

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, May 7, 1971

Senate called to order by the President.

Prayer by the Honorable Richard N. Berry of Cape Elizabeth.

Reading of the Journal of yesterday.

**Joint Order**

Out of Order and Under Suspension of the Rules:

ORDERED, the House concurring, that when the House adjourns, it adjourns to Monday, May 10, at 1 o'clock in the afternoon, and when the Senate adjourns, it adjourns to Monday, May 10, at 3 o'clock in the afternoon.

(S. P. 572)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Non-concurrent 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)

In the House April 6, 1971, Passed to be Engrossed, in concurrence.

In the Senate May 5, 1971, Indefinitely Postponed, in non-concurrence.

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

Mr. Berry of Cumberland moved that the Senate Adhere.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that the Senate insist and join in a committee of conference, and I would like to speak very briefly to my motion.

Members of the Senate, without any question in the field of law and order this is the most urgent matter to come before this legislature, because no matter how many mandatory sentences you pass, no matter how many highway safety bills you pass, this all has to go through our court system. There is a bottleneck. This stuff cannot go through the court system, and we are in serious peril.

We are only in disagreement here, according to the Senator from Cumberland, Senator Berry, on about one percent of the thing. It seems to me that when we are in that much of an agreement that on a non-partisan thing we at least could join in a committee of conference. This really isn't asking very much.

I think it is one of the real sad things of this session that I see this motion to adhere so often, which is an offense against the other body, and especially this is an offense against the other body when we are talking about a non-political thing. This is non-political. It has to do with the safety of our own lives, the lives of our families and our property. So I would beg of you to go along with this motion to insist and join in a Committee of Conference in this non-partisan thing which is so vital to us all.

THE PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate insist and join in a committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I ask for a roll call.

The PRESIDENT: The Senator from Aroostook, Senator Harding, asks for a roll call. 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 motion of the Senator from Aroostook, Senator Harding, that the Senate insist and join in a committee of conference on Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and Superior Court by the State." A "Yes" vote will be in favor of the Senate insisting and

joining in a committee of conference; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

**YEAS:** Senators Carswell, Clifford, Conley, Fortier, Graham, Harding, Kellam, Martin, Minikowsky and Violette.

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

**ABSENT:** Senators Bernard, Danton, Levine, Marcotte, Quinn, Shute and Tanous.

A roll call was had. Ten Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with seven Senators absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby it voted to Adhere.

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

### Non-concurrent Matter

Bill, "An Act to Grant Adult Rights to Persons Eighteen Years of Age." (H. P. 435) (L. D. 600)

In the House May 3, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate May 5, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Hichens of York moved that the Senate Adhere.

Mr. Violette of Aroostook then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Berry of Cumberland, a division was had. Nine Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference did not prevail.

Thereupon, the Senate voted to Adhere.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby it voted to Adhere.

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

### Non-concurrent Matter

Bill, "An Act Relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability." (H. P. 774) (L. D. 1040)

In the House May 3, 1971, the Minority Ought Not to Pass report Read and Accepted.

In the Senate May 4, 1971, the Majority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

### Non-concurrent Matter

Bill, "An Act Relating to Size Limit of Trout." (S. P. 548) (L. D. 1687)

In the Senate May 5, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-138), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-138) and House Amendment "A" (H-231), in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist.

### Non-concurrent Matter

Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer." (S. P. 229) (L. D. 675)

In the Senate April 2, 1971, the Majority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-106).

In the House April 28, 1971, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

In the Senate May 4, 1971, the Senate voted to Insist.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Insist.

### Communications

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

May 6, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature

Sir:

The Governor of the State having returned to the House: "An Act Creating Aroostook County Commissioner Districts" (H. P. 91) (L. D. 135) with his objections to the same, the House proceeded to vote on the question "Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 73 members voted in the affirmative and 65 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

(s)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered  
Placed on File.

### Senate Papers State Government

Mr. Berry of Cumberland presented, Bill, "An Act Relating to Certain Emergency Powers Concerning Radiation Hazards." (S. P. 570)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

### Committee Reports House

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

Bill, "An Act Amending the Maine Potato Marketing Act." (H. P. 634) (L. D. 864)

Bill, "An Act to Appropriate Money for Repairs to Existing School Buildings." (H. P. 1009) (L. D. 1388)

Bill, "An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands." (H. P. 324) (L. D. 433)

Resolve Providing Funds to the Department of Health and Welfare for Mosquito Control Project (H. P. 798) (L. D. 1071)

Bill, "An Act Establishing Clerks of Courts and Registers of Probate as Full Time." (H. P. 666) (L. D. 895)

Bill, "An Act Relating to Railroad Police Officers." (H. P. 1025) (L. D. 1413)

Bill, "An Act Relating to Real Estate Transfers." (H. P. 938) (L. D. 1292)

### Leave to Withdraw

The Committee on State Government on, Bill, "An Act Amending the Municipal Industrial and Recreational Obligations Act." (H. P. 723) (L. D. 982)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Authorize Direct Funding of the Indian Tribes." (H. P. 1129) (L. D. 1549)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Authorizing the Transfer of Lands in Indian Township and Pleasant Point Reservations in the Passamaquoddy Tribe." (H. P. 896) (L. D. 1216)

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 Veterans and Retirement on, Bill, "An Act Eliminating Restriction on Unemployment Benefits for Military Retirees." (H. P. 623) (L. D. 833)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Resolve, Relating to Retirement and Pension of Nor-

man F. Hanson of Eliot, (H. P. 794) (L. D. 1070)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Correct an Ambiguity in Procedure for Recording Municipal Charters and Amendments." (H. P. 815) (L. D. 1088)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass - As Amended

The Committee on Health and Institutional Services on, Bill, "An Act Providing for Prescription of Generic Drugs Rather Than Brand Names." (H. P. 879) (L. D. 1200)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-220).

The Committee on Legal Affairs on, Bill, "An Act Relating to Planning Board Vacancies." (H. P. 966) (L. D. 1326)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-221).

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

The Committee on Legal Affairs on, Bill, "An Act Revising the Harbor Master Law." (H. P. 1058) (L. D. 1449)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-222).

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

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I find this bill somewhat interesting and would like to invite the attention of the Senate to it.

It is a bill introduced by the gentleman from Southport, Mr. Ransom Kelley. It provides that the selectmen of towns may annually appoint a harbor master, and it says, in part: "Whoever violates the orders of such harbor master shall be punished by a fine of not less than \$25 nor more than \$1,000, or by imprisonment for not more than 60 days or both." And then it talks about a harbor master having the authority to order owners of moorings and boats to remove them. And it has such an interesting stipulation in here that before he removes any boats or vessels, this is the harbor master, he shall allow the owner or operator one hour within which to remove the same, and if such boat or vessel requires a crew for its removal he shall allow two hours for assembling a sufficient crew.

It seems to me this might have some objective. I notice, unfortunately, the Chairman of Legal Affairs is missing, but some of these questions seem, to a layman even, questionable, and I was wondering whether anybody is prepared to answer what appear to be some basic problems here.

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

Thereupon, on motion by Mr. Kellam of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The Committee on Legal Affairs on, Bill, "An Act to Clarify the Law Relating to Nonvoters Speaking at Town Meetings." (H. P. 1075) (L. D. 1467)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-223).

Comes from the House, the reports Read and Accepted and the Bill Passed to be Engrossed as

Amended by Committee Amendment "A".

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

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 741) (L. D. 1003)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-196).

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo  
MINKOWSKY

of Androscoggin

Representatives:

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

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

Signed:

Representative:

SANTORO of Portland

Comes from the House, the Majority Ought to Pass as amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-196).

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

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

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An

Act Creating the Power Authority of Maine." (H. P. 721) (L. D. 966)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MOORE of Cumberland

Representatives:

WILLIAMS of Hodgdon  
MOSHER of Gorham  
RAND of Yarmouth  
TYNDALE

of Kennebunkport

SHUTE

of Stockton Springs

BARTLETT

of South Berwick

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

Signed:

Senators:

MARCOTTE of York  
VIOLETTE of Aroostook

Representatives:

EMERY of Auburn  
BERUBE of Lewiston  
CONLEY

of South Portland

MARSH of Hampden

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

Which reports were Read.

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

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I have no illusions as to what is going to happen to the vote on this bill here in this body today, and whatever I say, I am sure, will not convince anyone so I will not speak at length. But I do oppose the motion of the Senator from Cumberland, Senator Moore, to accept the Ought Not to Pass Report because this legislation is good and I think that the creation of this authority is not only badly needed in Maine, I think it is more needed now than it has ever been.

I think many of you were here two years ago when I sponsored basically this legislation and, while successful in getting it passed in

this body, it did not pass in the other body. But it is legislation which I think would be beneficial to the people of our state and I would hope that I will live long enough to see the day when we can all put some of our interests aside and vote for this legislation which unquestionably would be for the common good.

Now, privately we speak with the private utility people and they tell us that they can see a lot of good in this type of legislation to do certain things in the electrical energy field to assist in taking care of the needs that we have today. But the battle continues and until this date we are unable to enlist their support in enacting this type of legislation which eventually would accrue to the benefit of all.

A few years ago we were talking about enacting this type of legislation in order to reduce the electricity rates of our people in Maine, which are among the highest in the country, and this has been repeated so often. The problem now is really not so much of providing this type of facility or other facilities to reduce the cost of energy; the real question now concerns producing enough energy to take care of our needs. We see our own state today and the New England area with a dangerous shortage of power, with major shortages confronting us and which will continue to confront us for the foreseeable future. And this type of an authority which would make a contribution to providing our own private utilities in providing the electrical needs with some generating capacity that they could use, and then turn around and use to supply their own customers.

When we see our own state here, as it has for the past year, having to draw from our very, very meager reserves, and actually asking our Maine people here to reduce their use of electricity that we can use some of our capacity here to transfer to other areas in New England in order to avoid blackouts in those areas, then I must say that I am not very much impressed with the persistent statements of our private utility people that continue to come before our legislative research committees and continue telling Maine people

that they need not worry, that there are ample supplies of electricity, and that their plants are going to amply take care of our electrical needs. I heard that story six years ago in the congressional hearings in Washington when our private power people opposed the Dickey-Lincoln School Project. I would really like to see what that would do today if it were now on the line, as it would be if they had not opposed it, to provide some of the major basic power shortages in New England today, where on a crash program two years ago the private utilities had to, on an emergency basis, build a major transmission line to import 300,000 kilowatts of public generated power to New England to avoid a major power shortage disaster in New England.

So this is the way the thing keeps moving along, and I must say, regretfully, that I had hoped that sometime or other we could arrive at some common purpose here, some common goal, to allow the public interest to become involved in this.

Another reason why I think it is so vitally important for our own state to engage ourselves in this area is that if we study the projected needs of Maine and of New England for the next twenty years, we see the quadrupling of the power demand in New England, and we see a projected need of twenty additional nuclear plants being built in the next twenty years to take care of the electrical needs of our people. And those same studies show that outside of the possibility of one of those nuclear plants being built on Lake Champlain and possibly another one being built on one of New England's major rivers, all of the others are projected for seashore construction because of the cool water effects of our northern seashore waters. And where are those going to go? Maine has ten times the seashore mileage that all of the rest of New England has, so where are those going to be located? I see only one direction, and that is that the vast majority of those are undoubtedly going to be planned for Maine and for locations in Maine.



Now, there is no question but that we are going to have to provide for those, and we will need to provide for those, but if Maine here through one of its own state agencies had the ability to get into this area I think we could have a far greater say, our own people our own legislature, as to where the location of those are going to be and as to what effect they will have on our Maine people. For that reason alone, I think it would be vitally important that we enact this type of legislation. So I oppose the motion of the Senator from Cumberland. I would hope that we would defeat this motion, and I ask for a roll call when the vote is taken, Mr. President.

The President: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I recognize that in one sense this is an exercise in futility. The party position has been taken on this, which will insure its defeat as was the matter in relation to the courts of Maine to insure the defeat of that very valuable piece of legislation. However, it is important to make a record on these things so that the people will know when these emergencies exist.

I call your attention—and I want to put this in the record so that everyone here will be apprised of it and the record will show—I am not quoting from a radical newspaper; this is the U.S. News and World Report, dated April 26, 1971, on Page 26: "The Official Warning—Another Summer of Power Shortages." We have in New England, according to this, a power shortage now. To quote the end of this article: "Anyone who says that things are not now at the critical stage in relation to power supply must either be unrealistic or simply uninformed."

So those are the words to you. It takes three to four to five years once you authorize something like this before you get power on the line.

If it had not been for Canada having the foresight, which Maine had not had, and that is building

public power, we now in Maine and in New England would be in a grave crisis insofar as power supply is concerned. But we can be grateful that they did what this legislature has so often voted not to do, and that is to have public power.

So, we will go through this exercise here today, but we feel that it is important on these things, for example, like the other bill where we were talking about the courts, we know the crisis which is building up there, we think it is important that the people know how we felt about it at this time when we could have prevented it. We also think it important that the people know on this other crisis as far as power supply is concerned. It is all right here. There is no mystery about it, the predictions are here, and they know who called attention to it at this particular time. So if there is any chance of changing a n y b o d y ' s mind, and maybe there is, you always have the hope, I would hope you would vote against the motion so that we can take care of this very grave need, not only of the people of this state, but to answer the problem in New England as well.

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

The 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 Creating the Power Authority of Maine." A "Yes" vote will be in

favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

**YEAS:** Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Minkowsky, Moore, Peabody, Schulten, Sewall, Wyman and President MacLeod.

**NAYS:** Senators Bernard, Carswell, Clifford, Conley, Fortier, Graham, Harding, Kellam, Martin and Violette.

**ABSENT:** Senators Danton, Levine, Marcotte, Quinn, Shute and Tanous.

A roll call was had. Sixteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with six Senators absent, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Mr. Hoffses of Knox then moved that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

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

### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Disqualification of Benefits under the Employment Security Law." (H. P. 597) (L. D. 792)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
MARCOTTE of York  
LEVINE of Kennebec

Representatives:

GOOD of Westfield  
LINCOLN of Bethel  
KELLEY of Machias  
LEE of Albion  
ROLLINS of Dixfield  
SIMPSON of Millinocket  
BEDARD of Saco

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

Signed:

Representatives:

McTEAGUE of Brunswick  
GENEST of Waterville  
BUSTIN of Augusta

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 Legal Affairs on, Bill, "An Act to Set Reasonable Fees for Recording and Issuing Certain Documents." (H. P. 1031) (L. D. 1418)

Reported that the same Ought to Pass.

Signed:

Senators:

QUINN of Penobscot  
CLIFFORD

of Androscoggin

Representatives:

CROSBY of Kennebec  
EMERY of Rockland  
SMITH of Dover-Foxcroft  
BRAWN of Oakland  
FECTEAU of Biddeford  
NORRIS of Brewer

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

Signed:

Senator:

KELLAM of Cumberland

Representatives:

SILVERMAN of Calais  
GAUTHIER of Sanford  
CURTIS of Bowdoinham

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

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

### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Referendum for Local Housing Projects." (H. P. 261) (L. D. 350)

Reported that the same Ought to Pass.

Signed:

Representatives:

CURTIS of Bowdoinham  
SILVERMAN of Calais  
CROSBY of Kennebunk  
BRAUN of Oakland  
EMERY of Rockland  
GAUTHIER of Sanford  
COTE of Lewiston

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

Signed:

Senators:

QUINN of Penobscot  
CLIFFORD

of Androscoggin

KELLAM of Cumberland

Representatives:

FECTEAU of Biddeford  
SMITH of Dover-Foxcroft  
NORRIS of Brewer

Comes from the House, the Reports and Bill Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, the Minority Ought Not to Pass Report of the Committee was Accepted.

### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens." (H. P. 217) (L. D. 284)

Reported that the same Ought to Pass.

Signed:

Senators:

ANDERSON of Hancock  
CARSWELL

of Cumberland

BERNARD  
of Androscoggin

Representatives:

JUTRAS of Sanford  
THERIAULT of Rumford  
LINCOLN of Bethel  
LEWIN of Augusta  
HAYES of Windsor  
SIMPSON of Millinocket  
VINCENT of Portland

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

Signed:

Representatives:

DOW of West Gardiner  
CURTIS of Bowdoinham  
PRATT of Parsonsfield

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

Which reports were Read.

On motion by Mr. Anderson of Hancock, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

### Senate

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

Bill, "An Act Providing Funds to Establish Exemplary Area-wide Multi-Service Programs for Older People." (S. P. 292) (L. D. 927)  
Sent to the House

### Leave to Withdraw —

#### Covered by Other Legislation

Mr. Johnson for the Committee on Transportation on, Bill, "An Act Relating to Real Property Acquisition for Highways." (S. P. 503) (L. D. 1486)

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

Mr. Johnson for the Committee on State Government on, Bill, "An Act Providing for Full-time District Attorneys." (S. P. 456) (L. D. 1407)

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

Which reports were Read and Accepted.

Sent down for concurrence.

### Ought to Pass — As Amended

Mr. Tanous for the Committee on Labor on, Bill, "An Act Relating to Payments for Sustenance during Rehabilitation under Workmen's Compensation Law." (S. P. 319) (L. D. 933)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-146).

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 171) (L. D. 523) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-147)

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. Moore for the Committee on Public Utilities on, Bill, "An Act Relating to Motor Carriers for Hire Transporting Certain Perishable Agricultural Commodities Grown in Maine." (S. P. 454) (L. D. 1312)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Emergency Authority of Public Utilities Commission Relative to Motor Vehicles for Hire." (S. P. 571) (L. D. 1715)

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

#### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Retirement of Penal and Correctional Institution Personnel." (S. P. 352) (L. D. 1018) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-145).

Signed: Representatives:

THERIAULT of Rumford  
DOW of West Gardiner  
CURTIS of Bowdoinham  
SIMPSON of Millinocket  
PRATT of Parsonsfield  
HAYES of Windsor  
LEWIN of Augusta  
VINCENT of Portland

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

Signed: Senators:

ANDERSON of Hancock  
BERNARD

of Androscoggin  
CARSWELL  
of Cumberland

Representatives:

JUTRAS of Sanford  
LINCOLN of Bethel

Which reports were Read.

Mrs. Carswell of Cumberland moved that the Majority Ought to Pass as Amended Report of the Committee be Accepted.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL: Mr. President and Members of the Senate: I would like to explain my reason for signing the Ought Not to Pass Report.

It is a matter of priority. I have talked with the sponsor of the bill and he is willing to make an amendment. The amendment would take out superintendents, deputy warden and assistant superintendents. I feel that they should be taken out because we do have other bills which are in reference to teachers who are 80 and 90 years old, and these people are real hardship cases, so I feel that if anybody is competing for a few dollars on the Appropriations Committee it shouldn't have to be these elderly teachers competing against superintendents and so forth. So I would be perfectly happy with the bill if these were taken out.

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

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### House

Bill, "An Act Relating to Definition of Construction Under Board of Construction Safety Rules and Regulations." (H. P. 152) (L. D. 207)

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

Bill, "An Act Providing for a Declaration of Policy Concerning

the State's Environment." (H. P. 1301) (L. D. 1706)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President, I would request that the Senate reconsider its action whereby Report "B" was accepted and the bill given its first reading.

The PRESIDENT: The Senator from Sagadahoc, Senator Schulten, moves that the Senate reconsider its action whereby it accepted the Ought to Pass Report "B" of the Committee and the bill given its first reading.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would like to oppose that motion, and I would like to speak briefly by reading from the Portland Evening Express of Saturday, March 27th, an editorial, "The Legislature Should Say No." It is stated that: "The industry people made the claim, a difficult one to dispute, that this amendment would lead to countless suits by pollution chasers and surely, with this sort of legislation on the books, it would put the state at a competitive disadvantage in attracting new industry."

It further went on to say, "What is clean air anyway? What is clean water? Must it be Class A under the classification laws, or would the court say that B-1 water is sufficiently clean to satisfy the Constitution? And what judge is ready to define reasonable sounds? This is opening up a Pandora's Box with a vengeance."

Finally, "A two-thirds vote is needed for Report 'A,' which is a constitutional resolve. Both reports failed in the other branch. However, there would seem to be a possibility to enact Report 'B,' which requires only a majority vote."

I hope the Senate will confirm the vote of yesterday by failing to reconsider this bill, and by giving it a second reading and passage to be engrossed.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I am rather disappointed that this has come to a point of disagreement within the Senate because I had hoped to speak very briefly on the matter, feeling that Report "A" really would be nothing more than a constitutional recognition of a public right, which has a far greater legal and moral stature than the reaffirmation of present public laws is concerned.

Now, there are a lot of people in the State of Maine who, rightly or wrongly, feel that the public does have certain rights, and that as we move on into the twenty-first century the courts, the legislature and all concerned will have to give some consideration to these rights.

Now, as far as the pollution is concerned, and I just quote from a memorandum from the Attorney General's office: "Anytime pollution does constitute a harm to another person the courts must weigh the harm against the polluters constitutional rights to reasonable use of his land. The Environmental Bill of Rights would give the public the benefit of a countervailing constitutional standard which the court must balance against the landowner's right to use his property."

The purpose of this amendment is to give a yardstick by which to judge legislative enactments and acts of individuals. This is beneficial to the whole public, it is beneficial to all of us, and I would certainly hope that my motion for reconsideration would prevail.

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

Mr. WYMAN of Washington: Mr. President, I would ask for a division.

The PRESIDENT: A division is requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have mixed feelings on Reports "A" and "B" which we

are considering here really. And I hesitate to make a decision because I am afraid that our action may be interpreted as a weakening of the environmental laws which we have worked so hard to put on the books.

I do feel that Report "A", under the current circumstances, is a little bit idealistic, yet I know that the principle involved is very important, and it is one that we have worked hard to further. I am also very much cognizant of the fact that the chief opposition to Report "A" came from what I called the polluters of the state. So it is a little bit difficult, but I am going to support Senator Schulten from Sagadahoc because I think his objective is laudable, and I wouldn't be a bit surprised that Senator Wyman from Washington is a hundred per cent correct that Report "B" is the practical solution because of the lack of availability of a two-thirds vote.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The State Government Committee heard this particular bill and we resolved it, I believe, six to six, and we put the bill out Ought to Pass. Report "A", of course, was the constitutional amendment, and Report "B" was to put into the law our feelings on pollution, into the general law.

It would seem to me that at this stage of the proceedings it would be probably sensible, logical and politically wise to accept Report "B" for the simple reason that I doubt very much—in fairness to the good Senator from Sagadahoc, if he would like to see something in the record, and I would, I would settle for half a loaf perhaps instead of the whole loaf, and take the Report "B", because it will take two-thirds to get this bill through. And as I understand, the other body, I am not sure what they did with it—they killed it—well, there you are, so we still have a chance. I would hope that Report "B" would continue on its way so we can salvage something out of this laudable bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is on the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate reconsider its action whereby it accepted the Ought to Pass Report "B" on Bill, An Act Providing for a Declaration of Policy Concerning the State's Environment."

A division has been requested. As many Senators are in favor of the motion for reconsideration 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 fourteen Senators having voted in the negative, the motion to reconsider did not prevail.

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

Sent down for concurrence.

#### House — As Amended

Bill, "An Act Creating the Maine Health Facilities Authority. (H. P. 1189) (L. D. 1664)

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

Bill, "An Act Relating to Alternative Methods of Nominating Candidates" (H. P. 934) (L. D. 1288)

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

#### Senate

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 569) (L. D. 1710)

Resolve, Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission. (S. P. 198) (L. D. 583)

Bill, "An Act Relating to Board of Visitors for Each State Institution Under the Department of Mental Health and Corrections." (S. P. 431) (L. D. 1245)

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

Sent down for concurrence.

#### **Senate — As Amended**

Bill, "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics." (S. P. 3) (L. D. 17)

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

Sent down for concurrence.

#### **Enactors**

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

An Act to Amend the Law on Sale or Packing of Herring. (S. P. 531) (L. D. 1581)

An Act Relating to the Size Limit on Herring. (S. P. 540) (L. D. 1645)

An Act Relating to Reimbursement to Municipalities by Maine Forestry District. (H. P. 141) (L. D. 196)

An Act Relating to Fixing Boundaries or Locations for Highway Purposes. (H. P. 951) (L. D. 1314)

An Act Relating to Sinking Fund for Bath Water District. (H. P. 1282) (L. D. 1682)

An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast. (H. P. 1295) (L. D. 1696)

An Act Prohibiting the Driving of Deer While Hunting. (H. P. 1280) (L. D. 1680)

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

Resolve, Designating a Certain Road in Northeastern Maine as John F. McDevitt Road. (H. P. 978) (L. D. 1340)

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

#### **Emergency**

An Act to Amend the Charter of the Presque Isle Water District. (H. P. 1212) (L. D. 1659)

This being an emergency measure and having received the affirmative votes of 26 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 to Amend the Marine Worm Tax. (H. P. 559) (L. D. 735)

This being an emergency measure and having received the affirmative votes of 26 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.

#### **Joint Order**

Out of Order and under suspension of the rules, on motion by Mr. Katz of Kennebec:

ORDERED, the House concurring, that the following be recalled from the Governor's office to the Senate: Bill, "An Act Relating to Costs of Investigation Where Injunction Is Issued under Unfair Trade Practices Law." (S. P. 331) (L. D. 978)

(S. P. 575)

Which was Read and Passed.

Sent down for concurrence.

#### **Orders of the Day**

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

Bill, "An Act Eliminating Certain Organizations as Participating Local Districts under State Retirement System." (H. P. 979) (L. D. 1341)

Tabled — May 5, 1971 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-137, 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 second tabled and specially assigned matter:

Bill, "An Act Relating to the Laws of the Maine Industrial Building Authority." (S. P. 496) (L. D. 1372)

Tabled — May 5, 1971 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

Mr. Sewall of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-150, was Read and Adopted and the Bill as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and the Preservation of Certain Business Enterprises. (S. P. 495) (L. D. 1383) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I am not sure why this has been tabled but I guess the gentleman from Androscoggin, the good Senator Clifford, is probably in favor of the Ought to Pass. I would ask for a division on the motion. I think it is a very poor bill.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I will attempt to explain this bill to the members of this Senate. This is a resolution which would provide for a constitutional amendment, and the resolution involves the Maine Industrial Building Authority.

At the present time the Maine Industrial Building Authority, or I guess they call it the MIBA, has authority to insure loans to various enterprises, four in all. They have the right to insure loans to manufacturing companies, industrial enterprises, to any industry that is connected with the fishing, and to

any agricultural industry within the State of Maine. The total amount of money that they might insure under the constitutional authority is \$80,000,000; this is the aggregate amount. This proposal, this L. D. 1383, does not increase this \$80,000,000 figure. This remains right at the status quo; this doesn't increase it at all, not one penny.

This resolution does two things. Number one, it grants to the MIBA authority to insure loans to service enterprises as well as the other four that I just mentioned, which were agriculture, fishing, industrial and manufacturing enterprises. So, this would put one more class of industry on the list that MIBA could insure, and this would be the service enterprises. The type of thing that is intended to be included in this resolution is the service enterprises, such things as insurance companies, data processing firms, research and development companies, engineering companies and educational companies. This is the type of thing that would be included under the MIBA act. This is the first thing that this act would accomplish.

The second thing is that MIBA could insure loans to existing industry or industries. The attorney general has already rendered an opinion to this effect. As far as they are concerned, the Maine Industrial Building Authority already has the authority to insure loans to existing companies within the State of Maine. This language was merely put in the act to clarify what might possibly be an ambiguity now. So the second intent of the act is merely to clear up the situation which might be ambiguous to some people.

If you have the Legislative Document in front of you, the recent studies show that employment in service industries has been growing at a more rapid pace than manufacturing employment and this will accelerate in the future. In recent years this same trend has become apparent in Maine and Maine should be prepared to encourage the development of selected service industries capable of bringing significant benefits to the state. I would urge that you



would vote for my motion to accept the Minority Ought to Pass Report of the State Government Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have a feeling that Senator Clifford has explained for me this bill as well if not better than anyone that attended the committee hearing. But if we are going to be consistent with what we have just done in the previous tabled motion, which had to do with An Act Relating to the Laws of the Maine Industrial Building Authority, apparently somewhere along the line where we had our fingers burned, we took in this particular bill, which was just amended by Senator Sewall, we have taken out the guaranteed loans on farm machinery, farm equipment, or any machine used on a farm, and now what we are doing is putting into the law, the same law, the service type.

One of the gentlemen at the hearing was talking about a service type and he mentioned in one area a cleaning establishment. He says that when you guarantee a cleaning establishment what you are doing there is that you are turning over the same dollars, and the same dollars are staying there, and in the end you are dissipating some of these dollars. But if you would track some of this money from the outside, or some of this business from the outside, which the Industrial Building Authority does at the present time, then you are turning up dollars that really are not yours to begin with, but which in passing through you retain some of the dollars, and I would oppose this.

The majority of the Committee felt that we were going out a little further perhaps on a limb on what we are guaranteeing as far as businesses are concerned, and almost in every case these are ninety-nine percent very marginal operations, and to put the state behind them on something to do with service, which I guess one idea would be an association of attorneys, but I as-

sume they would be able to pay off their obligation if the state guaranteed it, but by the same token I think their income would be great enough so they could go to any bank and get whatever they needed without coming to the state. I would oppose this motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was sitting here enjoying the debate until Senator Johnson from Somerset mentioned how attorneys would benefit under this bill, and of course that brought me right up on my feet.

I strongly endorse the position of Senator Clifford of Androscoggin, and I did two years ago. I would point out for those who are concerned, as Senator Johnson was, about our legal friends, that you must put up physical and personal property to back this loan. This isn't any ephemeral thing where you just go in and ask for money to start up an idea. You have to process a regular loan with some real property or some machinery of an industrial or business nature behind it. As Senator Clifford has said, these industries are the fastest growing industries in the country today. His example of a computer industry is one of the best ones there is.

I would point out that recently a national outfit moved from New York to Bangor and set up a computer operation, and brought well over a million dollar payroll to the City of Bangor as a direct result of this. So, I think it is a good bill. I think you have got to present a case to the Industrial Building Authority. Senator Sewall's previous matter of concern of removing machinery was certainly well-founded. We have had a little experience with this and, as a matter of fact, we should never have got into it in the first place. So, I see no contradiction between the two bills. I would hope that you would support Senator Clifford.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the

Senate: I would highly endorse the remarks made by Senator Clifford of Androscoggin, and also the Senator from Cumberland, Senator Berry. I would also like to add that I think our state is in a position of dilemma with regards to selectiveness of industry, attracting industry, trying to create jobs, and also trying to preserve the environment of our state.

I think that service type industry, in addition to what has been said, is also a type of industry which has employers who pay good salaries. They also are the type of employers who are not in the manufacturing process, and so we don't have to worry so much about what they are going to do with regards to affecting our environment. They are today some of the most highly desirable types of industries in the nation and as has been said before, they are also one of the fastest growing types of industries. So, in addition to what has been said, it seems to me that the Maine Industrial Building Authority, while undoubtedly it may be subject to criticism, is basically very sound law and a very sound program to help us attract industry and, hopefully, desirable types of industry.

I think industries, and certainly service type of industries, are looking more and more to Maine for location because there are wonderful places to locate and, secondly, because there are such wonderful places for their people to live in. I would hope if there are problems with the MIBA law which have become apparent, why I think they ought to be corrected, but I think we should continue making full use of that vehicle as a way of assisting the creation of jobs in Maine. I hope that we would accept the Minority Ought to Pass Report.

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

Mr. JOHNSON of Somerset: Mr. President, I would like to ask a question through the Chair, if I may, to the Senator from Cumberland, Senator Berry. The Senator from Cumberland made some remarks about, I guess it was a data processing or electronics plant that went to Bangor with a million

dollar payroll, and he says it was a direct result of this. I am not sure whether he meant this bill, or what he did mean? If they are already in business up there and are operating, if this is the type that are in here and this is the type that we want, then why would we need something like this to perhaps keep the ones we have got that are doing business and are solvent?

The PRESIDENT: The Senator from Somerset, Senator Johnson, has posed a question through the Chair which the Senator from Cumberland may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would hope that passage of this legislation would bring in another service industry of the same type to Smithfield and bring a lot of money into Somerset County. As I said, it has been a long, hard week and I would hope that we might end up on a sweet note and all vote with Senator Clifford from Androscoggin.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I would like to pose a question through the Chair to either Senator Clifford or anybody on the committee who would care to answer, just a point of clarification: the word "preservation" in bold print in Senator Clifford's bill, was this basically to refinance existing marginal industries in the State of Maine which might be sinking?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: This was the second purpose of the bill, and that was the clarification part. This was the part about the Attorney General already having written an opinion

and given it to the MIBA stating that they have the authority at the present time, in their opinion, to insure loans to industries that were already settled here but who wanted to refinance for some reason or other. This merely is put in to clarify or to strengthen the Attorney General's opinion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill came before the committee that I was chairman of two years ago. I won't say it is word for word, because I haven't looked up the bill from two years ago, and it was reported out of that committee two years ago unanimous Ought Not to Pass. I am sure it included the same words "preservation and service." I feel that if we had passed that two years ago that more money would have been pumped into MSI and possibly now we would be in trouble to the tune of \$20,000,000 rather than \$10,500,000.

Ever since we set up MIBA, they have been trying to get this word in here so they can put money into a business that is failing. Now lately there have been more businesses that failed under the MIBA than the Maine Sugar Industry, and that is in the past year also. Although they haven't sent out the annual report, which they are supposed to have out before this — if they have, I haven't received one — when they send that out, you will see that there have been more industries failed than what we know about. All we hear about is the Maine Sugar Industry. Under this here we would never hear of it until we were in debt so far we could never get out of it. I am opposed to this bill as it is.

The PRESIDENT: 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 to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and the Preserva-

tion of Certain Business Enterprises.

As many Senators are in favor of the motion of the Senator from Androscoggin, Senator Clifford, to accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, 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 fourth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on State Government on Bill, "An Act Establishing a Maine State Liquor Control Board." (S. P. 300) (L. D. 857) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—May 6, 1971 by Senator Clifford of Androscoggin.

Pending — Motion by Senator Hichens of York to Accept the Minority Ought to Pass Report.

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

Mr. HICHENS of York: Mr. President, because of the fact that pertinent information which I had hoped would arrive in time to put on your desks this morning has not arrived, I hope that someone will table this until next Tuesday.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass Report of the Committee.

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

SENATE REPORTS — from the Committee on Veterans and Retirement on Bill, "An Act Relating to Disability Retirement and Retirement Allowances under State Retirement System." (S. P. 243) (L. D. 704) Majority Report, Ought Not

to Pass; Minority Report, Ought to Pass.

Tabled—May 6, 1971 by Senator Carswell of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mrs. Carswell of Cumberland, the Senate voted to Substitute the Bill for the Committee Reports.

On further motion by the same Senator, the Bill was Recommended to the Committee on Veterans and Retirement.

Sent down for concurrence.

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

Bill, "An Act Establishing a State-wide Open Deer Season for the First Three Weeks in November." (H. P. 906) (L. D. 1250)

Tabled — May 6, 1971 by Senator Hoffses of Knox.

Pending — Adoption of Senate Amendment "A" Filing S-139 to House Amendment "B" Filing H-169.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: We have discovered there is a lot of conflicting language in this bill. I believe that it should be further clarified, and I would move that we reconsider our previous action whereby Committee Amendment "A" was Adopted.

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

Thereupon, on motion by Mr. Harding of Aroostook, tabled and specially assigned for May 11, 1971, pending Adoption of Senate Amendment "A" to House Amendment "B".

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

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

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

Pending — Enactment.

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

Mr. WYMAN of Washington: Mr. President, I am in the proc-

ess of having an amendment prepared for this, and I hope it might be tabled until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Enactment.

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 Members of the State Senate and House of Representatives have learned this date marks the 60th birthday of a dear colleague; and

WHEREAS, said colleague, affectionately known as "Mister Democrat," is unfortunately confined to a Lewiston hospital on this, his very special day; and

WHEREAS, birth is the only commencement day that takes place in a hospital and this veteran lawmaker is shortly expected to escape solitary confinement once again; and

WHEREAS, it is fitting for the Legislature to commemorate the birth of one so dedicated to the high ideals of public service and Americanism; now, therefore, be it

ORDERED, the Senate concurring, that the Members of this Legislature pause in its deliberation to wish the Honorable Louis Jalbert of Lewiston the warmest congratulations on this, the 60th anniversary of his birth and extend a sincere wish for a speedy recovery; and be it further

ORDERED, that a suitable copy of this Order properly attested be immediately transmitted to St. Mary's General Hospital and said gentleman, to convey the sentiments expressed herein. (H. P. 1309)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

The Adjournment Order having been returned from the House Read and Passed in concurrence, on motion by Mr. Hoffses of Knox,

Adjourned until Monday, May 10, 1971, at 3 o'clock in the afternoon.