

# 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**

Wednesday, June 2, 1971

Senate called or order by the President.

Prayer by the Rev. Robert Butler of Hallowell.

Reading of the Journal of yesterday.

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

Bill, "An Act Creating a Medical Advisory Board for Medical Criteria and Vision Standards for Motor Vehicle Drivers." (S. P. 414) (L. D. 1230)

In the Senate May 21, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-192).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and as Amended by House Amendment "A" (H-358), in non-concurrence.

On motion by Mr. Shute of Franklin, tabled and Tomorrow Assigned, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Relating to Testing of Private Water Supplies by Department of Health and Welfare." (H. P. 1264) (L. D. 1668)

In the Senate May 20, 1971, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-370) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws." (H. P. 960) (L. D. 1321)

In the Senate May 25, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-317), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto, in non-concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to Recede and Concur.

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of Bill, "AN ACT Relating to Cost of School Construction Aid," House Paper 1340, Legislative Document 1759, introduced at the last regular session of the Legislature for the purpose of determining whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Department of Education and Bureau of Public Improvements be directed to provide the Committee with such technical advice and assistance as they deem necessary to carry out the provisions of this Order; and be it further

ORDERED, that the Committee report the results of its findings at the next regular session of the Legislature; and be it further

ORDERED, upon joint passage that copies of this Order be transmitted forthwith to said state agencies as notice of the proposed study.

(H. P. 1382)

Comes from the House, Read and Passed.

Which was Read.

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

**Joint Order**

WHEREAS, there is an ever-increasing demand to preserve and conserve the lands of this State; and

WHEREAS, governmental agencies acquire and dispose of land in the name of the State according to programs or use; and

WHEREAS, land acquisition by one agency might well be satisfied in portions under sale by another; and

WHEREAS, the State lacks a sound policy or guidelines for acquisition or sale of its real property; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility of developing in the best interest of the State a uniform policy for

the acquisition or sale of State-owned lands; and be it further

ORDERED, that the State Forestry Department and Park and Recreation Commission be directed to provide such technical advice and assistance as they deem necessary to carry out the provisions of this Order; and be it further

ORDERED, upon joint passage, that copies of this Order be transmitted forthwith to said department and commission as notice of the pending study.

(H. P. 1381)

Comes from the House, Read and Passed.

Which was Read.

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

#### Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The House today voted to adhere to its action whereby it accepted Report "A" reporting "Ought to pass in new draft" (S. P. 586) (L. D. 1739) on Bill "An Act relating to Legislative Counsel or Agents" and passed the Bill to be engrossed as amended by House Amendment "A" in non-concurrence.

Respectfully,

(s)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered  
Placed on File.

State of Maine

Office of the Governor

Augusta, Maine

04330

Members of the Senate  
and House of Representatives  
of the 105th Legislature

After careful consideration, I have decided to return Senate Paper 390, Legislative Document 1145, AN ACT to Provide for the Interception of Wire and Oral Communications, to the Legislature without my signature.

One point should be clarified at the outset. This legislation has

been described by some as an effort to curtail the use of wiretapping and bugging. In fact, the legislation encourages the increased use of these practices. Prior to 1968 the Federal Communications Act prohibited state or local police officials from engaging in wire interceptions. The interception of oral communications, or bugging, was controlled by the prohibition of the Fourth Amendment of the Constitution against unreasonable search and seizure. In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act which eliminated the Federal prohibition against wire interceptions by state and local police officials, and attempted to set the rules by which Federal, state, and local police could, within constitutional bounds, practice wiretapping and bugging. Congress, feeling that it understood the Supreme Court's rulings on the permissible limits of these activities, had, in effect, invited the states to adopt the procedures set out in the Federal legislation and thereby encourage their state and local police officials to use wiretaps and bugs to obtain evidence admissible in court. Legislative Document 1145 is a direct response to that invitation.

I believe that this response is unnecessary and unwise, in part because of my firm personal conviction that wiretapping and bugging, no matter how scrupulous the controls imposed, threaten what Justice Louis Brandeis once called the "right to be let alone," that "most comprehensive of rights and the right most valued by civilized men." This right of privacy, which takes content from specific prohibitions of the Bill of Rights, protects us from unwarranted governmental intrusion in the activities of home, church, and the mind. It shields a sector of human endeavor where governmental controls have no place. It defines the special qualities of democratic institutions.

At no point in our history has this right of privacy been more threatened. The threats, to be sure, are not all governmental. Urban living, systems of credit, background checks by private busi-

nesses and institutions, all take their toll. But government, unavoidably in many cases, has taken the lead in exposing activities once private to greater public scrutiny and control. In light of these trends, I believe that government must also take the lead in exercising restraint if our right of privacy is not to become mere fiction.

The legislation I veto today must be seen in this context. Perhaps, viewed in isolation, it does not pose the threat I perceive. But I do not believe we can responsibly confine our vision to this single legislative document. Electronic technology is rapidly giving us means of surveillance over private conduct that were once unimaginable. If we do not take a stand now, if we permit pointless intrusions on our right of privacy, we will cheapen that right and slowly, thoughtlessly, abandon it.

I am convinced that the intrusion contemplated by L. D. 1145 is pointless. Although the legislation supposedly enhances the capacity of state and local police officials to deal with certain designated offenses, particularly as they relate to organized crime, the history of wiretap and bugging use suggests that it is actually an enormous waste of law enforcement time and money. Ramsey Clark, the former United States Attorney General, in his recently published book *Crime in America*, notes that the FBI used electronic surveillance to fight organized crime from the late 1950's until 1965. His conclusion: "Hundreds of man-years of agent time were wasted. As many as twenty bugs were used in a single city. So far as is known not one conviction resulted from any of the bugs. No evidence of any crime obtained by such surveillance, directly or indirectly, was ever introduced in a Federal trial, so far as is known." But in 1967 and 1968, according to Mr. Clark, "without the use of any electronic surveillance, FBI convictions of organized crime and racketeering figures were several times higher than during any year before 1965. The bugs weren't necessary. Other techniques such as the strike force proved far more effective." Given

the serious constitutional and societal implications of wiretapping and bugging, the availability of effective and efficient alternatives to these techniques is a decisive consideration.

However, even if one were to concede that wiretapping and bugging might aid efforts against organized crime, I would still insist that there is no basis for allowing state and local police officials to use these techniques. Organized crime is interstate in character and the special responsibility of the FBI. While state and local police officials must surely cooperate with Federal authorities in dealing with organized crime, I see no reason for duplication of Federal surveillance activities at the state and local level, particularly when these police forces are already overburdened in their efforts to deal with the criminal activities that are their special responsibility. Both in terms of reduced capacity for abuse and wise allocation of resources, confinement of wiretapping and bugging authority to the Federal level makes sense.

Two final points should be made. No matter how carefully a wiretapping or bugging statute is drafted, it cannot eliminate an inevitable flaw - the involvement of innocent people and irrelevant communications in the surveillance activity. A single tap or bug can intrude on the privacy of dozens of people. In addition, the requirement for a judicial order authorizing the interception of wire or oral communications, while supposedly guaranteeing proper use, does not afford sure protection, principally because judges, even the most demanding, are at the mercy of the law enforcement officials. Only these officials are present when the authorization is sought. Only they can really appraise the quality of their allegations. Under these circumstances it is almost impossible for the judges to provide a meaningful review.

I recognize the sincere concern for improved law enforcement which resulted in support for L.D. 1145. The legislation itself is well drafted. But it is essentially an attempt to do the impossible - to make wiretapping and bugging by

state and local police officials palatable. I respectfully urge, for all the reasons stated, that my action disapproving L. D. 1145 be sustained.

Sincerely,  
Kenneth M. Curtis  
Governor

KMC:lh

Which was Read and Ordered Placed on File.

An Act to Provide for the Interception of Wire and Oral Communications. (S. P. 390) (L. D. 1145)

The President laid before the Senate the question: Shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This matter has been thoroughly debated before and I don't intend to review the matters which we talked about before. I do hope, however, that you will vote no when the vote is taken. I think that those of you who have read the Governor's message, it sets forth, I think, very eloquently the basis on which he opposes this matter becoming a law. I think everybody here has read the book "1984", and it distresses me as much as it does many people of how closely we are moving to 1984 and how little the dignity of the individual is becoming to mean.

This particular bill, why I found it so offensive, and why that I have worked so hard against it, is because I believe that it takes away one of the most sacred of all of our rights, and that is the right to be left alone in our homes, in our churches, and in our offices without having our government watching everything which we say now possibly and, as electronics are developed in the future, possibly watching everything that we do.

I would make also another personal observation. It was my torment for a period of time to live under a dictatorship. I think that no person can know the privilege and joys of living in a free society and realizing that whatever you say to a person is in confidence.

That is true now, but if you live under a dictatorship wherever you go, whatever you do, whoever you speak to, you have the fear that what you say may be heard by your government. This I hope we can avoid in our time. If this particular bill is ever passed, I hope that it will not be by this legislature, in fact I hope that it will be a long, long time and hopefully never, that we subject our people to this kind of thing. So, I hope that you would vote no when the roll call is taken.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I wasn't at all surprised when I heard of the Governor's veto on this bill last night. I don't proclaim to possess any powers that my well-known brother does, but somewhere when we were debating this bill in the two houses, I had a feeling that the Governor would veto this bill, and I guess that feeling has been substantiated by what is before us this morning.

As you are perhaps aware, this particular bill, L. D. 1145, received almost unanimous support in the other body. It had, I think, 106 votes for passage of this bill as opposed to 33 votes against the bill. It was as well debated in the other body as it was debated here. We, who represent the people at the local level represent the people from various segments of the state on all levels. Apparently the vast majority of us saw the wisdom and the need of legislation of this type. And yet one man, one individual, is using his power and his authority to usurp the will of the legislature. As I mentioned, I am not surprised, but as Chairman of the Judiciary Committee where this bill was heard, I am somewhat disappointed, disappointed because I feel that a veto on this bill indirectly shows a lack of confidence in the ability or a lack of faith in our police officers, our law enforcement officials in the State of Maine, and even greater than this, even greater than showing the lack of faith or lack of confidence in the ability in our police officers, it is my sincere feeling that it is

an indirect attack upon our judicial system as well.

Mind you, this bill was a bill which outlawed bugging and wiretapping. It outlawed something that is presently not illegal in the State of Maine, and it went on further to stipulate that under certain circumstances a judge of our Superior or Supreme Court could have, under well defined lines, authorized wiretapping in cases where there was definite proof of involvement of crime.

We have voted on bills in this body this year, bill after bill after bill, upon which I have heard my good friend, Senator Harding from Aroostook, stand up and tell us that this is discretionary upon the courts. We have competent judges in our court, and this is discretionary upon them. Not particularly this bill; but other bills that I am referring to. So we ought to pass this bill and leave it up to the discretion of the judge, as on our mandatory penalties which he has argued against, and leave it up to the judges discretion, that they have first hand knowledge of what is going on, that they ought to know, and that they are able men, and they would not be appointed unless they were. This bill is no different. The concept of this particular bill was similar; it left it up to the Superior and Supreme Judge to determine whether wiretapping should be instituted in certain instances, and yet the Governor saw fit to veto this bill. Again, I think personally that it shows a lack of confidence in the ability in our judges. Thank you.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I am not going to belabor this question very long, but I presented this bill and then had much wiser minds than mind discuss the merits of it and, as has already been reported, it came out of committee with a favorable report. It was well discussed on the floor of both houses and had a favorable report from both the Senate and the other body.

This veto was foreseen and was expected, but there is one part I would like to bring to light on this veto. On page five, the first paragraph, it says: "Two final points should be made. No matter how carefully a wiretapping or bugging statute is drafted, it cannot eliminate an inevitable flaw — the involvement of innocent people and irrelevant communication in the surveillance activity." I don't know of any law that is on our books that doesn't bother the innocent. There are many times when we are inadvertently involved, when we are detained, or our pattern of life is disrupted, because of suspicion of which we are not guilty. To say here that the involvement of innocent people and irrelevant communications is a flaw is one of those things that we have to put up with along the path of life. I believe that in the safety that it would bring to the people of the State of Maine in law enforcement, and the protection of the vast majority of our people, that this involvement of innocent people is just a very minor part of it. So, I would ask you this morning to vote to override the Governor's veto in this case.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is always quite difficult to speak on these types of bills without involving emotions or trying to separate emotions, and what you might call the common sense approach, and I don't pretend to say that there are no emotions in my own feelings or that my feelings make more sense than anyone elses.

There is certainly in our country today a great deal of turmoil and a great deal of concern on the part of the people for their own safety and protection. Certainly there is no doubt in my mind that these feelings on the part of our people are very, very legitimate. How we proceed to conduct our society, how we proceed as a people to go about providing for the safety of our people, is certainly important. It is important to me, as I am sure it is important to all

of the members of this Senate and this legislature.

I did not solicit the Governor to veto this bill. He did it of his own free will, and he did it for his own reasons. I was not here in the Senate when this bill was debated. I was in Washington attending the White House Legislative Leaders Conference, so, I did not have the opportunity to make my feelings known to this body as to what I thought of this bill. I will vote to sustain the Governor's veto because I do not think that this is the type of law that we should have on our books.

Two years ago we had this bill before us and the legislature defeated it. We have seen in the press, and I am sure that there was a great deal of discussion regarding the motives of the legislature for defeating this type of legislation. There was a great deal of talk about the matter of personalities who were involved in it, and perhaps this might have been the reason why this bill was not passed two years ago. Well, I don't know what people's motives were voting for or against this legislation two years ago but I know what mine were. They were the same two years ago and they are the same today.

I think that under our system of free government that we the people possess the rights and possess the liberties, and are the actual seat of the freedoms of our people. I think that this ought not to be regarded lightly. We have a right to be free. We have a right to our freedom. We have a right to our liberty. We have a right to those so long as they do not invade the necessities of the common good of the people. When as a people we have to give up these liberties, which certainly are dear to me, the right of privacy, the right of knowing that your government or anyone else is not going to invade your privacy, before we give these up I think that we ought to make sure that the giving up of these liberties is required and is essential for the common good of our people, and that unless we do give up these liberties the common good of our people is going to suffer. No one has yet convinced me that in the

State of Maine this situation is such that we ought to give up this liberty.

I recall two years ago when this was presented to the Judiciary Committee that we requested information, we requested evidence to be presented to us, of the specific need for this. None was given us, and I have had none given to me at this point, other than to say that if it should become necessary to invoke it it will be there.

I am not aware that our law enforcing authorities today cannot cope properly with the matter of protecting our society unless they have this law on the books. I think that we can do a far more effective job, we as legislators here, in making sure that our law enforcing bodies are properly constituted, are properly trained, that we provide our cities and our towns with the well paid police officers, well trained police departments, which will allow them through regular police procedures to do the law enforcing as it should be. I think this type of attention to the matter of our law enforcement would be far more productive than coming here and sticking these kinds of laws on the books and feeling that we have dispensed our duties with regard to providing good law enforcement for our people. The matter of providing good and efficient police bodies, the matter of providing our court system with proper dispatching of the cases that come before it, in the long run will be far more productive in giving good and proper law enforcement to the people of our state, what they need to protect themselves, far better than this bill will.

As I said two years ago, and as I repeat today here, until there is produced before me evidence which shows that it is essential for our law enforcing authorities to have this law on the books in order to protect the welfare of our people, I personally am not willing to give up to the government liberty of privacy which I as a citizen feel is a basic right which I have, and this is the reason why I will vote to sustain the Governor's veto

today. I hope that you will do likewise.

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

Mr. ANDERSON of Hancock: Mr. President, I move the previous question.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves the previous question. The question now before the Senate is shall the main question be put now: Shall this bill become law notwithstanding the objection of the Governor?

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: As many Senators as are in favor of putting the main question now will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

The PRESIDENT: A "Yes" vote will be in favor of the Bill; a "No" vote will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

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

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

ABSENT: Senator Levine.

A roll call was had, eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, and eighteen Senators being less than two-thirds of those Senators present and voting, the veto of the Governor was sustained.

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

Mr. BERRY of Cumberland: Mr. President, I would move we reconsider our motion whereby the governor's veto was sustained and I will speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it sustained the veto of the Governor.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I was completely surprised, of course, by the maneuver, and I would congratulate the good Senator from Aroostook, Senator Harding, the Senator from Cumberland, Senator Conley, the Senator from Cumberland, Senator Kellam and the last gentleman who I noticed stood up quite reluctantly, which I would expect, Senator Violette from Aroostook. However, everybody must have his chance in spite of such maneuvers.

In taking you for reconsideration, I might preface my remarks by saying that I sympathize deeply with the Governor, and I sympathize with him for several reasons. I know Governor Curtis to be a dedicated, capable, sincere executive, a man who is doing everything possible to promote the welfare of the state from every standpoint. And I would also sympathize very much with those other members of his party, in and out of this body, who are very concerned with matters of public safety and public morals and who realize that we do not live in a completely utopian society where we have no social problems. To these people I say I am very sorry that you are in the position that you are in. I regret that someone has given the Governor such advice, because I know it is alien to his nature and I know it is alien to the natures of the members of his party, on the most part, who are concerned, as I say, with our state affairs.

Now, we know that we have absolutely no prohibition on wiretapping at the present time. So, when we listen to all the stories about what this bill is going to do, this bill is going to control wiretapping. How can we sit here and say that this bill is going to be an invasion of our privacy, it is going to

destroy the sanctity of our home? I don't know; it is not a joke, but it sure isn't the truth.

In the message, which I must say I am sure the Governor did not write, in the message considerable play is made on the fact that the FBI is our guardian angel. How many times have we sat here in this body listening to the eminent Senator from Aroostook, Senator Harding, talking about the police state in his lamentable experiences? Is he advocating a police state, that it will be the FBI that runs us, and therefore we don't need to do anything at this level? I wouldn't think so. Are we saying that there is no crime in the State of Maine? That is what the message seems to say. It says that any crime that we have the FBI can handle, the FBI has got the federal wiretap law which, incidentally, was pushed by President Johnson.

Twenty other states have a law more strict than the one we are considering here today. So we are really not pioneering in an effort to take away personal liberties, are we, when we come right down to it? Aren't we to defend our society, our homes, our families and ourselves against these criminals? I think it is just the opposite. Instead of an invasion of private rights we are protecting private rights and what are we saying? We are saying that there shall be no wiretapping in the State of Maine except under close court supervision. We have no protection like that now. When you are all through with the wiretap you have to give a copy of it to the fellow that you wiretapped. It is sort of telegraphing your punches, but that is what the law provides.

It seems to be that these are some of the facts we should be facing. I don't understand some of the statements that are made. Are they slurs on our intelligence when they are so directly against the facts? I would hope that we would vote for reconsideration and that everybody would feel free from any restraint whatsoever to see that legislation like this gets on the books.

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

Mr. HICHENS of York: Mr. President, I request a roll call on reconsideration.

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

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate reconsider its action whereby it sustained the veto of the Governor. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Tanous, Wyman, and President MacLeod.

NAYS: Senators Anderson, Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, Shute, and Violette.

ABSENT: Senators Levine and Sewall.

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators absent, the motion to reconsider did not prevail.

#### 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 June 7, 1971 and not to exceed a period of 6 weeks. (S. P. 618)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mrs. Carswell of Cumberland, ORDERED, the House concurring, that Bill, "AN ACT Relating to Actions by the Attorney General for Injury to Tribal Lands," Senate Paper 364,

Legislative Document 1103, be recalled from the legislative files to the Senate. (S. P. 619)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL: Mr. President and Members of the Senate: This bill came out of committee with an erroneous report and, therefore, I just ask that it be sent back to committee for the proper report.

The PRESIDENT: As many Senators as are in favor of this order receiving passage will please rise and remain standing until counted.

A division was had. Twenty-five Senators having voted in the affirmative, and three Senators having voted in the negative, with twenty-five being more than two-thirds of those Senators present and voting, the Joint Order received Passage.

Sent down for concurrence.

### **Committee Reports House**

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

Bill, "An Act Relating to Display of Flags of Certain Foreign Countries." (H. P. 1053) (L. D. 1445)

### **Leave to Withdraw-Covered by Other Legislation**

The Committee on Legal Affairs on, Bill, "An Act Relating to Basic Training at the Maine Police Academy for All Law Enforcement Officers." (H. P. 236) (L. D. 318)

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

The Committee on Legal Affairs on, Bill, "An Act Establishing Minimum Qualifications for Law Enforcement Officers." (H. P. 860) (L. D. 1184)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

### **Ought to Pass**

The Committee on State Government on, Resolve, Authorizing Conveyance of Ministerial and School Lands by Trustees of Town of Mattawamkeag to the State. (H. P. 1350) (L. D. 1772)

Reported the same Ought to Pass.

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

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

### **Ought to Pass - As Amended**

The Committee on Natural Resources on, Bill, "An Act Revising the Air Pollution Laws." (H. P. 1127) (L. D. 1557)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-373).

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

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

The Committee on Natural Resources on, Bill, "An act to Provide for Coastal Island Trusts." (H. P. 972) (L. D. 1333)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (H-367).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-387).

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

### Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, "An Act Relating to Certain Laws Relative to Great Ponds." (H. P. 538) (L. D. 711)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1374) (L. D. 1791)

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

Which report was Read.

On motion by Mr. Moore of Cumberland, tabled and specially assigned for June 4, 1971, pending Acceptance of the Committee Report.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Construction of a General Activities Building for Female Offenders on Property at Stevens School." (H. P. 869) (L. D. 1190)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1327) (L. D. 1741)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-379).

Which report was Read.

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

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Service Retirement of Teachers under State Retirement System." (H. P. 625) (L. D. 835)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1329) (L. D. 1743)

Comes from the House, the Bill substituted for the report and Passed to be Engrossed as Amended by House Amendment "B" (H-388).

Which report was Read.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: In looking over House Amendment "B" that was offered in the other branch, I note that it pro-

vides that the deduction to both teachers and state employees will be raised to 5.7. Now, I am not sure but what this may be a good thing, but I was wondering why it wouldn't include just teachers, so I would hope somebody would table this for a day so I could get a little more information on just what the intent of the bill is.

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

Mrs. CARSWELL of Cumberland: Mr. President, I feel that often the spirit of compromise helps to speed up the legislative process, and sometimes it tends to make everybody happy, so I hope that somebody would table this matter.

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

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

### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Limiting Discounts by Hospitals and Other Providers of Health Care." (H. P. 761) (L. D. 1027)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

SCHULTEN of Sagadahoc  
CARSWELL

of Cumberland

DANTON of York

Representatives:

O'BRIEN of Portland

CLARK of Jefferson

LITTLEFIELD

of North Berwick

MADDOX of Vinalhaven

McKINNON

of South Portland

SHELTRA of Biddeford

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

(Signed)

Representatives:

PRATT of Parsonsfield

TRASK of Milo

SCOTT of Wilton

ROCHELEAU of Auburn

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

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

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Definition of Theft by One Renting or Truited with Property." (H. P. 963) (L. D. 1324)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

TANOUS of Penobscot  
QUINN of Penobscot  
HARDING of Aroostook

Representatives:

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

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

(Signed)

Representatives:

HENLEY of Norway  
HEWES of Cape Elizabeth

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

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

Sent down for concurrence.

#### Senate

##### Ought to Pass in New Draft

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement." (S. P. 478) (L. D. 1562)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 616) (L. D. 1801)

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

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 155) (L. D. 424)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-231).

(Signed)

Senators:

TANOUS of Penobscot  
MARCOTTE of York  
LEVINE of Kennebec

Representatives:

ROLLINS of East Dixfield  
SIMPSON of Millinocket

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

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

(Signed)

Representatives:

LINCOLN of Bethel  
KELLEY of Machias  
LEE of Albion

Which reports were Read.

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

#### Divided Report

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376)

Reported in Report "A" that the same Ought to Pass in New Draft Under New Title: "An Act to Authorize Surplus Appropriation for the University of Maine for Renovation, Expansion and Land Acquisition." (S. P. 617) (L. D. 1802)

(Signed)

Senator:

SEWALL of Penobscot

Representatives:

BRAGDON of Perham  
GILL of South Portland  
BIRT of East Millinocket

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "A" (S-232).

(Signed)

Senator:

CONLEY of Cumberland

Representatives:

CARTER of Winslow

JALBERT of Lewiston

The same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

(Signed)

Senator:

DUNN of Oxford

Representatives:

SHAW of Chelsea

CAREY of Waterville

Which reports were Read.

On motion by Mr. Dunn of Oxford, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would just like to call to the attention of the members of the Senate that there are those of the membership here who feel that the Appropriations Committee does not send out divided reports. We just put a bill on the table which has A, B and C, and I am sure that the debate on this bill will be quite interesting.

### Second Readers

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

#### House

Bill, "An Act Relating to Appointments to the Portland Renewal Authority." (H. P. 779) (L. D. 1045)

RESOLUTION, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses. (H. P. 852) (L. D. 1165)

(On motion by Mr. Quinn of Penobscot, tabled and specially assigned for June 4, 1971, pending Passage to be Engrossed.)

Bill, "An Act Levying a Tax for Research and Promotion of Maine Wild Blueberries." (H. P. 1368) (L. D. 1785)

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

#### House - As Amended

Bill, "An Act Revising the Laws Relating to Credit Unions." (H. P. 580) (L. D. 775)

Bill, "An Act Relating to Appointments to Housing Authorities." (H. P. 782) (L. D. 1048)

(On motion by Mr. Berry of Cumberland, temporarily set aside.)

Bill, "An Act Relating to the Location of Solid Waste Disposal Areas." (H. P. 820) (L. D. 1094)

Resolve, Providing Minimum Retirement Benefits for Certain Teachers. (H. P. 1361) (L. D. 1776)

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

The President laid before the Senate the matter set aside by Mr. Berry of Cumberland: Bill, "An Act Relating to Appointments to Housing Authorities." (H. P. 782) (L. D. 1048)

The same Senator then moved that Committee Amendment "A" be Indefinitely Postponed.

Committee Amendment "A", Filing No. H-366, was Read.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: The good Senator from Cumberland didn't give any explanation for asking to have the amendment postponed, but I believe this is the committee amendment which alters the bill to have it cover merely the City of Portland. The Legal Affairs Committee was quite persistent in the fact that they did not want the general law changed to cover any other area of the state, and I personally would prefer to have the committee amendment left on the bill. Now, I believe that is the amendment we are talking about, is it not?

The PRESIDENT: The Chair would inform the Senator that Committee Amendment "A" was indefinitely postponed in the House, and House Amendment

"A" was adopted. House Amendment "A" has been adopted by the Senate, but Committee Amendment "A" has not been indefinitely postponed. The motion is before the Senate at the present time. House Amendment "A" is Filing H-378, and Committee Amendment "A" is Filing H-366.

Thereupon, on motion by Mr. Kellam of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland that Committee Amendment "A" be indefinitely postponed.

Bill, "An Act to Amend the Laws Relating to the Trustee of Wages." (S. P. 226) (L. D. 672)

Which was Read a Second Time.

On motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act Establishing the Quality Rating of Gasoline." (S. P. 351) (L. D. 1017)

Which was Read a Second Time and Passed to be Engrossed.  
Sent down for concurrence.

Bill, "An Act Relating to Use of Previous Convictions under the Implied Consent Law." (S. P. 391) (L. D. 1144)

Which was Read a Second Time.

On motion by Mr. Tanous of Penobscot, tabled and specially assigned for June 4, 1971, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act to Provide for New Ferry Landings at Cousin's Island or Littlejohn Island and Chebeague Island." (S. P. 400) (L. D. 1175)

Which was Read a Second Time.

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

Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 417) (L. D. 1232)

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 Creating the Maine Litter Control Act. (S. P. 262) (L. D. 768)

An Act Establishing a Comprehensive Child Care Program of Maine. (S. P. 432) (L. D. 1247)

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

An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws. (S. P. 591) (L. D. 1749)

An Act to Remove the Numerical Exemption from the Minimum Wage Law. (H. P. 570) (L. D. 746)

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

An Act to Revise Laws Relating to Aviation. (H. P. 620) (L. D. 802)

An Act Amending the Maine Sanitary District Enabling Act. (H. P. 683) (L. D. 924)

An Act Relating to the Enforcement of Money Judgments. (H. P. 850) (L. D. 1137)

An Act Relating to Qualifications of Applicants for Examination for Admission to Practice Law. (H. P. 989) (L. D. 1351)

An Act Relating to Hunting and Fishing Licenses and Fees Therefor. (H. P. 1148) (L. D. 1600)

An Act to Create a Commission to Prepare a Revision of the Criminal Laws. (H. P. 1211) (L. D. 1658)

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

An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions. (H. P. 1342) (L. D. 1761)

An Act Relating to Habitual Offenders of Motor Vehicle Laws. (H. P. 1355) (L. D. 1771)

An Act Relating to Long-term Semipermanent Registration Plates for Certain Semitrailers. (H. P. 1357) (L. D. 1773)

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 Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by State. (H. P. 715) (L. D. 960)

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

### Orders of the Day

Out of order and under suspension of the rules, 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 appropriations from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D. and medical care programs for the current month of June. (S. P. 620)

Which was Read and Passed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication." (H. P. 708) (L. D. 954) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — June 1, 1971 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

SENATE REPORTS — from the Committee on Transportation on Bill, "An Act Relating to Public Policy that use of Maine's Highways is a Privilege." (S. P. 289) (L. D. 843) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — June 1, 1971 by Senator Johnson of Somerset.

Pending — Motion by Senator Greeley of Waldo to 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 yield to the distinguished Senator from Kennebec, Senator Katz.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The bill speaks for itself.

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 third tabled and specially assigned matter:

SENATE REPORTS — from the Committee on State Government on Bill, "An Act Relating to the Maine Area Land Development Authority." (S. P. 462) (L. D. 1385) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft (S. P. 612) (L. D. 1792).

Tabled — June 1, 1971 by Senator Johnson of Somerset.

Pending — Acceptance of Either Report.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Presently before us now is legislation which, if evaluated and analyzed within the scope of its true intent and purpose, and without political prejudices, can and will produce the salutary effect that our constituents demand. That simply is a more meaningful way of life for them and their children.

If we in the Senate are truly concerned with the high rate of unemployment in the State of Maine, this document is a constructive remedy. If we are truly concerned with the outmigration of Maine youth, then this document is a viable plan. If we are truly concerned with reaping a portion of the educational costs by

utilizing our colleges and vocational institutes, the students' abilities and talents prior to their leaving the State of Maine after six or eight months following graduation, then you are urged or compelled to assume a positive attitude towards this legislation. If you are concerned with offering your constituents a more productive way of life, providing them with more than the minimum standards, then this legislation is a necessity.

If you are truly concerned with the taxation problems and burdens we have here in the State of Maine in these trying times on Maine's many marginal industries and businesses, then this legislation will complement and supplement economic development efforts at the local level. And if you are truly concerned with our state's shrinking tax base, then you should overwhelmingly support and accept this report.

As a footnote, Mr. President and Members of the Senate, I might add that our environment today is of paramount importance. This document curtails potential abuses. Mr. President, I would move for the acceptance of the Minority Ought to Pass Report in New Draft.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I sympathize with the remarks and the feelings of the good Senator from Androscoggin.

The Committee on State Government heard this bill at about 8:00 o'clock at night, I believe, and the members had done their homework and had gone all over the bill, and as we came to each question in the bill the question was answered by the Senator and some other gentlemen there from the Department of Economic Development. They had amendments, and I guess there must have been seventeen pages of amendments.

The bill as it has been redrafted is probably a good bill, however,

the public gets into the field of private industrial parks, and the committee felt that we are usurping some of the rights of the individuals, I presume, to go out and build these shopping centers and so forth, and in many areas they have not been able to place or to get industrial businesses in to fill up the present parks that we have. Now we have the state embarking on an area that is like pie in the sky; it is a wonderful thing to think about. Maybe it would work. I notice a big appropriation on the bill: And I admire the Senator's gracefulness and sincerity in getting this bill through, yet the committee - and I think the report was probably 10 to 3 or 10 to 2, or maybe it was 9 to 3, but the feeling of the committee was that at this time this bill wasn't a good vehicle or a good bill to pass. I will leave it up to you ladies and gentlemen to decide.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: If I recollect correctly, I think the report was 7 to 4, the 4 to accept the new draft.

There has been some concern insofar as the infringement of the state in the area of economic development with the private sector or the municipalities. I would like to call to the attention of the Senate that yesterday I took the liberty of having distributed to your desks two different editorials which, in my estimation, would squelch the type of thinking which has emanated from the honorable Senator from Somerset, Senator Johnson. I would just like to quote one single paragraph from this particular editorial, and they speak of the park itself: "If successful, the state undertaking could be a project which would eventually permit the communities to have their cake and eat it too. There is no guarantee of success, of course, but then the towns and cities have empty tracts in their industrial parks now. They have no guarantee that these tracts will be occupied either with or without the state project. Tax dollars lost

today could help bring new tax dollars tomorrow, and in the meantime there could be more jobs." And more jobs, Mr. President and Members of the Senate, and a better way of life for the people of the State of Maine is my primary concern. This is why I would urge the Senate, very sincerely, to accept the Ought to Pass in New Draft Report.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I sat here patiently and listened to all the window dressing on this particular report. However, I would like to point out that in an area whereas I stand in my county, specifically in the City of Lewiston right now, this week, there will be approximately 4,500 people trotting down there to claim an unemployment check. The City of Lewiston has presently an industrial park, Auburn has the makings of one, the City of Auburn has an area airport that is hurting for further development, and yet here we are confronted with a bill that calls for a large appropriation to develop a series of industrial parks. And we find that in my particular area the park would be out in forest land, perhaps because land is cheap, but I would submit that perhaps the challenge should go to DED, that instead of spending additional tax dollars to develop something why not improve on what already is in existence.

I agree that the concept is tremendous, but perhaps Maine is not yet ready for this particular phase of development. I have sat here previously and heard debate on the fact that three of these plans were already drafted, already prepared. If that is the case, why not make these three plans available to those cities that are in a similar situation to the Lewiston-Auburn area? Why do we need the additional appropriation if three of them have already been completed? I for one would have to oppose this particular bill.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Up until a few days ago I shared the same feelings as expressed by the good Senator from Androscoggin, Senator Bernard, because I honestly felt that setting up these industrial parks throughout the state would be in direct competition with local municipal industrial parks as set up by municipal governments. Since that time I have done quite a bit of talking with some people, who are involved in the council of government in my area in Portland, and also other people who are concerned with the plight of those individuals who are unemployed.

I think when we look at the industrial parks that we have throughout our municipalities that really they are very small in acreage, and there is really no chance of any of us attracting any large industry to the tract of land that we have set aside for a major industry and, therefore, really it serves no purpose for us.

It is my understanding that a half million dollars is going to be appropriated, if this bill passes, from the New England Regional Commission. And something that I have learned in my involvement, probably through the wisdom of the city manager of Portland, who has often said that traffic generates traffic, is that I am really convinced today that if we do adopt this plan and we do straighten it out, or iron out whatever problems there may be, that really we can only be the winners in the long run.

As I stated earlier, I felt that these parks would really be in direct conflict and competition with our parks, but I changed my opinion after talking with many people engaged in this field, so I would support the motion of the good Senator from Androscoggin, Senator Minkowsky, to accept the Minority Ought to Pass Report.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am opposed to this legislation, and I am surprised that Senator Conley is supporting

it where Portland has a large industrial park that is being developed and every year has more industry moving into it. I believe it should be left up to the communities which are working very hard on these developments.

In the Town of Gorham, one of the towns that is in my district, they have just taken over several hundred acres of land. They had a referendum last fall on it, and they have raised \$450,000 to develop this industrial park, and I feel that is where it should be left, with the communities themselves for these developments. I would request a division on the motion.

The PRESIDENT—A division has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Relating to the Maine Area Land Development Authority." As many Senators as are in favor of accepting the Minority Ought to Pass in New Draft 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. Eleven Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, would it be too late to ask for a roll call?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, requests a roll call. 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 Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think there is a great deal of misconception regarding the applicability of this proposed law and how it would affect or not affect the present communities which have industrial parks.

I think that these communities should have some genuine concern with regards to the parks they have developed and are interested in developing, and I don't see this concept as being in competition with them.

Now I think in the future as our state is going to develop more and more people are going to look towards Maine for a location for industrial plants. It may not come this year and it may not come in two years, but I think that we see the trend of interest in major industries wanting to locate some of their plants, and some of their major plants, outside of the large metropolitan areas where living conditions for their personnel, transportation problems, and other urban problems have become so difficult for them that they are looking for areas in the more undeveloped areas of the country to move to for their own benefit.

We have already seen in Maine interest by some service organizations and service corporations coming to Maine, and I think this will continue. IBM recently had a great deal of interest in locating a major plant in Maine which would have employed several thousands of people. It came down to a point of whether they would go into southern Maine or Vermont, and they went to Burlington, Vermont or that area, and I don't know what the reasons were. But I think that more and more people are going to look towards Maine for the location of these plants.

The Governor was telling me a couple days ago that there are many European major companies in the pharmaceutical lines, in the motor vehicle lines, who have American dollars, so-called, coming out of their ears. And we saw their attempts to devalue the American dollar in order to get rid of some of this American money. They are very, very much interested in opening plants in this

country to invest their American dollars. We have seen American dollars go overseas to invest in those areas, and now some of those European countries are expressing some very genuine interest in locating some of their industries in this country.

Take an area like Bangor, for instance, and those areas perhaps where automotive plants from Germany or others could locate shipping facilities, and pharmaceutical firms from Switzerland could possibly locate.

Now, in many cities today, including Portland or other cities, actually they do not have the land area. We are talking about industrial parks and we are talking about 100 or 200 acres. This is not what is going to be required, I think, in the future. If we are going to be able to make a real attractive package that will interest some of these major industries to locate, first of all, and to attract allied lines of industry we will need industrial areas of something like 1,000 acres or more. These are not available in the small cities. And these types of industries are not going to go to these limited or small area industrial parks which our cities have developed, because they don't have the land area for these industries to grow around them and feed off them, as has happened in the many urbanized areas of the country. If this concept is going to develop we are going to need these major park areas.

I think this concept here is very, very good. And where the cities and municipalities have put up industrial parks of limited size, certainly we should continue to encourage location of industries there, but what this does here is go to a concept which is going to be beyond the small municipal industrial parks to handle. I think it is a good concept, and I am very hopeful that we could continue this movement along the legislative process here. If there are some problems with it that people see, then I think they should be corrected, but I think it is a good concept. Furthermore, when we think of the cost involved in the location of industries and in the

environmental facilities that we will have to provide for taking care of the industries, I think it is good common sense that some of these ought to be located in major park areas where, instead of having to provide sewage disposal facilities for five or six industrial park areas, where we have to provide transportation exits, where we have to provide for site location areas, I think it makes good sense to try to package some of these together, with a resulting saving in a lot of money in providing the sewage disposal and the other type of disposal facilities that will be required. For that purpose, I hope that this legislature would accept this legislation or at least continue developing it as it goes through the legislative process here. I hope that the Minority Report would be accepted.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I could not significantly add anything more to what Senator Violette has already said, except that we have one particular park which has reached its advanced stages insofar as planning is concerned, and this is known as the Life Sciences Park in the Pownal and New Gloucester area. I might add, Mr. President and Members of the Senate, that this is not on what has been referred to as cheap land; this is presently state owned land.

The Life Sciences Park that is under discussion at the present time would contain only manufacturing concerns with allied type developments in industry. An example would be the Pacemaker Heart Machine, the oceanographic equipment, etc. At least they are all affiliated along the same line. It would not be a haphazard development, as has materialized in many parts of the State of Maine at the present time.

One reason why this is a feasible, practical plan is that private sector cannot capitalize such a particular plan as this. Nor would they consider coming into the State of Maine along these lines. But if a plan has been laid out,

and the necessary groundwork and homework has been done in reference to it, this is where we can excel in enticing these diversified or satellite industries to consider the State of Maine.

There are basically nine steps that they go through, since we do have the technological ability and knowledge within our state system to accomplish these purposes. The first was the organization of the basic concept, which is planned. We have been discussing the Life Science Park which has been really and fully analyzed. The research and analysis of their feasibility, the translation of these concepts into plans, the evolvement of design, derivation of specifications, the scheduling of implementation, the acquisition of land and equipment, the construction facilities, and ultimately and most important, the transfer back to private ownership. This is where some people have misconstrued a main purpose of this bill. This does revert back to private ownership.

And regardless of where the parks are located throughout the length and breadth of the State of Maine, the most important thing, as far as I am concerned, is giving jobs to the people in the State of Maine who are in dire concern. Is it more practical or more feasible, insofar as the out-migration of Maine youth is concerned, to provide them with an adequate education to make sacrifices and burden the people of the State of Maine further, and simply say to them after they graduate from our high schools, our vocational technical schools, our colleges, "I'm sorry we want to preserve our environment but we cannot offer you satisfactory employment"? This is a foolhardy approach.

This may appear to be a new concept, just like the concept we had during the 104th Legislature insofar as the oil conveyance act and the site selection law. No piece of legislation that has come before this legislature, in my estimation, is perfect, but this is a viable, feasible, logical, ethical approach and I would sincerely hope that the Senate would at least allow us to accept the Minority Report and to see what the action would be in the other body.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It has been a long time since I have had the pleasure of reading a little jewel like this one. I think every now and then it does behoove us to sit back and relax and read some of the legislative documents.

If no one is in a particular rush here, I will just quote a few little points. First, let me say that I have never been unimpressed with the performance of private enterprise in the State of Maine, and I have been very much impressed with the restrictions we are placing and have been placing on private enterprise. So, of course, the discussion centering around the fact that we need this gargantuan governmental monstrosity because private enterprise can't do its job is something, I think, like they use to dip pigs into. And we say that of course here, we say that private enterprise has encountered difficulty in providing new industrial, commercial, residential facilities because of problems in assembling lands suitable for building sites, and because of the difficulty of attracting private capital at reasonable cost, and the difficulty of private enterprise, alone to plan, finance, and co-ordinate these developments.

Then, of course, we have the bugaboo that every legislator is always very much concerned about, and that is the ability of governmental agencies to acquire property and land. And this one can acquire property and land from any person, firm, corporation, municipality, it goes on and on, by grant, gift, purchase or condemnation. We, as legislators, are always interested in granting condemnation powers and with what restrictions we do it. But then we get on into the more fanciful area. They get these projects by condemnation, and presumably low interest cost money that we the taxpayers are paying, of course, and then they can indulge in all sorts of business that private enterprise can indulge. They can accept a purchase money mortgage.

They can lease and repurchase, and acquire and hold any project which the authority has heretofore sold, leased or otherwise conveyed. They can grant options on any project or any portion of a project.

Then there is a nice little subsection entitled "Management." Some of us are very much interested in management. This outfit can manage any project or any portion thereof whether then owned or leased by the authority, and to enter into agreement with any state agency, municipality, county, or any agency thereof, or with any person, either public or private, for the purpose of causing any project to be managed. Absolutely no limitation. It is a private consulting business transformed and transferred to the state agency created by this act.

Then there is a further little thing they can do. They can provide advisory, consultative training in educational services, technical assistance and advice to any state agency, municipality, county, or agency or instrumentality thereof, to any person, firm, partnership, in order to carry out the purposes of this chapter.

I could go on, and I could recommend this to you for early morning reading. I think that is the best it would be for, and I hope you would support the motion on the roll call to accept the Minority Ought Not to Pass Report. This is a travesty on our people of the State of Maine to try to put something like this across.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Relating to the Maine Area Land Development Authority". A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Marcotte, Martin, Minkowsky, Schulten and Violette.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Clifford, Dunn, Greeley, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Shute, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Levine and Sewall.

A roll call was had. Twelve Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

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

Sent down for concurrence.

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

Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (H. P. 1041) (L. D. 1099)

Tabled —June 1, 1971 by Senator Clifford of Androscoggin.

Pending — Motion by Senator Katz of Kennebec to Reconsider Acceptance of Minority Report and Bill be given its 1st Reading.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Before it is tabled, I wanted to call the Senate's attention to an amendment over my signature, Senate Amendment "A", under Filing S-234. It has been my feeling for the last couple of days that perhaps we could reach some kind of accommodation on this compromise. This morning I have come to the conclusion that it is not a viable compromise and there are pitfalls to it. So, prior to its being tabled I wanted to tell the Senate that I probably shall not be offering this amendment and I probably shall withdraw my motion for reconsideration at the proper time.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby the Senate accepted the Minority Report and the Bill given its First Reading.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would like to pose a question through the Chair. I don't quite understand the pending question, the motion by Senator Katz to reconsider acceptance of the Minority Report and the bill be given its First Reading. I think the bill, as I understand the status of the bill, the Minority Report has been accepted and the bill has had its first reading.

The PRESIDENT: The Senator is correct. The Senator from Kennebec, Senator Katz, moved that the Senate reconsider its action whereby this action was taken. That is the pending question before the Senate.

Mr. CLIFFORD: Mr. President, I believe that Senator Katz has indicated that he will withdraw his motion to reconsider. If the motion to reconsider is still before us I would ask for a division on it.

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

Mr. KATZ of Kennebec: Mr. President, to clarify the situation for the Senator, I will now withdraw my motion for reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now withdraws his motion of reconsideration whereby the Minority Ought to Pass Report was accepted and the bill given its first reading.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Thereupon, on motion by Mr. Quinn of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$5,215,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections

Institutions." (H. P. 177) (L. D. 235)

Tabled — June 1, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Dunn of Oxford, and under suspension of the rules, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

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

Senate Amendment "A", Filing No. S-233, to Committee Amendment "A" was Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Very briefly, this deletes \$1,000 from the total amount on the bond issue. Bonds are sold in lots of 5,000. Under Bangor State Hospital continuation on heating, ward and building renovations, it is cut from \$281,000 to \$280,000. And it also changes the wording regarding the date of the election. This is according to the Constitution.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

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

Bill, "An Act Relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities." (H. P. 1028) (L. D. 1415)

Tabled — June 1, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Dunn of Oxford, retabled and specially assigned for June 4, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution." (S. P. 407) (L. D. 1223)

Tabled — June 1, 1971 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Encourage Aquaculture in Maine's Marine Waters." (S. P. 408) (L. D. 1242)

Tabled — June 1, 1971 by Senator Bernard of Androscoggin.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: It is with reluctance that I move that this bill and all of its accompanying papers be indefinitely postponed. I think I supported as many environmental bills as anyone in this house and, therefore, I am sorry to be against this bill.

Everyone favors aquaculture. Aquaculture is the environmentalist's apple pie. But this bill goes beyond research and development of marine life. These provisions are already on the statute books, but this bill authorized tying up large areas of marine area for private cultivation and harvesting of marine life. Let me just read the passage that I find particularly dubious. "The Commissioner of Sea and Shore Fisheries may agree to lease in the name of the State by public auction or otherwise, to any suitable person or corporation any land below mean low tide and any Maine water area for the purpose of planting or cultivation of fish or wildlife. The Commissioner may grant a lease upon such terms and conditions as he may deem proper, but not for longer than ten years or shorter than five years. No more than five acres may be leased at a time in one

parcel or lot, and no one person or corporation shall be entitled to more than two hundred acres."

It seems to me that two hundred acres is quite an area. Now, the people chiefly affected by this bill, if it passes, are the fishermen, and the fishermen are very opposed to it. I spent the last long weekend getting in touch with fishermen in my area in four different towns.

We all agree that we have an excellent Commissioner of Sea and Shore Fisheries, but this gives him too much power, more power than the fishing community wants to give. At least he has exclusive rights of cultivation and harvesting of his area. Let me just read what that does: "A holder of a lease under Section 3721 shall have the exclusive right to cultivate and harvest the species stipulated in his lease. Holders of leases for shellfish cultivation on flats or subaqueous land are entitled to take all shellfish in the leased areas."

Unaccountably, this bill had no hearing before the Fisheries and Wildlife Committee. It came before the Natural Resources Committee. Few fishermen knew about it, and those that knew about it and came were opposed one hundred percent; they opposed it strongly.

Another aspect of this bill that I might mention is that reputed violators of the law are subject to prison terms.

Let me conclude by saying I am not trying to spin a tale of horror about this bill. It may be a good bill. I rather think it is, but what I am saying is that the fishing community is strongly against it. The fishing community is not ready for it. The fishing community needs more information, more education perhaps, on this type of aquaculture if we are to pass it with their okay. I, therefore, think that we ought not to try to stuff it down their throats. I hope that you will consider this and I am not forcing either conclusion on you; I leave the conclusion to your judgment.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the

Senate: I hesitate in rising to go against the motion of my very dear friend to indefinitely postpone this bill. It had a very good public hearing before the Committee on Natural Resources, because it pertains to our God - given rights to our natural resources.

His charges that the fishermen along the coast are opposed to this particular bill, I would just like to clarify that I spent a good deal of my leisure time down along the coast, and at the public hearing, and down on Bailey's Island, Great Island, Orrs Island, South Harpswell and Neck, I found only seven fishermen that actually were opposed to the bill. Of the seven I think there were only five really who were opposed. The other two did confess to me Monday afternoon late that they just didn't understand the concept.

I would like to point out to the members of the Senate that the revised laws of the Maine Sea and Shore Fisheries, dated October 1, 1969, on Page 29, already gives the Commissioner of Sea and Shore Fisheries the right to lease the ocean bottoms from sixty-nine degrees forty-five minutes west longitude, which is somewhere from Small Point East, leases to private individuals for cultivation, and said leases shall not exceed ten square miles. Now, this particular bill says that a person, corporation, or institution of higher learning can apply for a license for a lease, and the maximum lease shall be two hundred acres.

Marine Colloids has a lease now on the books one-quarter of a mile wide by thirty miles long. To my knowledge, there has never been any complaint for this particular type of leasing. They got the lease in order to promote cultivation of Irish Sea Moss to carry out experiments.

Under this particular bill there has to be a public hearing. At that public hearing the applicant, who would have to pay fifty dollars for said license, must prove to the Commissioner of Sea and Shore Fisheries and his marine biologists that the applicant has the expertise to carry on experiments and cultivation. I would submit to you

that if there were more than fifty applicants in this entire state in the next five years I would fall right over backwards right now. People are not going to go to a public hearing with the idea of putting up fifty bucks to tie up two acres of shore front just to keep someone else out of it, and this is what the fear is. I say that there is no fear in this bill. We have a law on the books now that vastly exceeds the minimal requirements that we are asking for under this particular document.

In every letter to the DED in opposition to oil coming into Maine the Commissioner has taken it upon himself to answer these letters and to submit with his answer a letter stating that his department is one hundred percent behind the concept of marine aquaculture. Until the state can do something this is the impasse we have reached. This bill will open the door to industrialization of marine aquaculture.

Now, we have companies in Maine who would like to invest money in experiments, because that is where you have got to start, and until we put some laws on the books that will protect their investment they are not going to do a thing. This is why there are penalties in this particular bill. If I go out here in my own little business which I operate, and decide that we want to cultivate oyster seeds to sell to Delaware, there is an open market for it, I go down say to New Meadows River and I cultivate my oyster seeds, there is nothing presently on the books that will protect my efforts. Anybody can go in there and destroy it, mutilate it, steal it, and there is nothing that I can do about it. Under this bill there is at least some recognition of penalties, a slight amount of protection.

The only thing that this bill will do is just open up the door to allow these various groups to attempt a break-through in the area of marine cultivation, and I say that the fears are unfounded. I would ask for a division, Mr. President. I hope that when the vote is taken you will defeat the motion for indefinite postponement.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: As I said in the beginning, I have the greatest respect for researches in aquaculture. I also respect the motives and plans of the Senator from Androscoggin, Senator Bernard.

As I say, this may be a good bill, but would like to make one point. The present law does permit staking out, leasing out, vast areas but for research and development. This would lease out to individuals and corporations for cultivation and harvesting. In other words, it would give individuals and corporations the right to harvest exclusively in certain areas that have been staked out. This is what the fishing community fears. They fear that their fishing areas will be staked out, and where their ancestors have fished will be staked out by some out-of-state corporation.

We may need some incentive to get this development going in aquaculture but the fishing community, as I see it, is simply not ready for this type of private exploitation of public fishing grounds.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think perhaps I should point out that I was the author of the first bill regarding the experimentation of our salt water lands for experimental purposes by Marine Colloids. I felt that we must do something in the area of developing our underwater resources. I still feel that we should. I can also see the fear with which the fishing industry are concerned over this particular bill.

I am sorry that this bill did not come before the Fisheries and Wildlife Committee. With all due respect to the Natural Resources Committee, which does hear a great many of these pieces of legislation, I feel that this bill should have come before the Fisheries and Wildlife Committee, that

the fishermen themselves would have been a little better alerted as to the nature of the bill rather than to have it come before the Natural Resources, where many of them were not aware of the existence of this proposed piece of legislation.

I am going to say that we do need to cultivate our marine resources. We definitely do. I live on the coast. I know that a great many of these rugged individuals derive there living from the sea, and we must do everything possible if we are going to conserve and preserve those natural resources from which these people earn their livelihood.

I think that the bill has a great deal of merit but, by the same token, I can appreciate the fact that the fishermen are concerned about that section which the distinguished Senator from Cumberland, Senator Graham, has pointed out, and that is very much of a relaxation, if you will, of the leasing of these lands.

I think perhaps that we could, if we had a little time on this piece of legislation, I think perhaps that we could maybe tie down this bill so that it would not be as free for anyone to lease these lands; that we conduct experimentation rather than use it for the express purpose of harvesting. Now, the Marine Colloids were going to use those areas which they wanted, and do now have a lease on, primarily for experimentation. When the experimentation has been completed, and if it is successful, then they could come back for further leasing of those lands with the full knowledge of what their experimentations on the limited areas have been, and they could greatly improve their harvest, they could greatly improve their economy, and they could improve the economy of the State of Maine.

Now, I think perhaps that we should accept this bill. Let's not rush it through, but let us take the time to tighten up those areas which the good Senator makes reference to, and which I have mentioned allowing wide areas to be exploited for their own particular harvesting. Let us continue to use it for experimentation. I

think the bill does have a great deal of merit, and I would hope that perhaps we could accept the bill and that then we could tighten up those areas that do need tightening, and we will be launching out in a field that could be of tremendous wealth to the State of Maine.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would have to agree with most of the remarks that the Chairman of the Fish and Game Committee has made. I have no objections to giving the particular bill a run through the legislature, and if there are some workable amendments that come forward, swell. But I do feel that in order to attract industry into marine aquaculture you have got to have the concept of them being allowed to harvest their product.

We can talk about experimentation forever, but downstairs in the state library are very good examples of books of life's work that have been done by marine biologists on experimentation. They have got the knowledge; it is all there. All we have to do now is implement their knowledge into the practical work that individuals under this bill could do. Therefore, I hope that we could at least pass this bill along so that if there are some workable amendments that come forth we could debate the merits of them.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: The Natural Resources did hear this bill. It was a rather lengthy bill and very emotional bill also.

I didn't realize as we heard it, and as we took up the time of thirteen people, that there was another committee in the legislature that could have done a better job, and I am really quite intrigued to find out how one committee has a way of disseminating information to the public so that they can draw more people into hearings

than just the ordinary natural process that the legislature uses of advertising in the papers and things like that, because if I ever do come back, and if the people see fit to send me back, I would like to use that mechanics. I think it is great. As it is, there were very few Natural Resources Committee public hearings that were not packed to the doors, so we will ask permission to enlarge even the big rooms that we have here.

This particular bill on aquaculture, as the Senator from Cumberland, Senator Graham, has pointed out, was not a unanimous report, and I believe rightly so. I voted that the bill should be passed because I believe very definitely in the concept of aquaculture as the future of our country that is, if we believe half of what we read in the paper that we do have a serious problem with the feeding of the billions of people that now inhabit the earth. There really isn't any place else to turn to. So, while recognizing that perhaps there is a problem with the bill, that it perhaps may be too all-inclusive, it was our feeling, or the feeling of the majority, I believe, that we should make some effort to recognize the concept of aquaculture, that already to a large degree we are practicing this in Maine, but definitely we have to put ourselves and the nation on notice that with the Atlantic waters right at our doorstep we intend to take full advantage of the resources that we have.

Now, the questions that have been raised as to the severity of some of the requirements here I am in rather sympathetic agreement with, and so I would hope that someone in the room would see fit to table this bill, and I would ask, since the amendments might be of great importance, that we be given say to June 10 to come up with the suitable amendments.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

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

Bill, "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products." (H. P. 927) (L. D. 1281)

Tabled — June 1, 1971 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: You will recall a few days ago we tabled this bill because we need an amendment in order to make it constitutional. I have had the Attorney General's Office working on the amendment which we hope and trust takes care of that particular problem. It is Filing No. S-235, Senate Amendment "A", and I now offer Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Harding, offers Senate Amendment "A" and moves its Adoption. The Secretary will read the Amendment.

Senate Amendment "A", Filing No. S-235, was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta." (H. P. 1341) (L. D. 1760)

Tabled — June 1, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Regulate Industrialized Housing under the Maine State Housing Authority." (H. P. 1345) (L. D. 1764)

Tabled — June 1, 1971 by Senator Violette of Aroostook.

Pending — Adoption of Senate Amendment "A" Filing S-230.

Mr. Johnson of Somerset then moved the pending question.

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

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Tanous of Penobscot:

Bill, "An Act to Amend the Laws Relating to the Trustee of Wages." (S. P. 226) (L. D. 672)

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Tanous of Penobscot, the Bill was Indefinitely Postponed.

Sent down for concurrence.

### Reconsidered Matter

Mr. Berry of Cumberland moved that the Senate reconsider its action of yesterday whereby Bill, "An Act Revising the Maine Land Use Regulation Commission Law", (S. P. 610) (L. D. 1788), was Passed to be Engrossed.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Reconsider.

### Reconsidered Matter

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of yesterday whereby Resolve, Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County, (H. P. 1190) (L. D. 1640), was Finally Passed.

Thereupon, on further motion by the same Senator, tabled and To-

morrow Assigned, pending Final  
Passage.

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(Off Record Remarks)

On motion by Mr. Hoffses of  
Knox,

Adjourned until 9 o'clock to-  
morrow morning.