems were so insignificant as to make this totally unnecessary. And I hate to see the rights that we have slowly being chipped away one by one until big brother — we are always under his observance and we are never out of his sight. I think that this is totally unnecessary, and I would like to preserve the sanctity of the home so that the only time that the state can come in there is by a search warrant when they believe that a crime is being committed. It seems to me that that is all they deserve to enter your home.

The PRESIDENT: 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 as Amended Report of the Committee on Bill, "An Act to Authorize Issuance of Warrants for Administrative Searches."

A division has been requested. As many Senators as are in favor of the motion to accept the Minority Ought to Pass as Amended 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. Six Senators having voted in the affirmative, and twenty - two 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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to

Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings." (H. P. 267) (L. D. 356)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1273) (L. D. 1674)

Signed:
Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

WHEELER of Portland
HEWES of
Cape Elizabeth
LUND of Augusta
WHITE of Guilford
KELLEY of Caribou
ORESTIS of Lewiston

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

Signed:
Senator:

QUINN of Penobscot

Representatives:

CARRIER of Westbrook
BAKER of Orrington
PAGE of Fryeburg
HENLEY of Norway

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 Report of the Committee Accepted in concurrence.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Increasing Minimum Salaries for Teachers." (S. P. 162) (L. D. 484) ask leave to report: reporting that the House recede and concur with the Senate in accepting the Minority Report reporting "Ought to pass" in new draft (S. P. 517) (L. D. 1402) under title of "An Act relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative Unit" and pass the Bill to be engrossed in concurrence.

On the part of the House:
BITHER of Houlton
TYNDALE of

Kennebunkport

On the part of the Senate:

KATZ of Kennebec
DUNN of Oxford
GREELEY of Waldo

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, may I ask has the Committee of Conference Report been considered by the other body?

The PRESIDENT: The Chair would answer in the affirmative. The other body rejected the report of the Committee of Conference and insisted and asked for a second Committee of Conference.

Mr. KATZ: Mr. President, I move that the Senate reject the Committee of Conference Report and join in a second Committee of Conference.

Thereupon, the Senate voted to reject the report of the Committee of Conference and subsequently voted to Insist and join in a second Committee of Conference.

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

Senators:

KATZ of Kennebec
DUNN of Oxford
GREELEY of Waldo

Senate Leave to Withdraw - Covered by Other Legislation

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to Salary of Commissioner of Education." (S. P. 286) (L. D. 841)

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. Quinn for the Committee on Legal Affairs on, Bill, "An Act Relating to Theft of Trade Secrets." (S. P. 379) (L. D. 1134)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Permits for Keeping Certain Wild Animals in Captivity." (S. P. 375) (L. D. 1111)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-101).

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Creating the Rumford-Mexico Sewerage District." (S. P. 488) (L. D. 1499)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-102).

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. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Size Limit of Trout." (S. P. 376) (L. D. 1112)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 548) (L. D. 1687)

Mr. Violette for the Committee on Public Utilities on, Bill, "An Act to Require Notice to Public Utilities of Certain Excavations." (S. P. 455) (L. D. 1313)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 549) (L. D. 1688)

Which reports were Read and Accepted, the Bills 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 to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (H. P. 364) (L. D. 471)

(On motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Passage to be enacted.)

Bill, "An Act to Change the Method of Filling Vacancies in Office of Register of Deeds." (H. P. 665) (L. D. 894)

Bill, "An Act Providing that House Trailers on Land Owned, by the Owner of the Trailer Shall be Taxed as Real Estate." (H. P. 924) (L. D. 1276)

Bill, "An Act Relating to Clarifying the Sales Tax Law as It Relates to Gratuities and Service Charges in Eating Establishments." (H. P. 1277) (L. D. 1677)

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

House - As Amended

Bill, "An Act Relating to Regulations for Upland Game and Fur-bearing Animals." (H. P. 390) (L. D. 505)

Bill, "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses." (H. P. 476) (L. D. 837)

Bill, "An Act Relating to Fees for Recording Marriage Intentions and Issuing License." (H. P. 812) (L. D. 1085)

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

Senate

Bill, "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified Marine Species." (S. P. 513) (L. D. 1370)

RESOLUTION, Proposing a n Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor. (S. P. 545) (L. D. 1678)

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

Sent down for concurrence.

Enactors

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

An Act Relating to the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor. (S. P. 297) (L. D. 854)

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

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

An Act Relating to the Change of Name of the Old Cemetery Association. (H. P. 999) (L. D. 1361)

An Act to Create the Orono-veazie Water District. (H. P. 1265) (L. D. 1665)

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

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

(On motion by Mr. Conley of Cumberland, tabled and specially assigned for April 27, 1971, pending Enactment.)

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

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

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

Emergency

An Act to Amend the Birch Point Village Corporation. (H. P. 942) (L. D. 1301)

This being an emergency measure and having received the affirmative votes of 30 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 Increasing the Debt Limit of the Town of Wiscasset School District. (H. P. 1221) (L. D. 1434)

This being an emergency measure and having received the affirmative votes of 28 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.

Orders of the Day

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-129 from the Committee on Health and Institutional Services on Bill, (H. P. 487) (L. D. 628) "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County."

Tabled — April 15, 1971 by Senator Dunn of Oxford.

Pending — Acceptance of Report.

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

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

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

Tabled — April 15, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

(See action later in today's session.)

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

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

Tabled—April 15, 1971 by Senator Kellam of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This bill has been tabled a number of times by myself and the good Senator from Franklin, Senator Shute. It is a bill that I don't have much—I was going to say love for, but I don't think that is a good expression—but it strikes me as not being particularly adequate to take care of the problem which has been described to me.

Now, as far as I am concerned, it is all right if the sponsors of the bill would like to have more time to try to work out something that I would think would be along more reasonable lines, but I haven't had any particular luck. I have talked with the Attorney General, who did some of the drafting on it, a couple times, but I haven't seen anything come along that I feel is really directed toward the problem which the Liquor Commission has. So, I would make the motion to indefinitely postpone this particular bill, and if anybody wants to carry the bill a little further, they could try to table it and then look into it themselves.

But, briefly I would explain to you that we have a law on the books relative to drinking in a public place. This part of our intoxication statutes, and it is under the criminal code in Title 17. As I understand it, the Liquor Commission has had some difficulty with what we have known as "bottle clubs", organizations which do have liquor consumed on the premises. And in order to approach that problem this bill was presented to include within "a public place" any place where admission is charged.

This strikes me as very broad far-reaching language, and it really doesn't indicate to me a public place. It runs counter to what my interpretation of a public place is anyway, and I am not too sure as it really assists the Liquor Commission in doing its job. But what really bothers me is that it is not in the liquor statutes. I believe these things should be approached through the licensing law in Title 28. And drinking in a public place, of course, if there was a charge made against someone, it wouldn't be made against the person who was running the establishment necessarily; the crime is being committed by the person who is there and taking a drink.

Knowing how difficult it is, I know for myself I seldom get invited anyplace where admission is not charged, and I think probably many of us are in the same category. You would have to be very careful about how you approached having anything alcoholic in na-

ture, no matter where you were. So, as I say, I sympathize with the problems of the Liquor Commission, and I really feel that there is some way they could solve their problems but I don't feel this is it. Consequently, I would move indefinite postponement of the bill.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that Bill, "An Act Relating to Drinking in Unlicensed Places" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: For a while I wasn't quite sure whether Senator Kellam was arguing in favor or in opposition to the bill.

The Liquor Control Committee unfortunately doesn't have any legal members as part of its committee, and maybe this is a blessing in disguise here, however, with what knowledge we do possess, and with this document presented before us, it came out with a unanimous Ought to Pass Report of the Committee.

We held it for some time because it was related in many respects to the document which has already passed this body which provides the opportunity for charitable organizations, non-profit organizations, to have their charity ball functions where they can bring their own liquor in a dance hall or public place without fear of being arrested by the local constabulary, as has happened in many instances.

When this bill came along it was with the intention on the part of the Liquor Commission to have a closer control over the so-called bottle clubs, the dances where people sign in with a guest, they are there for the evening, and they bring their own liquor, but there is no control over this type of operation. Now, many of them run very good establishments, but there is no present law on the books that controls this type of an operation, and this is what the intent of this bill was designed to do, to give the Liquor Commission some control.

There have been several attempts on the part of the Chairman of the Liquor Commission and Senator Kellam to get together to try to iron this problem out that he has denounced, but in the wisdom, the questionable wisdom now, of the Liquor Control Committee, we turned it out unanimously Ought to Pass, so I would oppose the motion and ask for 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: The reference to the bottle club problem raises the fact that two years ago we attempted to do something with the bottle club problem. And this bill, of course, does absolutely nothing with the bottle club problem.

In a bottle club you can take your liquor in and you buy your set-ups, and there is not an admission charge, in itself an admission to the club, so this bill won't cure that. And I am not sure that today we do have a real bottle club problem anyway.

The bill that Senator Shute refers to that went through provides for a caterer to provide liquor at charitable functions and doesn't permit you to take your liquor to a charitable function.

I don't believe that this is a good piece of legislation. I think it is too restrictive, and I would strongly support the position of Senator Kellam that this should not pass.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would raise the question: Does the distinguished Senator from Cumberland, Senator Berry, speak as the Majority Floor Leader or the Senator from Cumberland County?

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

Mr. BERRY of Cumberland: Mr. President, I would like to know if the distinguished Senator from Knox speaks as Assistant Floor Leader or as an individual?

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I speak just as a lone member of the Liquor Control Committee in this instance. I would like to correct the impression that Senator Berry has left with you that a caterer must be responsible for this arrangement under which a non-profit organizations can have liquor.

For a fee of ten dollars per event an organization may apply for this special license to have liquor served, and not necessarily by a caterer.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that Bill, "An Act Relating to Drinking in Unlicensed Places", be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill 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 twelve Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth 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 15, 1971 by Senator Wyman of Washington.

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

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am against the motion to reconsider. This little bill has had quite a bit of attention in the Senate for the past month and a half. It has been tabled and retabled thirteen times. There has been

ample time to come in with an amendment. Reconsidering the motion will provide the facilities for an amendment, and I have the amendment before me here. I would like to explain to you what the amendment will do.

If you look on your desk you will find the material which I have distributed. Under Somerset County you will locate Moose River right at the top of the list. Moose River has paid in 1970 \$2,952 in Forestry District Tax. I have comprised the distribution of this tax load amongst the owners of the land in the amount of \$1,122. Actually this is the protection of the land only. However, the tax is collected from the owners of the buildings also and the personal property in the amount of \$1,830.

I maintain this is unfair. The property owners, other than land, are paying sixty-two percent of this amount. I maintain that the small town of Moose River joined the Forestry District in 1909, sixty-two years afterwards they want to get out, so I maintain that they shouldn't have to wait a hundred years to get out. It is their prerogative, and they have voted at their town meeting unanimously to get out. I have contacted the Chairman of the Board of Selectmen of Moose River, and he tells me that they are definitely against the amendment.

This amendment in truth will give the small town of Moose River \$200 as compared to 1970 expenditures. They have paid \$400 to the Town of Jackman for fire protection on the buildings. So, this is an example of the powers that be in continuing this discriminatory tax for protection of certain property within the state. I maintain that it is high time that this is stopped.

I have a bill, and this bill hinges on my bill that will allow a town to join the district and also allow the town to get out of the district at the vote of their town meeting. This was the reason this great big fight against this small Moose River bill has been brought to us. I feel that it is high time that this little discriminatory procedure is stopped, and that these two hundred and fifty-five inhabitants of

Moose River are given the privilege of consideration, and that this legislature should not act favoring a certain few against the wish of the inhabitants of Moose River. Therefore, I would hope that the motion to reconsider does not prevail.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I agree with Senator Martin that this bill has been with us an inordinate amount of time. I believe there was snow on the branches of the maple trees on the State House lawn when this first came to us, and now the buds are ready to bloom. I at times had thought we had better substitute the words "Moose River" for the old and well known song "Moon River", because I have seen Moose River in my sleep.

This has been an agonizing week-end for me because the latter part of last week the landowners, who represent all the members of the Maine Forestry District, the Commissioner, Mr. Wilkins, and some attorneys sat down and they tried to wrestle with this problem not only of Moose River but the fifty-four other municipalities that come under the Maine Forestry District.

At the outset I wish to assure Senator Martin that I agree with him wholeheartedly that this is a discriminatory tax, and I think that the amendment which Senator Wyman will offer will be an attempt to eliminate this discrimination in the long run.

My problem was to decide what was for the best interests of the people of Moose River or should I consider the fifty-three other municipalities and the residents and taxpayers therein.

We could pass this, I am sure, and Moose River would be free of paying taxes to the Maine Forestry District. If Moose River must pay for its tax for this year, they have assured me that they would carry this to the Maine Supreme Court and would challenge the validity of the law. This would be an expense to them, and I be-

lieve it would be an unnecessary expense. So, we agree that something must be done for all of the municipalities in the Forestry District. This was a decision that we had to make.

The amendment which will be offered will provide reimbursement up to one-half of the tax paid by any of these municipalities. Now, Senator Martin and I represent a number of communities that are involved in the Maine Forestry District because of their rural character. Moose River is not the only one which would receive reimbursement. As the Senator has pointed out, Moose River would be subject to reimbursement on the basis of a \$400 retainer fee to Jackman for its help in overseeing the forests in the community of Moose River, for hydrant rental, and for any other legitimate expenses.

The Senator from Washington has assured me that one of the acts of this legislature will be to enter an order, either under his sponsorship or mine, to direct the Legislative Research Committee, in conjunction with the Maine Forestry Department, to investigate this whole area of Maine Forestry District taxes. Furthermore, I would ask that the Forestry Commissioner, if this bill passes in its amended form, be instructed by the legislature to inform all of those municipalities that the new provision of the law entitles them to recover up to one-half of the tax paid.

In the two year interim period before the 106th Legislature is formed the legislature, through its Research Committee and the Maine Forestry Department, would have an opportunity to cover all of the areas that Senator Martin wishes covered and, hopefully, some new arrangement can be arrived at whereby the other municipalities can be relieved on their discriminatory tax which goes to the Maine Forestry District. I would favor a reconsideration motion in order for Senator Wyman to submit his amendment.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Sen-

ate: Senator Shute has admitted and mentioned that there is discrimination here. I can't go along with the idea of a study. If there is discrimination, I plead with you why not correct it now.

The Legislative Research Committee, if there is a study directed or requested of them, I really don't believe they can research this problem any more than I have.

It is interesting to know that the Forestry District Tax from these member towns is in the amount of \$180,000 for 1970. It is also interesting to know that the tax attributable to the land — this tax, don't forget, is to protect the land — the tax that the land has paid out of this \$180,000 is \$81,500. The other property owners, other than land, in 1970 paid \$52,600.

Now, here is a little gimmick that is kind of humorous. The dams are paying their share of this tax. Have you ever heard of a dam catching on fire? They have paid \$45,900 of this tax. The small town of Moscow has a dam which has paid \$24,000 of \$36,900 of the 1970 tax. The small town of Pleasant Ridge Plantation, the total Forestry District Tax was \$28,100, and their share of this tax, because they have a dam, was \$13,500. We have a small Town in Oxford County, Lincoln Plantation and their Forestry District Tax for 1970 was \$10,700; the dam paid \$7,200. In Penobscot County we have Medway with a \$7,600 Forestry District Tax, and they have a dam. \$1,200 was paid because of the dam. So totally the dams have paid \$46,000 in 1970.

In the case of Moose River, this little town with 255 inhabitants in the last five years has paid over \$11,000 in Forestry District Tax. This in truth is an insurance. And there is a need for the Forestry District Tax, however, the Forestry Department has fought fires to the tune of \$15.75 during those five years.

I maintain that if the Town of Moose River wants to get out of the District that it is their privilege to do so. Let's not wait for a study, let's not wait for a two-year period, let's not come out with an amendment, but if there is discrimination then let's correct it

right this moment. Mr. President, I would request a division.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I can only echo the remarks of the good Senator from Franklin, Senator Shute. Like all compromises, I don't think everybody is happy with this, but I do think it goes a long ways toward correcting this situation by helping it and, if this is reconsidered and the amendment is adopted, it helps all the towns in the Forestry District, not only Moose River. So I hope you will vote for the motion of reconsideration.

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

Mr. SHUTE of Franklin: Mr. President, may I inquire from the Secretary if there is an amendment number on the amendment to be offered?

The PRESIDENT: Would the Senator repeat his question?

Mr. SHUTE: I realize sir, that there hasn't been an amendment offered yet, but I just want to make sure that one is in the wings and ready to be presented.

The PRESIDENT: I believe it is No. S-103.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I sat listening with a great deal of attention and interest to the comments of Senator Martin of Piscataquis, and I think he provided a great deal of ammunition for Senator Wyman of Washington.

The dams to which he refers, of course, are in large part public utility dams and, to that extent, each one of us in this room through his light bill is paying the tax involved. It seems to me only fair that the relief which is requested here should be given to everybody. I think there is a great deal of logic to this matter and, as Senator Martin points out, everybody should be treated this way. Accordingly, I think the amendment as proposed by Senator Wyman is only very, very fair.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am very pleased that Senator Berry of Cumberland has brought this to my attention.

I have attempted to rectify this—I will not mention dam tax—this tax on the dams in the amount of \$46,000, and I have been told by Mr. Slosberg that this bill is not germane to the issue regarding the dams. And I guarantee Senator Berry that the bill that I have sponsored will carry this amendment because it will be germane to the issue.

I maintain that this tax on the dams in the amount of \$46,000 is directly passed on to the users and also is an unfair tax. It is a discriminatory tax and it should not be. I intend to correct that one also or I will attempt to.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby Bill, "An Act to Eliminate Moose River from the Maine Forestry District", was passed to be engrossed.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby this bill was passed to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby this bill was passed to be engrossed 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 thirteen Senators having voted in the negative, the motion prevailed.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-103 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 fifth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Health and Institutional Services on Bill, "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent." (H. P. 391) (L. D. 506) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 16, 1971 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Either Report.

Mr. Hichens of York then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. **MINKOWSKY** of Androscoggin: Mr. President, may I have the status of the Committee Report from the Secretary?

The **PRESIDENT**: The Secretary will give the Committee Report.

The **SECRETARY**: The Majority Ought to Pass Report was signed by Senators Minkowsky and Greeley and Representatives Lessard, Doyle, Clement, Payson, Cummings and Santoro.

The Minority Ought Not to Pass Report was signed by Senator Hichens, Representatives Berry, Lewis, Dyar and McCormick.

The **PRESIDENT**: The Chair recognizes the same Senator.

Mr. **MINKOWSKY**: Mr. President, I request a division.

The **PRESIDENT**: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. **TANOUS** of Penobscot: Mr. President, may we be enlightened a little bit on this matter before we vote on it from some of the committee members?

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

Mr. **HICHENS** of York: Mr. President and Members of the Senate: Although in sympathy with the intent of this bill to help teenagers with drug problems, I am very much alarmed with the continued breakdown of parent-children relationships.

Here we have youngsters allowed to be treated for drug problems, and even as amended, without parental knowledge as to their whereabouts for 48 hours. The Attorney General's office has questioned this amendment as to the time when the 48-hour period begins and the notification.

Two years ago treatment for VD without parental consent became law. Now we have this L. D. before us and on its heels another bill allowing minors to obtain contraceptives without parental consent.

We talk of generation gaps, and I suggest to all members of the Senate that these L. D.'s widen more than ever the gap between parents and children. Most of us are parents, and some of us are grandparents. Are you willing to urge your children to seek help elsewhere, or do you hope to build up their confidence in parental guidance and confide in you as their guide and example?

This bill, as I said, and explained to my fellow Senator from Penobscot, gives these youngsters the right to go to these rap centers and to doctors and get drug help without the consent of their parents. I urge you to accept the Minority Ought Not to Pass Report and keep this family gap from getting wider and wider.

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

Mr. **MINKOWSKY** of Androscoggin, Mr. President and Members of the Senate: This was a very, very comprehensive hearing we had before the Committee on Health and Institutional Services. In my recollection, and I could be mistaken in this evaluation, there were no opponents to this particular bill.

We had people from religious fields, from rap centers, professional social workers along these related lines, who discussed in depth with the members of the committee that they themselves

had their reservations about this breakdown, but in many cases we as parents of teenaged children could set the example along one way but we actually have no control over them when they are not under our jurisdiction at home.

Another example that was brought out, which I felt was of significant importance, is that in the event a child is under the influence of drugs, and it would be considered an emergency nature, he or she would not be able to receive emergency care in an emergency room of a hospital because of the lack of parental consent. In my estimation, it is more important to be able to treat a youngster immediately upon his arrival at the hospital to diagnose what the problem is in order to save his life, and I would urge the Senate to vote against acceptance of the Minority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent."

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

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I move this matter be tabled until the next legislative day.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that Legislative Document 506 be tabled until tomorrow.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, with all respect to my conferee from Penobscot, Senator Quinn, I really feel that time here is not going to be served at all by tabling, and I hope you would vote against the motion.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Quinn, that this matter be tabled and specially assigned for tomorrow will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the tabling motion did not prevail.

Therefore, a division being had, with six Senators having voted in the affirmative, and twenty-three Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report of the Committee did not prevail.

Whereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

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

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

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

Tabled — April 16, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-86 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President and Members of the Senate: This amendment removes from the present bill, L.D. 1551, that part of the bill which states that the third member of the registration board of municipalities which have populations of 4,000 or over shall be appointed by the municipal officials. And it removes the remainder of the wording which states as follows: "and shall be enrolled in the party having the majority enrollees in the respective cities and towns." That is exactly what it does.

Now, the reason I offer this amendment, Mr. President and Members of the Senate, is this:

Presently the law requires that the third member of these boards of registration be appointed by the Governor, with the consent of the Council. This has created a condition which is very, very difficult to handle. There are now, I am told, somewhere around 25 nominations for these third members of the boards of registration, nominations made by the Governor, and they are lying on the table before the Executive Council. I assume these are tabled there because of some political ramifications one way or another. Now, I am not going to discuss that part of it, but it is creating a situation where there is an inability to fill the openings for the third members of these boards.

I submit that what this bill does actually is remove to the municipal level the appointment of the third member of the board. That is fine. I undoubtedly think the municipalities ought to have the authority to appoint all of the members of the boards. But I do submit that we are taking matter which is, in a sense, political, removing it from the office of the Governor and placing it with the municipal officials of the towns and still leaving it as a political matter because the law states that it has to be a member of the party which has a majority of enrollees. I think it will still make it, in a sense, a political appointment.

We take into consideration that in many municipalities today the combined enrollment of one party or the other party and the independent voters far exceeds the enrollment or number of voters of what might be called the majority party in a certain municipality, and I am perfectly willing to leave it entirely in the hands of the municipal officials to name this third member and leave it up to them as to whether they will be from the Democratic Party, the Republican Party, or an Independent registered voter. I am perfectly willing to leave it up to their choice and their discretion. I think in the long run they will make the best appointment in their judgment.

That is the reason I offer this amendment. I think it has good,

sound validity, and I hope that the Senate would accept this amendment. I like the idea of removing the appointment to the municipal level, but I do not like the idea of telling the municipal officers that it has to come from a particular party, so I hope that we would adopt 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 oppose the adoption of Senate Amendment 86. I rather expect that the amendment accomplishes its purpose and it pretty much emasculates the whole document.

Originally this was L. D. 1000. It became 1551 when the majority of the Committee on Election Laws reported this out. It is a fair approach to a problem which has been growing for the past two years, with a number of nominations on the table of the Executive Council, as Senator Violette has already pointed out.

I think this is a fair approach. It also is a fair approach to both of the major parties. I submit that independent voters are important, but they have refused to take their responsibility sufficiently enough to become involved in party affairs.

The town officials are required to appoint a member from the ranks of the Democratic Town Committee nominees and from the Republican Town Committee or City Committee nominees. The third member, under the provisions of the new draft, would be appointed by the municipal officers and would be chairman. And he or she would be a member of the party having the highest number of enrolled voters in that community. Now this does rule out the independent voter as members of the boards of registration, and I submit that there aren't many communities where you can find independent voters as an integral part of a registration board.

There are some thirteen chairmen of registration boards whose terms have expired. They have neither been reappointed nor been replaced. Seven more have resigned and have not been replaced,

and one has died. There are other towns in the state that have reached the 5,000 mark population under the new census and they already are experiencing problems in setting up registration boards. So we can see an important cog in our voting set-up which in many instances is not able to do its job at full capacity because of the uncertainty of a person's position.

Now, under the present statute, of course, the Governor has the capacity to appoint these chairmen. I have been given to understand that the Governor really doesn't want to become involved in these appointments where one has to make a judgment between recommendations at a local level. This is why these nominations have piled up on the Council table. In other instances, of course, the Governor and the Council have not been able to agree, so the Governor has sort of adopted a hands-off policy for the past two years.

This bill does offer a solution to keep our registration boards at full strength. I submit further that the registration boards need to do their jobs because their primary function is to keep the voting lists current. In many instances they are not doing this because they are understaffed. Their job is a very important one.

The municipal officers in many instances may be in a better position to know who would be best to serve and, if they are permitted to make their selection from the enrollees of the majority party in that community, I believe this is a fair approach. So I would oppose the adoption of Senate Amendment 86.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I don't want to belabor this bill, as we have a long calendar, but I do submit that I am perfectly willing to leave it up to the municipal officials to make their own decision, regardless of party, as to who the third member of that registration board will be. I don't think we need to dictate to them from here which party he is going to come from.

We don't even allow an independent voter to be a member on this board, which I think is a very, very valid objective to be obtained, perhaps to bring some balance. I am not afraid as to who the municipal officials in my town are going to appoint. I am willing to rely on their judgment. And I think in the long run we are going to get better boards and, Mr. President, when the vote is taken, I request a division.

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 Relating to the Requirement for a Board of Registration."

A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "A" will please rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

The President laid before the Senate the seventh 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 16, 1971 by Senator Hichens of York.

Pending — Motion by Senator Minkowsky of Androscoggin to Reconsider Indefinite Postponement.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I believe that this item was sufficiently debated last week, and I don't want to prolong further debate on this particular matter, so now I would move, Mr. President and Members of the Senate, the pending question and hope that the Senate will vote against my motion to reconsider.

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

Mr. HICHENS of York: Mr. President, I would ask for a division on that motion to reconsider. I would like to have the motion reconsidered so that we may have this handled in the way that it should be, so I would ask you to vote for reconsideration on the indefinite postponement motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health," was indefinitely postponed.

As many Senators as are in favor of reconsideration will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

HOUSE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highway and Fuels Used by Such Vehicles. (H. P. 370) (L. D. 521) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 20, 1971 by Senator Clifford of Androscoggin.

Pending I Acceptance of Either Report.

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a resolution that was introduced

by the Representative from Augusta, Jon Lund. And what it would do, very basically, is that it would undedicate the funds to the Highway Department.

I think, in order to fully understand what this resolution is and what it proposes to do, you have to get some idea what kind of money we are talking about. I am going to throw out some figures, figures that I have gotten from the Highway Commissioner himself and from Ed Greeley, the Chairman of the Department of Transportation. I am sure I am going to be criticized for some of the figures that I do present. I will admit in advance that these figures are probably not one-hundred percent correct, but I am using them only as illustrations and I don't intend that you should take them as the gospel truth.

I think that the Highway Department would like for the next two years a budget of \$141,000,000. Now they propose to spend part of this on new construction and part of it for current services within the Highway Department. Now the new construction would be \$32,000,000. And they arrive at this figure because with this amount of money they could take full advantage of the federal matching funds that are available. The balance of the monies, \$109,000,000, would be used to maintain the highways that we have in existence now. The dedicated funds, the monies that the Highway Department would use, it is anticipated under the current set-up as it is right now, under the current tax structure, that we will get in the next two years, the next biennium, \$117,000,000 from dedicated funds. \$80,000,000 of this would come from fuel taxes, \$27,000,000 would come from license and registration fees, and \$9,000,000 from miscellaneous dedicated sources.

Now, I think that the Committee on Transportation expects to raise the balance of the funds that the Highway Department would like to use for the next two years by an increase of one percent in the gas tax, and the balance would be raised by a bond issue. I only throw these figures out to give you some idea of the amount of money

that we are talking about when we talk about the Highway Department.

I want it understood, and I want it very clearly understood, that I am not talking in favor of the resolution because I have any criticism of the Highway Department. I have nothing but admiration and high regard for the man that is presently the Commissioner of Highway, and that is David H. Stevens. From every report that I have heard, he is a very capable and dedicated administrator and public servant. I am not really worried about what is going to happen to the highway fund as long as Mr. David Stevens is there. My concern, and it is a real concern is what is going to happen when Mr. Stevens retires from that position. If we get a man who is equally capable then there is no need to worry, but I doubt if anybody can fill Mr. Stevens's shoes to the degree of capability that that job is being handled right now. Mr. Stevens is not a young man and I think in the very foreseeable future he may step down or may retire.

So, my thinking on this matter, and I think it is the thought behind the resolution, that we take all of the revenues that this state collects and place them in the general fund, no matter from what source, and we would make every single department in state government get in line and make them prove their case as to how they are going to use the funds and whether or not they are needed.

In my opinion, the State Highway Department is a very, very important part of state government, but so is Education, so is Health and Welfare, so is Mental Health, and so are the several other departments of state government. I don't feel that the Highway Department should stand on sacred ground, that they should be exempt. I think they should stand in the same shoes as every other department in state government stand. I think that they should be made to prove their case when it comes to getting funds.

So, I will leave one thought with you before I close, and that is this: I think that the Appropriations Committee two years from now

should have the right to examine the Highway Department budget along with the request of every other department in state government. And let the Appropriations Committee be the one to establish priorities when it comes to giving out money. They are the proper party to do this, and they can examine the Highway Department requests along with the requests from every other department. Then, with the approval of the 106th Legislature which will meet two years from now, they will be the ones eventually to give their approval, or stamp of approval to the budget presented by the Appropriations Committee. I would ask you, for these reasons, that we should accept the Minority Ought to Pass Report of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Androscoggin, Senator Clifford. I certainly have a great deal of respect for his views, and I feel that if the views were based on some sound prognosis, I believe that perhaps he would have proper grounds for asking and we granting his request.

One of the contentions is that the Highway budget is not sufficiently scrutinized as well as the other budgets of the state departments that are scrutinized by the Appropriations Committee. However, I think this is some area that the average legislator does not realize that the Transportation Committee really scrutinizes this budget, in fact, I would feel, equally as well as any other department request is scrutinized by the Appropriations Committee.

To give you an example, I spent all day last Monday up in Calais and Machias with six or seven members of the Committee going over a stretch of road where we felt there had been a bid submitted that was a little bit too high. After we spent the whole day looking it over, consequently we realized that the bid was too high. And the Highway Department, in

fairness to them, were the ones to a certain extent that alerted us to this fact that the bids were a little too high, according to their specifications. So that was one there, and we have got about ten or twelve more to go out and look at on the road.

The fact that the average legislator does not seem to — let's put it this way: the press or the news media do not really play up the problems of building roads as much as they do the sentimental and psychological issues that are raised with the appropriations of money that the Appropriations Committee contends with.

There are several reasons why these funds that are dedicated should remain dedicated. In the first place, the people that use the roads are paying for them, and that is where this money is going. The money that goes into this highway fund comes from the people who are using the roads. Where else is it going to come from? From someone else who is possibly underpaid and pays some money in on the sales tax? Should we take his money and use it for roads too?

It takes from four to seven years to adequately plan and engineer a highway. And for a highway department to plan something, and then not know whether they are going to get the money to do the job with, does seem to be kind of a gamble to a certain extent. Will you do it? Shall we spend the money and engineer, and all this bit, and spend the money, maybe half a million dollars, and then find out that we won't have the money to complete the job?

Dedicated funds allow for the reasonable assurance that the money will be available on the follow-through on any construction project. For example, many things come up, and the good Senator from Androscoggin, Senator Clifford, probably doesn't realize it, but I am sure he supported the bond issue for the Androscoggin Bridge at the four and a half million figure, but there is probably one area that he is not aware of, and that is the fact that we are exactly \$2 million short now on that same bridge, and we have got

to take this money out of this dedicated fund to pay for the approaches to this bridge. Well there is \$2 million for one project, and I am sure the Senator would be in favor of it. I think if he had to go to the Appropriations Committee and beg for this \$2 million, it would be probably ten years, and then he wouldn't quite be sure whether he would get the money or not.

I don't know whether I have sufficiently covered this or not, but if anyone would make a study and really go into the scrutiny of the Highway budget like this Committee—and I will give credit to Senator Greeley for the past four years, because the budget that came before this legislature was reduced over \$10 million four years ago, it was reduced \$13 million two years ago, and I am sure it is going to be reduced this time. And if that isn't a good scrutiny of the Highway budget, then I am not reading the angles correctly. I would, Mr. President, ask for a division when the vote is taken.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: Four years ago there was quite a lot of talk nearby, when the Education Department was a little short of money, to undedicate the highway funds to see if they couldn't get some money for education. Two years later the highway budget came out of the governor's office, it had a lapse of about \$40,000,000 of balancing, so it was suggested that we come up with a cent on the gas tax and a twenty-one and a half million dollar bond issue. We cut that budget, as the Senator from Somerset, Senator Johnson said, over ten million dollars, and we brought the bond issue from \$31,700,000 down to \$21,500,000. That went to the people and the people defeated it. Then we cut the highway budget \$2,000,000 more to put out a bond issue for \$19,500,000.

This year the highway budget, if we are going to match the federal funds that are available, is out of balance about \$26,000,000. So the suggestion this time is a cent

on the gas tax and a \$16,000,000 bond issue. At the present time, if you want to analyze where some of the money goes, you get your Legislative Document 256, and it pretty well analyzes where the money is going. There is a little over \$7,000,000 in money available to match federal funds. There is \$18,600,000 of interstate money available each year of the biennium, or \$37,200,000. To match that we have got to have \$4,496,000. We have got to have \$2,000,000 to complete the approaches at the Lewiston-Auburn Bridge. That leaves us about \$1,000,000.

We have federal funds available in the primary, secondary, and urban areas of \$17,438,000 for the biennium, and it is going to take \$18,890,000 to match that.

I am certainly opposed to the motion of the Senator from Androscoggin, Senator Clifford, because we have got plenty of troubles now in trying to balance the highway budget.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: There is just one item that I forgot to mention when I spoke earlier, and that is this: Roughly one-half of the states in the United States have dedicated highway revenues. And of these twenty-five or twenty-six states that do have dedicated revenue only part of the dedicated funds go to make up the highway. I know this item isn't going to interest Senator Wyman because in working in committee with him he always objects to what the other states do, but I just throw this out for your information. The other thing is that when the vote is taken, I would request that the vote be taken by the yeas and nays.

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 Androscoggin, Senator Clifford, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an

Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highway and Fuels Used by Such Vehicles.

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

The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate Accept the Minority Ought to Pass Report of the Committee on Legislative Document 521. A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Levine, Marcotte, Martin, Minikowsky, Violette, and President MacLeod.

NAYS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Johnson, Kellam, Moore, Peabody, Quinn, Schulten, Sewall, Shute, and Wyman.

ABSENT: Senators Hoffses and Tanous.

Mr. Levine of Kennebec was granted permission to change his vote from "No" to "Yes".

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators being absent, the motion to Accept the Minority Ought to Pass Report did not prevail.

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

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

HOUSE REPORTS — from the Committee on Education on Bill,

"An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 20, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, the Senate voted to Accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License and Registration." (S. P. 192) (L. D. 553) Majority Report, Ought to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-93.

Tabled — April 20, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Tanous of Penobscot to Accept the Majority Ought to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President, there has been distributed an amendment that will be offered at the proper time under filing S-104, which I understand removes many of the objections to the bill as it came out of committee. Therefore, I move the pending question.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I concur with the good Senator from Kennebec that on this bill all the objections that the minority of the committee had to it will be removed if you accept the Majority Ought to Pass Report, and you also accept the amendment which the good Senator will offer, which is S-104.

The objections which the minority of this committee had to

this bill was that it removed all rights to a preliminary hearing for revocation of a license. This amendment takes care of that particular problem in that you will still retain your usual rights to a preliminary hearing before your license is revoked. Under certain unusual circumstances you will not have the right of the preliminary hearing. I think it is a good compromise and I want to commend the good Senator from Kennebec, Senator Katz.

The PRESIDENT: Is the Senate ready for the question?

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

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

Bill, "An Act Relating to Uniforms for Full-time Deputy Sheriffs." (S. P. 839) (L. D. 1151)

Tabled — April 20, 1971 by Senator Quinn of Penobscot.

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 twelfth 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 20, 1971 by Senator Berry of Cumberland.

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

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

Mr. KATZ of Kennebec: Mr. President, in moving the pending question, I call to the Senate's attention again the report that was distributed by agreement yesterday that said, in effect, after careful

evaluation of the question, under no circumstances was there any validity or hope of offering either an associate degree or a baccalaureate degree program to the institution in its present form. I hope you read it and will vote accordingly.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to read a communication by Kermit Nickerson, the Deputy Commissioner of Education, regarding this problem. It is quite lengthy so I will make it short and read just the last remark that this is based on the application by Kennedy College made to the Secretary of State and, as mentioned before, that it was lost in the shuffle during the past summer, and was no fault whatsoever of Kennedy College.

Mr. Nickerson mentions here in this letter, dated April 16, "In the meantime, recognizing that the legislature has authority to approve or reject the request, it is hoped that time will be allowed for the board to make its report, which will be available by May 10, and in this manner the procedure described in the statutes will be followed."

I would be against the motion to accept the Ought Not To Pass Report of the Committee at this time.

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 until May 11.

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

Mr. BERRY of Cumberland: Mr. President, I would hope that we would not do this and I would request a division.

The PRESIDENT: The Chair would caution the Senator against debating a tabling motion. A division has been requested. As many Senators as are in favor of the Senator from Aroostook, Senator Violette, that this matter be tabled until May 11 will please rise and remain standing until counted.

Those opposed will please rise and remain standing until counted.

A division was. Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to table did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move reconsideration and hope that everybody votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the Senate accepted the Majority Ought Not to Pass Report. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed will say "No".

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

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

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

Tabled — April 20, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Reconsider Action Whereby Senate Voted to Adhere.

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

Mr. MARCOTTE of York: Mr. President and Members of the Senate: Already we have spent considerable time on this bill, so very briefly I would like to remind you all that less than a year ago our people of Maine in referendum made their choice to have wine sold in retail outlets. At that time I questioned very seriously if they realized the wines were categorized, that is, that the so-called fortified wine would not be sold in these outlets.

This is a real inconvenience to the housewife who does her

shopping and would perhaps like to pick up a bottle of sherry, but rather has to go to a liquor store.

I have talked at length to Mr. Keith Ingraham, Chairman of the Liquor Commission, and he also is of the opinion that this is a real nuisance. We are talking perhaps less than ten percent of our wine sales, and it is just cluttering up their shelves and, as I said, is a real inconvenience to the customer and a nuisance to the liquor stores. Consequently I would urge the Senate to accept the motion by the Senator from Penobscot, Senator Tanous, to reconsider whereby the Senate voted to adhere.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would oppose the motion to reconsider. This has been disposed of once. It came out of the Liquor Control Committee with a nine to four Ought Not to Pass, and it has been hanging around the corridors for a long time. I submit that we should dispose of this once and for all and send it to its timely death.

Even the Commissioner of Liquor, Mr. Ingraham, entered himself as an opponent to this legislation, contrary to what the Senator from York has told you.

For your edification, ladies and gentlemen, I might tell you that the wine consumption in the State of Maine has stepped up considerably. For whatever it is worth, 185,000 gallons were consumed in the whole of 1970, and so far in the three months of 1971 over 800,000 gallons of wine have been consumed. So, they are doing a pretty good job working the wine off the shelves of the grocery stores. This would contribute, in our opinion, to a further break down of the monopoly system. If you put twenty-two percent alcohol fortified wines in the grocery stores you are going to have forty-four percent booze available to everybody at every corner store. We would oppose the motion for reconsideration.

The PRESIDENT: The Chair

recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I agree wholeheartedly with what the Senator from Franklin has said. This measure has been kicking around the halls for quite some time. I believe that we do have other pressing business that needs to be taken care of.

While this matter has been kicking around there have been individuals who have approached me, people who are very closely associated with the wine industry, and the overwhelming, the overwhelming sentiment of these people who are closely associated or allied with the industry feel that the committee acted wisely, that we have taken the proper action here, that we should not place the fortified wines on the retail store shelves to be purchased at will and abandon by the general public. I would further urge that this Senate insist upon its action which it has taken and refuse to reconsider this matter.

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 reconsider its action whereby the Senate voted to Adhere on Bill, "An Act Relating to Retail Sale of Fortified Wine."

The Chair will order a division. As many Senators as are in favor of the motion of the Senate to reconsider its action whereby they voted to Adhere will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

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

Tabled — April 20, 1971 by Senator Shute of Franklin.

Pending — Final Passage.

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

Mr. BERRY of Cumberland: Mr. President, I would like to oppose the motion for final passage on this bill. I read the document several times. I think we are proposing a rather unworkable item here. I noticed that there is a ten-day requirement for residency in towns from a previous three months.

I know from having attempted to get voting lists in the election campaign that it is difficult enough to get a voting list that is reasonably up to date when there is three months to prepare it, and I think if we are reducing this to a ten-day period we are presenting an unworkable problem.

I think also we are providing a portable registration plan here where it would be—excuse me I understand it is thirty days, that the bill has been amended to thirty, but those statements still take however—that the portability of such a plan in college towns, or in areas where people move around a great deal, where service personnel are involved, would present a possibility of duplicate registration. So, for these two reasons, I feel that the reduction proposed here is unworkable. I think perhaps it is laudable, but I would hope that we would not vote for final passage on this resolution.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: It seems I am on my feet this morning more than I am in my chair, and I apologize to the Senate for this, but several of these bills do require my attention.

This came also from the Election Laws Committee and it was a divided report. It has been amended, so it is no longer ten days, it is thirty days for a requirement of a residence in a municipality, and three months within the state.

I submit that no students are going to be involved in voting because the constitution prohibits stu-

dents attending a seminary or college from registering as voters in a municipality where they are attending school.

This does help us conform to the federal Voting Rights Act passed June 22, 1970, Public Law 91-285. I quote from Subsection D: "For the purposes of this section, each state shall provide by law for the registration or other means of qualifications of all duly qualified residents of such state who apply not later than thirty days immediately prior to any presidential election for registration or qualification to vote for the choice of electors for President and Vice President and for President and Vice President in such an election." What this does is provide the opportunity for this mobile population of ours to register after obtaining three months residence in the State and thirty days in the community in which they reside.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am as opposed to this constitutional change here today as I was last Friday. I have a letter here from the register of voters in Portland. They say, "We have just been informed that L. D. 687 has come out of committee marked as ought to pass and, to say the very least, we are amazed. On two occasions during the current session, members of this board have gone to hearings on just such a bill to voice our disapproval, and both times the bill has been withdrawn before the hearing began." And it goes on to say that they cannot meet these requirements.

But I was interested to see what other states were doing, whether we were backwards or behind the other states. Thirty-six states out of the fifty require one year before you can become a registered voter there, one year. There are only two states that have this three months provision in it, just two states out of fifty, that allows anyone to register or to become a citizen in three months, which this bill would do. There are only seven states that have any shorter time than three months for enrollment in the county to vote in the district.

I am very much opposed. I think it would cause us nothing but trouble, and when you put this in as a constitutional change that is really something. As near as I can find out, when this is a constitutional change that student, if he is eighteen years of age, he will have the right to vote, no matter where he is, if he has been there thirty days.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I received the same letter to which Senator Moore refers, and this letter is obviously in error. The original L. D. 687 did not come out of committee as is, and it was objectionable to all members of the committee. The revision was acceptable to a majority of the committee.

It specifies again three months residency in the state and thirty days in the municipality next prior to an election. Now part of this paragraph to which Senator Moore referred refers to out of state students attending the University of Maine who, according to the members of the registration board in Portland, could register to vote while on a holiday here, and I am quoting from the letter. And also register at the University of Maine on half tuition. This is not true. The constitution definitely prohibits such action. So, I would stand in favor of this bill. May I inquire as to what the current motion is, Mr. President.

The PRESIDENT: Final Passage of the Resolution.

Mr. SHUTE: I would be in favor of final passage and ask for a division. There will be a roll call anyway won't there:

The PRESIDENT: It will be a division automatically, since the constitution resolution takes two-thirds of those Senators present and voting for passage.

Mr. SHUTE: I would like to ask for a roll call on this.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I just heard the Senator from Cumberland, Senator Moore, mention the eighteen year olds. I would like to remind Senator Moore that he shouldn't be afraid of eighteen year olds. When the rights of eighteen year olds were given in England the conservatives won that election. So, we shouldn't be afraid of them. I think they will use their judgment and will so the right thing.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I still concur with the statement here in behalf of this legislation made by the Senator from Franklin, Senator Shute.

Just to reiterate what I said a few days ago on this measure, I think that the times that have been placed by the amendment on this bill are reasonable. I think that certainly we ought to give every opportunity within a reasonable times to allow our people to vote as much as we possibly can. While undoubtedly in the horse and buggy days the six months and three months might have been reasonable dates, with the high mobility of our communications now, certainly I think it is reasonable to shorten those periods and allow a greater opportunity for our people to vote.

Furthermore, I think we ought to keep under consideration here that we are merely authorizing the people of the State of Maine to have their voice heard on this. I am perfectly willing to let it go to the people of Maine and let them make their decision on whether they think this is the right thing to do or not. For that matter, I certainly would hope that we would enact this legislation, and please let our people say what they want and how they feel on the matter.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Inasmuch as this letter which the good Senator from

Cumberland, Senator Moore, read, from the City of Portland, the Board of Registration, I feel that I must be recorded as having said something about it.

The last sentence of the letter says, "Hope this letter make sense to you as I am writing it in haste". Well, I must say that it really doesn't make sense to me after I hear the remarks of the Senator from Franklin, Senator Shute. He said that it is unconstitutional for out of state students to come and register and vote. So, I just have to be recorded as going along in favor of the bill on the basis of this information.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the final passage of Resolution, Proposing an Amendment to Constitution to Provide a Shorter Time for Establishing Voting Residence.

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

The pending question before the Senate is the Final Passage of Legislative Document 687. A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senator Bernard.

A roll call was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, and fifteen being less than two-thirds of the Senators present and voting,

the Resolution Failed of Final Passage.

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

HOUSE REPORTS — from the Committee on State Government on Resolution Memorializing Congress to Lower the Retirement Age Under Social Security from 65 to 62 Years (H. P. 1002) (L. D. 1364)

Majority Report, Ought to be Adopted; Minority Report, Ought Not to be Adopted.

Tabled — April 21, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. KATZ of Kennebec: Mr. President, this appears to me a resolution that I don't completely understand the implications of. I wish somebody would explain it to me.

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

Mr. JOHNSON of Somerset: Mr. President, I think if the good gentleman from Kennebec would refer to the bill, it is nothing more than to memorialize Congress to reduce the benefits for social security from 65 to 62, and it is exactly that simple.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to be Adopted Report of the Committee in non-concurrence?

The motion prevailed.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to the Right of Access by Landlords", (H. P. 1253) (L. D. 1573), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-105, was Read.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and

Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

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

Tabled — April 21, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — April 21, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

SENATE REPORTS — from the Committee on Public Utilities on Bill, "An Act Relating to the Adequacy of Public Utility Service." (S. P. 453) (L. D. 1311) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 21, 1971 by Senator Moore of Cumberland.

Pending — Motion by Senator Moore of Cumberland to Accept the Majority Ought Not to Pass Report.

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

Mr. SHUTE of Franklin: Mr. President, I would oppose the motion of the Senator from Cumberland to accept the Ought Not to Pass Report. Due to the lateness of the hour, if someone would like to table it until tomorrow, I would accept that consideration.

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

Mr. BERRY of Cumberland: Mr. President, I think that perhaps we are moving along rather smoothly here, and I would suggest that we not table the matter and debate it.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I can stay here just as long as the Senator from Cumberland can.

I assure you, ladies and gentlemen, that this bill, L. D. 1311, is a bill which is worthy of your consideration, and I offer you the following testimony as a result of the hearing.

This Act is covered under Title 35 of the Maine Statutes, and Section 2301 of that Title provides for the organization of certain utilities, namely, gas, electric and telephone under the general law. This law allows these utilities to engage in a public utility business anywhere within the State of Maine with one prohibition. That is that such a utility may not render a service within an area where there presently is existing service or where another utility is authorized to render a service.

Sections 2301 and 2302, however, permit a utility so organized to render its service where there is an existing service, if such utility first obtains the consent of the Public Utilities Commission. The test as to whether or not that consent should be granted depends upon a finding by the Commission that such authorization meets the public convenience and necessity.

Sections 2301 and 2302 are in the opinion of the Public Utilities Commission permissive legislation granted to the utilities. There is considerable doubt as to whether or not the PUC under the language of these sections would be authorized to require such a utility to render a service where there is already existing service. The purpose of this legislation would give the Public Utilities Commission that authority. Any order of the Commission requiring such a

utility to serve would be based upon the same test of public convenience and necessity as now set forth in the statutes.

Should it not stand to reason then that if the legislature has granted this type of permissive legislation to the utilities, then the Commission should also have the authority, if the same guidelines are used, to require the utility to serve in such an area.

The second provision in L. D. 1311 would permit the Commission to consider, in its determination of public convenience and necessity, the cost of such service to the consumer. Generally, the test of public convenience and necessity, if applied to a utility seeking to serve an area where there is already existing service, would be based upon the existing utility's unwillingness or inability to serve either because it lacks the financial ability or many other factors to render adequate service.

As you know, under the present law rates are established upon the value of all of the property of any public utility used or required to be used in rendering its service to the public. Therefore, a public utility could render adequate service at reasonable rates, even though those rates could be of such an amount that possibly could be prohibitive to the consuming public, even though they did meet the reasonableness under Section 5. For example, this Commission, the Public Utilities Commission, could require a utility to improve its service. The utility could comply with such an order, but the rates to support the investment necessary to raise the service to an adequate quality, even though reasonable under the statute, could be of such an amount that the consuming public would be penalized, whereas the Commission could order another utility to render a similar service at much less cost to the consumer.

There is nothing sacred about a utility's franchise. It is similar in many respects to the authorization under which a broadcasting radio station or television station in this state operates under the Federal Communications Commission. It must maintain certain minimum standards of electronic mainte-

nance. And if it goes below these minimum standards it stands to forfeit its license. So there is nothing sacred about it. In the case of a radio broadcasting station it was a privilege granted by the FCC, by Congress. In the case of a utility in the State of Maine it was a privilege granted by the legislature in the first place, and the legislature should attach any provisions which in its wisdom protects or improves the public interest.

At the public hearing on this bill it was revealed this type of legislation has been enacted previously by the legislature in Private and Special Laws, 1959, Chapter 80, relative to ferry operations in Casco Bay. There is evidence that the Commission has the authority to require the Maine Port Authority to provide ferry service if it is the opinion that the rates charged by the Casco Bay Lines are of such a degree to be prohibitive to the traveling public. Frankly, I see no distinction between this type of authority granting the Commission authority to require a public agency to serve than to require an investor-owned utility to serve, especially where the utility which is required to make that service is guaranteed a fair rate on its investment.

I would oppose, ladies and gentlemen of the Senate, the motion of the Senator from Cumberland, Senator Moore, for acceptance of the Ought Not to Pass Report and ask you to vote against his motion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: As a member and a signer of this bill, Ought Not to Pass, I have got to speak on my motion for the Majority Ought Not to Pass.

At the Committee hearing on this matter we were told that this legislation was necessary because of a certain telephone situation that was in Franklin County or Oxford County, but that isn't what influenced our thinking. This report came out ten to three Ought Not to Pass.

First, I wish to point out that they are talking about the ade-

quacy of public utilities service in this bill. And the proposed changes affect everybody, not just telephone companies. It affects electric companies, water companies, gas companies and every facet of public utility service. If this bill presently on the Appropriations Table in the Senate passes pertaining to sewers, it would apply to sewers also.

I voted against this legislation in committee for the reason it is not necessary. Why should it be necessary to order one utility into the area of another? The Commission now has the authority under Title 35 to inquire into the management of the business of all public utilities and shall keep itself informed as to the matter and the method in which each is conducted.

The Commission may inspect the books, papers, documents, of any utility. It requires the utilities to furnish such reports and information. If they do not, the Commission has subpoena powers and the right to enforce it by appropriate action. Under Title 35, Section 8, the Commission is required to inquire into any neglect or violation of the laws of the state by any public utility, and to enforce the laws. It has the right to call on the Attorney General or any county attorney if the laws are now being enforced.

The Commission has the right to require every public utility to furnish safe, reasonable and adequate facilities at rates that are just and reasonable, and unjust and unreasonable charges are prohibited.

On a complaint of ten persons about any inadequate service, the Commission must hold a hearing. The statute provides further that after the hearing the Commission may, if it is found that the service complained of is insufficient, or otherwise in violation of the law, or is inadequate, they may order the utility to give adequate service.

The Commission is not bound to wait until somebody complains, and they may, under the same Chapter, Section 296, inquire on their own motion, with or without notice.

I think this would give the Public Utilities Commission a lot more power than what they really need.

They have all the power that is necessary, and they have had it for a number of years. I have great confidence in and admire the Public Utilities Commission, but maybe in the years to come, under this provision here, some Commission might say to a bigger company, "You can have the franchise on that smaller company over there. You can take that over. It is just a small company and there won't be much resistance to it." Under this they could do that. I am afraid of granting any department of the state as much power as what this bill would give them, and I hope you would go along with the Majority Ought Not to Pass Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I was one of the signers of the Ought to Pass Report, and I did so because it was my feeling that on the over-all basis this would be beneficial for the consumers of our state.

I hate to disagree with my Chairman of the Public Utilities Committee, with whom I am generally in accord, Senator Moore from Cumberland, but I don't agree with him that the Public Utilities Commission now has the affirmative authority to order services or to require that if a utility is not rendering a service because of the considerations that are now in the Public Utilities laws that they can ask another utility to give that service. I disagree and say that there is no affirmative authority.

I have never felt that the Public Utilities Commission was in the driver's seat or had more authority than they needed to deal with our public utilities. It is my feeling that this bill would allow, in instances where utilities feel they cannot have a fair return on their investment to render a specific service, that the P.U.C. could require another utility which has facilities within that area to render that service. I think in the long run it would provide, in my judgment, better service to consumers, and this is what we, as citizens of Maine, ought to be concerned with.

I submit that there is nothing here under the provisions of this bill, or under the provisions of the Public Utilities law, which would prejudice or damage present utilities and not enable them to render a fair return on their investments. I think there are certain areas where services have not been rendered, and I think if the Public Utilities Commission had this authority they could order, in certain instances, better service or a service which was not being rendered because the service does not render a reasonable return to the utility, that they could require another utility to render and give the service to the consumer. I think this is what led me to sign this report and I think it is a step in the right direction.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I listened with a great deal of attention to both Senator Moore and Senator Violette and, in addition, Senator Shute. The only statement I can think of that should be amplified a little bit would be the statement of Senator Violette where he felt that Senator Moore had said the Commission had everything they needed.

They certainly don't have this bill and, from my professional experience with the Commission, I have felt and, of course, still do feel that the Commission has every conceivable power in the world that can be given to them and exercise it.

Now, we haven't discussed this morning why we are talking about this bill and why the bill was introduced, which I find curious. This bill was introduced because of the Weld Telephone situation. This may possibly underscore Senator Shute's interest in the area because he is quite close to this. The Weld Telephone situation could have been, and I am not saying it wasn't, but it could have been handled very completely by the Commission with the tools they have. They have a phenomenal statute, or regulation by statute, which permits them to issue a show cause order if at any time

any utility is not performing its function. A show cause order very simply says that a utility must prove that it is giving the service that is being questioned and that, if it is not giving the service, the Commission will reduce its rates, and it can put it out of business accordingly. This is a very useful tool, and very seldom has it been necessary to use such a tool. And any utility faced with this, of course, is faced with extinction.

I would like to underscore another feature, and that is that this proposed legislation deals with every conceivable form of utility service, public and private. I think that the good Senator from Aroostook was or is concerned with the electric system in Caribou as a director. And I might just point out that, under this bill, if that system were rendering a service which might cost a little bit more than the service in Presque Isle by a utility service that under this proposed law, the Commission could take all the customers and plant of the Caribou electric system and transfer them to the utility serving the adjacent area. Now, to most lawyers this would present quite an interesting legal problem, because the Caribou system presumably has—well, any system—what I am just using as an example could apply to a sewer system in Gardiner versus a sewer system in Augusta—the transfer of the revenue, the property and the customers from one utility system to an adjacent one leaves the matter of what happens to the bonds involved. Here the assets backing up the bonds have been removed.

Now, this may be a little bit on a large scale, but if we were to say that the Weld Telephone Company should be transferred to the New England Telephone Company, a bad situation which existed in Weld would be corrected at the expense of everybody in the New England Telephone system, that is, the subscribers, the people who pay the bills. And why should you and I and everybody else in this room be required to straighten out a situation in Weld? The situation, of course, did eventually get straightened out. Somebody from

out-of-state came in and bought the system and it is now going to be straightened out. This was a situation that had reached the point where a show cause order perhaps should have been issued, and the results, I am sure, would have been just what they are now.

I do feel the Commission has absolutely every power it needs and, as I say, I didn't believe there was something else that could be given to them. I think that is the case, that they already have the powers that are being requested here. I would hope you would support the motion of Senator Moore to accept the Majority Ought Not to Pass Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise only to clear the record with regards to the utility with which I am associated. I am Chairman of the Van Buren Light and Power District, which is a municipally owned district, a small district, located in the heart of the Maine Public Service Power Company.

I just want to say that we always pride ourselves, and while we pay some of the very, very highest wholesale rates around, our rates have been consistently lower than those of the Maine Public Service Power Company. And we pride ourselves in having that distinction where we can offer our customers power at lower rates than the company which sells it wholesale to us. I just wanted to make sure that this was properly inserted into the record.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I think we have the basis for an argument here. This was the reason, of course, the bill was submitted, because the Public Utilities Commission and its attorneys did not feel that they had sufficient right under the current law to follow out the regulations

as they saw them and provide adequate service.

This is a protection for the consumer, and I believe we should be concerned about the consumer in Weld, Maine who for many years has not been getting adequate service, with a telephone line strung on trees, with a cranking service that sometimes worked. You will recall the tragic fire of this past winter where three children died. That was partly responsible to the poor telephone service in that area.

Now, many years ago the Rangeley and Stratton Power Company obtained its power from a dam at the foot of Kennebago Lake, and from 2:00 o'clock until 5:00 o'clock in the afternoon no electric service was provided to any residents in that area. And Mr. Berry and his organization had the foresight to come in there and purchase that establishment. I think this is good, and this is the way private enterprise should work. But suppose this situation had gone on and on for a number of years, and the Public Utilities Commission felt that it could not under the current law substitute another service for that offered in that area, then it would not be offered. Of course, Mr. Berry provided the answer to the problem. But should at any time the current Rangeley Power Company be derelict in its duties and not maintain minimum standards, I believe the Public Utilities Commission should have the authority to say, "Look, Mr. Berry, you aren't providing the type of service you should be providing, and Central Maine Power Company should be offered the opportunity to provide this service." This is what this bill does. It treats the goose as it treats the gander.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to the Adequacy of Public Utility Service."

The Chair will order a division, as one has not been requested. As many Senators as are in favor of accepting the Majority Ought Not

to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

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

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

Tabled — April 21, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion of Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-92.

Tabled—April 21, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to reconsider the Acceptance of the Majority Ought Not to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the Motion by Mr. Tanous of Penobscot to Reconsider Acceptance of the Majority Ought Not to Pass Report of the Committee.

(Off Record Remarks)

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

Papers From the House Joint Order

WHEREAS, the key which unlocked the whole valley of the Kennebec to the ax of the settler was a fort at the confluence of the Kennebec and Sebasticook Rivers; and

WHEREAS, this quadrangular fortress and small garrison known as Fort Halifax provided protection for inhabitants and traders as early as 1752; and

WHEREAS, the twenty-eighth town to be incorporated in the Province of Maine was the Town of Winslow, named in honor of the general who erected the fort; and

WHEREAS, in the sight of this famous landmark and one of the oldest wooden blockhouses known in the United States, this progressive community grew and became incorporated on April 26, 1771; and

WHEREAS, April 26, 1971 is the TWO HUNDREDTH ANNIVERSARY of the said incorporation of the Town of Winslow, and its rich heritage; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature now assembled, extend our heartiest congratulations and best wishes to the citizens of Winslow on the historical and memorable occasion of the bicentennial anniversary of the founding of the Town of Winslow in the State of Maine; and be it further

ORDERED, upon passage, that a copy of this Order, duly attested and bearing the great seal of the State of Maine, be immediately transmitted to the citizens of Winslow in token of the sentiments expressed herein. (H. P. 1288)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.