

# MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, June 3, 1971

Senate called to order by the President.

Prayer by the Rev. Allen T. Short of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Cost of School Construction for State Aid." (H. P. 1340) (L. D. 1759)

In the House May 21, 1971, Passed to be Engrossed.

In the Senate June 1, 1971, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

**Non-concurrent Matter**

Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 994) (L. D. 1356)

In the House May 20, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "A" (H-359) and House Amendment "B" (H-360).

In the Senate June 1, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Katz of Kennebec moved that the Senate Adhere.

Mr. Kellam of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Katz of Kennebec, a division was had. Fifteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference prevailed.

Thereupon, the President appointed on the part of the Senate the following Conferees:

Senators:

KATZ of Kennebec

LEVINE of Kennebec  
TANOUS of Penobscot

**Non-concurrent Matter**

Bill, "An Act Relating to Taxation of Buildings on Leased Land in Unorganized Territory." (H. P. 1339) (L. D. 1755)

In the House May 27, 1971, Passed to be Enacted.

In the Senate June 1, 1971, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

**Communications**

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

June 2, 1971

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

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18)

Messrs. LEBEL of Van Buren  
McNALLY of Ellsworth  
DUDLEY of Enfield

Respectfully,

Signed:

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports****House****Ought to Pass — As Amended**

The Committee on Judiciary on, Bill, "An Act Relating to Aiding Injured Persons and Reporting Hunting Accidents." (H. P. 851) (L. D. 1164)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-382).

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 Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$5,940,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports, Equipment, and Exhibits for Cultural Building, New State Office Building, and Maintenance Building at Augusta and State House Renovations." (H. P. 176) (L. D. 234)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-381).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-392).

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

#### Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act Revising the Laws Relating to Physicians and Surgeons." (H. P. 532) (L. D. 722)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to the Board of Registration in Medicine." (H. P. 1378) (L. D. 1798)

The Committee on Business Legislation on, Bill, "An Act Revising the Laws Relating to Savings and Loan Associations." (H. P. 1015) (L. D. 1394)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1376) (L. D. 1796)

The Committee on Business Legislation on, Bill, "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code." (H. P. 837) (L. D. 1133)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Non-profit Hospital or Medical Service Organizations" (H. P. 1375) (L. D. 1795).

The Committee on Business Legislation on, Bill, "An Act Amending the Maine Insurance Code Relating to Fees and Licensing." (H. P. 1139) (L. D. 1599)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1377) (L. D. 1797)

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

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

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to the Collection and Disposal of Solid Wastes by the Washington County Commissioners." (H. P. 819) (L. D. 1092)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GRAHAM of Cumberland  
VIOLETTE of Aroostook

Representatives:

CURRAN of Bangor  
HERRICK of Harmony  
BROWN of York  
CUMMINGS of Newport  
KILROY of Portland  
WHITSON of Portland

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

Signed:

Senator:

SCHULTEN of Sagadahoc

Representatives:

SMITH of Waterville  
MacLEOD of Bar Harbor  
HARDY of Hope  
AULT of Wayne

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-386).

Which reports were Read.

Mr. Schulten of Sagadahoc then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I was one of the signers of the Majority Ought Not to Pass Report. One of the reasons many of us signed the Majority Report was that we felt that as the bill was drafted it made it compulsory for all municipalities in Washington County to be a part of this waste collection district and, due to lack of time in the committee, we didn't have the time to redraft the bill to remove the mandatory language from this bill, but this has been done by amendment, the House Amendment, which was adopted in the other branch, which removes the objections that I and I am sure several members who signed the Majority Ought Not to Pass Report had to the bill. So I am now willing to vote for this bill as amended.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass Report of the Committee in concurrence.

The motion prevailed and the Bill was Read Once.

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Increasing the Gasoline Tax." (H. P. 403) (L. D. 516)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington

HICHENS of York

FORTIER of Oxford

Representatives:

CYR of Madawaska

COLLINS of Caribou

DRIGOTAS of Auburn

ROSS of Bath

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

Signed:

Representatives:

COTTRELL of Portland

DAM of Skowhegan

McCLOSKEY of Bangor

MORRELL of Brunswick

FINEMORE

of Bridgewater

TRASK of Milo

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

Which reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, a division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Amending Certain Savings Bank Laws." (H. P. 734) (L. D. 996)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-384).

Signed:

Senators:

SCHULTEN of Sagadahoc

DANTON of York

Representatives:

MADDIX of Vinalhaven

PRATT of Parsonsfield

SCOTT of Wilton

SHELTRA of Biddeford

McKINNON

of South Portland

ROCHELEAU of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H. 385).

Signed:

**Representatives:**

CLARK of Jefferson

LITTLEFIELD

of North Berwick

TRASK of Milo

O'BRIEN of Portland

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

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

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

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Contracts of Teachers with Municipalities." (S. P. 183) (L. D. 535)

ask leave to report: that they are unable to agree

On the part of the House:

FINEMORE

of Bridgewater

SHAW of Chelsea

DUDLEY of Enfield

On the part of the Senate:

JOHNSON of Somerset

CHICK of Kennebec

DANTON of York

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Senate****Ought to Pass — As Amended**

Mr. Katz for the Committee on Education on, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 277) (L. D. 860)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-237).

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

**Second Readers**

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

**House**

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

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

**House — As Amended**

Bill, "An Act to Provide for Coastal Island Trusts." (H. P. 972) (L. D. 1333)

Bill, "An Act Revising the Air Pollution Laws." (H. P. 1127) (L. D. 1557)

(On motion by Mr. Schulten of Sagadahoc, tabled until later in today's session.)

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

**Senate**

Bill, "An Act Relating to Public Policy That Use of Maine's Highways is a Privilege." (S. P. 289) (L. D. 843)

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

Sent down for concurrence.

**Senate — As Amended**

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

Which was Read a Second Time.

On motion by Mr. Bernard of Androscoggin, tabled until later in today's session.

**Enactors**

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

An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents. (H. P. 577) (L. D. 772)

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

An Act Relating to Exemptions from Real and Personal Property Taxation for Industrial Disposal Systems. (H. P. 1131) (L. D. 1559)

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

An Act to Improve the Procedure for Correcting Vital Statistics. (H. P. 1311) (L. D. 1719)

An Act Relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes. (H. P. 1334) (L. D. 1748)

An Act Relating to Amount of Annual Excise Tax on Railroads. (S. P. 369) (L. D. 1108)

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

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.

#### Orders of the Day

The President laid before the Senate the first tabled and specially assigned 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)

Tabled — June 2, 1971 by Senator Shute of Franklin.

Pending — Consideration.

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

Mr. SHUTE of Franklin: Mr. President, I move we insist, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate insist.

The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: L. D. 1230 is a bill which would put in writing and on the books a fact which already exists. It would legally constitute a committee which would continue to advise the Secretary of State on medical criteria and vision standards relating to the licensing of certain drivers in the State of Maine.

This bill came out of the Transportation Committee 11 to 1 Ought to Pass. A committee amendment eliminated the word "board", which you can understand the reasoning for, substituting

"committee", and then inserting three important words, "serving without pay" in the first line of Section 1 of the bill. So the committee, which would be legally constituted under L. D. 1230, is presently working, and I will tell you something about it.

This committee advises the Secretary of State from time to time on the physical condition of certain motor vehicle operators such as those who happen to be afflicted with epilepsy or black-outs from time to time. In 1962 insurance companies decreed that those persons so afflicted could obtain a motor vehicle driver's license by meeting certain physical requirements and by taking prescribed medication for their problems. In order to advise the Secretary of State in this area, a medical board or an advisory board was set up by the Secretary of State, whereby he could draw upon the talents of people under the Maine Medical Association and its President advising him, so that these people could obtain licenses after a thorough investigation of each case. Chief among these advisors is a Dr. Maltby, a Neurosurgeon on the staff of the Maine Medical Center in Portland.

Now, the National Highway Safety Board, through its Uniform Code, can offer accreditation to those states meeting certain standards. Maine presently meets these standards, with one exception, the standards are not in Title 29. This bill would meet the national requirements and give the Motor Vehicle Division of the Secretary of State's office the opportunity to apply for full accreditation. This is all that this bill does.

House Amendment H-358, submitted by Representative Silverman, is impossibly restrictive, stipulating that a psychiatrist, an optometrist, an ophthalmologist, a medical physician and a citizen-at-large be part of that committee. Now you can understand that in not all cases will a medical man get along with an optometrist, and vice-versa. They have been using a committee that has been working well, and it has been appointed by the President of the Maine Medical Association. This amendment

would exclude such prominent medical advice from the distinguished Dr. Maltby, so this is the reason for the motion to insist. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate insist?

The motion prevailed.

Sent down for concurrence.

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

House Report — Ought to Pass in New Draft (H. P. 1327) (L. D. 1741) from 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)

Tabled — June 2, 1971 by Senator Hichens of York.

Pending — Acceptance of Report.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I would like to read the statement of fact on L. D. 1741 and then comment on it.

"The Department of Mental Health and Corrections pursuant to the recommendation of the Governor proposes to close the Women's Correctional Center at Skowhegan and to consolidate on one campus, currently housing the Stevens School at Hallowell, institutional facilities for the rehabilitation of female offenders. In order that this might be accomplished it is necessary to construct a general activities building and dormitory on the Stevens School property at Hallowell, such building in conjunction with the dormitory, the appropriation for the planning and design of which has been appropriated by the Legislature, chapter 63 of the private and special laws of 1971, and the balance in this Act will provide facilities sufficient for the provision of rehabilitative institutional services to Maine's female offenders, on the grounds of the Stevens School, which currently provides rehabilitative institutional

services for female juvenile offenders.

"Land acquisition being necessary to permit the construction of the general activities building and it being constitutionally impermissible for the Legislature to enact legislation authorizing the purchase of real estate as an emergency measure the redraft is necessary and covers land acquisition and removes this bill from the category of emergency legislation."

Two weeks ago the Health and Institutional Services Committee visited the Skowhegan facility located along the slopes of the Kennebec River: 280 acres of land, 100 acres of woodland and 180 acres of cleared, rolling countryside. Everyone on the visiting committee immediately visualized the comparison between this beautiful area as compared to the crowded hillside complex at Stevens School in Hallowell.

Preceding a tour of the buildings a discussion was held with the director of the institution and Miss Ward Murphy of the Mental Health and Corrections Department, and their views were expressed.

Following the visit, it was the unanimous decision of the committee that closing the Skowhegan facility and constructing more buildings at Stevens was a very foolish move, to say the least. In this L. D. which we are considering this morning we are paying \$80,000 for acquisition of more land at Hallowell situated near the Maine Turnpike in as poor an environmental position as can be imagined. We are asked to spend \$325,000 for a new dormitory, and \$342,800 for a new general activities building. In the bill which was passed to be engrossed yesterday we added another \$274,000 for schoolroom improvements. One million dollars for what?

We as a committee were told that escape problems at Skowhegan, if this one million dollars was used for dormitories and schoolrooms there, and the girls at Stevens were transferred to that much more desirable location, would be nothing compared to what they now are at Hallowell. One has only to visit both locations to understand why.



True, many thousands of dollars have been spent at Hallowell during the past six to eight years, and if the 102nd, 103rd and 104th Legislatures had been able to see far enough ahead I am sure changes would have been made. Yet, I ask you this morning, why throw another million dollars into this facility at Stevens, which can be used in the future for an evaluation center which we have been approached with plans for and which the 106th Legislature will have to consider? Already much concern has been expressed for retarded delinquents in Maine and where to put them. This Stevens facility may be the answer.

Whether it is Stevens or Skowhegan, both facilities will be joined together as one. I ask you fellow Senators this morning to indefinitely postpone L. D. 1741 and be not hasty in appropriating all of this money to Hallowell until we are sure we know what we are doing. I therefore move that L. D. 1741 be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator H i c h e n s , moves that Legislative Document 1741, Bill, "An Act Appropriating Funds for the Construction of a General Activities Building for Female Offenders on Property at Stevens School", be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Over the years the Appropriations Committee has been asked and expected to make any recommendations that they think will either make savings or improvements in services.

You will remember a very short time ago the committee recommended doing away with the facility at Fairfield, the TB facility, and the legislature saw fit to go along with us on that. I, for one, have not heard a single complaint on this move. Two years ago things were a little bit different. We recommended doing away with the Bath Home, and the legislature didn't see fit to go along with us on that. This facility has a high cost and it gives special treatment

to 30 or 31 children, where we have three or four thousand that are in foster homes otherwise in the state. We felt there was an injustice and we recommended doing away with that.

Now, as to Skowhegan, as far back when I was first on the committee and the Senator from York, Senator Duquette, was the chairman, this was talked about, and we were all complaining about the high cost. There has always been a much higher cost at Skowhegan than at any other institution. So this goes back for at least eight years; this isn't any hasty decision.

Now, the Governor and the Commissioner have both recommended that this be done as part of a long-range plan. This has been done in other states. In New England the three states of New Hampshire, Vermont and Rhode Island have already done this. It took Vermont about ten years to do this, and at the present time they have, I believe, two people that they have sent to Framingham, and the rest are taken care of through half-way house programs and parole programs, things of that sort.

As the number of inmates at Skowhegan decreases they are handled in a different way. There is more use of half-way programs, and we feel that this is the time to make a step in this direction. I believe there are four people at present that probably would wind up going to Framingham. By the way, at Framingham the cost is \$4,000 a year, and at present it is \$10,000 a year at Skowhegan. This is the main reason for doing this.

There is no doubt but what the grounds at Skowhegan are much better than over at Hallowell, but here we have a choice of moving about thirty from Skowhegan, if we want to combine the two units, or moving a hundred from Hallowell to Skowhegan. We have built four new dormitories and a gymnasium at Stevens, and if you move these and build facilities for the Stevens girls at Skowhegan it means probably a million and a half more to do this. We believe this was the much better solution.

For instance it takes four or five people to man one job over 24 hours seven days a week, where if you combine them you can have a little saving in the operation of these facilities that way. So we hope you would go along with the committee and accept this report.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I support the good Senator from Oxford, Senator Dunn, and would urge the Senate to vote against the motion of the good Senator from York, Senator Hichens.

This is another one of those unanimous reports from the Appropriations Committee. Generally, most of the unanimous reports, I believe, that have come out of the Appropriations Committee were under 17-A and we have had little opportunity to debate them.

But, to concur with the thoughts expressed by the good Senator from Oxford, Senator Dunn, we did have Mrs. Murphy, who is the head of the correctional institutions, and who was two years ago opposed to this move, but who has since that time changed her position and is strongly in favor of the move. We also have the Governor and Mental Health and Corrections Commissioner Kearns who also are in unanimous agreement that we should follow these lines.

Really what we have to do, if we are talking about continuing Skowhegan, is to look at the long-range aspect of it and how much money it is really going to cost the state. With forty employees presently at Skowhegan, with only roughly twenty-eight individuals who are inmates up there, it really is a very costly expenditure to the state, and the over-all long-range program that we have down at Hallowell, I think, is going to be of tremendous merit to us, with the establishment of these half-way houses that Senator Dunn has referred to.

Really today I am a little surprised because the Appropriations Committee invited both chairmen from the Committee on Health and Institutional Services before

us, and it was my understanding, at least from the House Chairman, when they came before us, along with the Commissioner and Mrs. Murphy, that whatever final decision the Appropriations Committee had arrived at, that they would stand by that recommendation. And after having them in, we did continue to support the stand that we did take. So it would be my request of the members of the Senate today that we did stand in harmony on this measure and pass the bill as it presently is.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I agree that there has been no opposition from the Senate and the other body up until two weeks ago, but I think the reason for that is that many of us did not know the situation, and I wonder how many of you on the Senate floor this morning have actually visited Skowhegan and the Stevens School and really know what the problems are.

I agree that under the present conditions the cost is high, but let's look into the future and consider the alternatives. Building costs are less at Skowhegan, and Miss Murphy told us that she felt that facilities there to house these girls from Stevens could be taken care of from the cost that we would have to put into these new buildings at the Stevens facility at the present time.

We need these new facilities for evaluation units for retarded delinquents in the future, and if we have to acquire new land somewhere in the state, that is going to be high also.

Miss Murphy stated to the Health and Institutional Services Committee at Skowhegan that she was still very much opposed to the change, and Commissioner Kearns admitted that he had not been able to change her mind. Where the Senator from Cumberland, Senator Conley, got the idea that she had changed her mind and was now in favor, I don't know, because she hasn't told us anything to that effect.

Maine is not Vermont, and I feel the comparison is not feasible. And in his reference to the House Chairman, I would refer you to the horse blanket of last week, when Mrs. Payson and several others, including Representative Dam, opposed this move and vigorously asked that this be defeated, as I have asked this morning. So again I will ask that this bill be indefinitely postponed.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I personally feel that I still possess my faculties, particularly my ears, and I hear very well. When Mrs. Murphy came before the Appropriations Committee, with Senator Hichens present, she told us that she supported the bill, that she had reversed her stand from two years ago and was in concurrence with our thinking, that of the Commissioner, and that of the Governor.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I followed this thing along for a good many years, and I have seen plays behind the scenes and have seen superintendents change their minds because they wanted to or because they were pressured into it. Now, I am not saying anybody was pressured into anything.

I am a bit confused about the two stories being told today, but as I look at the Appropriations Committee membership here, I notice that most of these people have been on the Appropriations Committee for a long period of time, and I do know that every session they usually visit our institutions and they are very well informed, so I will go along with the Appropriations Committee to leave things as they are.

I would like to make a little revelation. For a number of years we have fought the idea of moving Stevens. It seems that there is somebody in the area — I can't tell just who it is — who wants some of that land over there, and

every once in a while this comes up and we are able to kill it. So I do hope that you go along with the very well informed Appropriations Committee and vote for this bill.

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

Mr. HICHENS of York: Mr. President, in all due respect to the Senator from Cumberland, Senator Conley, he did refer to his hearing not being too good, or he said perhaps he thought it was real good, but in all the years that he has been here he apparently hasn't heard the reference to "Miss" Murphy instead of "Mrs." Murphy.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Having studied this particular matter pretty much in depth as a member of the Legislative Research Committee, and being in full agreement at that particular time, from the statistics and facts that were brought forth to us, I was in agreement that the facility in Skowhegan should be terminated and that we should merge the inmates from Skowhegan at the Hallowell institution. But I also would like to point out to the Senate that I did take this trip to Framingham, Massachusetts, and I was thoroughly convinced that for the three state prison cases we actually have at Skowhegan it would be a very feasible and practical move to transfer them out of state because of the high cost.

But having visited both institutions, and looking at it strictly from a viewpoint of safety and welfare of the women, either the inmates at Skowhegan or the juveniles at Hallowell, I have reconsidered my position, and I think it is very, very feasible and practical plan to go along with the indefinite postponement of this particular bill, and go as the Committee for Health and Institutional Services has recommended. At least, if this is not the case, maybe the item should be tabled for further study until we render

a more feasible in-depth evaluation of this matter.

The PRESIDENT: As many Senators as are in favor of the Senator from York, Senator Hichens, that this bill be indefinitely postponed will please say "Yes"; those opposed, "No".

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

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

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

House Report — Ought to Pass in New Draft (H. P. 1329) (L. D. 1743) from the Committee on Veterans and Retirement on Bill, "An Act Relating to Service Retirement of Teachers Under State Retirement System."

Tabled — June 2, 1971 by Senator Anderson of Hancock.

Pending — Acceptance of Report.

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

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

Senate Report — Ought to Pass in New Draft (S. P. 616) (L. D. 1801) from the Committee on Judiciary on Bill, "An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement."

Tabled — June 2, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Mr. Tanous of Penobscot moved Acceptance of the Committee Report.

Mr. Schulten of Sagadahoc then moved that the matter be tabled and specially assigned for June 8, 1971, pending the motion by Mr. Tanous of Penobscot to Accept the Committee Report.

On motion by Mr. Berry of Cumberland, a division was had. Six

Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the tabling motion did not prevail.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Accept the Committee Report.

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

Senate Reports — from the Committee on Labor on Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 155) (L. D. 424) Majority Report, Ought to Pass as Amended by Committee Amendment "A" (S-231); Minority Report, Ought Not to Pass.

Tabled — June 2, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either 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 quite concerned about this bill. I believe we had this same bill before us two years ago and it failed to become law.

I have been reading about it in the amendments, and they have amended it so it says "voluntarily", anyone who goes out of business voluntarily. I wonder if an establishment burns down and the owners say "Well, I am giving up; I am not going to try to rebuild", would that be voluntary? If a person has got a firm or business that isn't profitable, where they are losing money and go out of business, is that voluntary?

It seems to me that the purpose of unemployment compensation is to serve this purpose, that when a person is unemployed that they have their rights to go to the Unemployment Office and collect their unemployment, which should take care of it. I think it would be throwing a very unfair burden onto any firm going out of business. Most firms that go out of business go out of business for a good reason, that they are not making money or that it isn't feasible to continue. I am opposed

to this and I move indefinite postponement of the bill.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Providing Notice or Severance Pay by Employers," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't agree with the Senator from Cumberland, Senator Moore. I think it is a good piece of legislation and it gives protection to people working in a plant that has over 100 employees. It doesn't include any seasonal workers. The only thing this bill does is give notice to the people that they are going to close the plant, and by doing so they don't have to pay any compensation. So it is just fair to the people who are working in the place to know when they are going to be laid off or when their livelihood will cease.

Under this bill also, if a company goes out of business on account of a strike, it wouldn't have any effect on them either, so I feel it is just a fair bill that protects both sides. The only thing management has to do is let the people know that they are going to close and they wouldn't have to pay anything. It is just a humane bill. Thank you.

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

Mr. MARCOTTE of York: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Moore, posed some questions here before the Senate that weren't answered. The first was that if a place was burned whether this would take effect. This is not a voluntary closing so it would not take effect. Likewise in a bankruptcy case.

So, as was brought out by the Senator from Kennebec, the bill is to protect the people against those companies that wish to leave without any kind of notice, and we had that very recently in the State of Maine.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Perhaps you don't recall that three years ago in Lincoln and Brewer, Maine, which is in the President's district, we had two mills in those areas which, without notice, on Friday night told the employees that there would be no work Monday morning; they closed the mills down. I can tell you that Lincoln, Maine and Brewer, Maine were in a state of shock when this happened this quickly, without any notice of any kind. All of your businesses, your banks and everybody, were in a state of shock when they pulled the rug from underneath these establishments and closed them down overnight.

So all that this bill asks is that they give the employees a 30-day notice when they are going out of business. I think it is little enough to ask of the employers, especially those who employ a vast number of people and who would close their doors in the manner that we have experienced in our area. It certainly would help in a certain way to ease the shock of such a closing, and I certainly support the bill. Thank you.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that, where they have got to have one month's notice under this bill, I feel that is quite a long period of time, but no one here has mentioned that they are eligible for unemployment after one week. That was the purpose of the unemployment insurance, to take care of people that were thrown out of work. If this was amended to a two-weeks notice before a firm went out of business, that would be another thing. But as it is, I think it is a very rough bill, especially when we are trying to get more industry to come to Maine. We are asking them to come in and we seem to be creating laws here that aren't conducive to new businesses coming into the state.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The unemployment law was established so that if some company doesn't have work enough and lays off some of their people for that reason. It wasn't established to pay unemployment for companies that are closing.

I feel, like I mentioned before, that it is a fair law to give a man a month's notice. There are a lot of people who don't like to collect unemployment, a lot of people who have a lot of dignity, and they like to work. If you gave a man a month's notice then he has time to find another job. He can keep working at the same place and in the meantime find another job, and you don't disgrace him by having to go and sign up for unemployment.

It isn't wrong to draw unemployment for somebody who is laid off, but if you give a person a chance to be looking around for a job, nine times out of ten he is going to find a job. So the only thing you are doing here is giving him thirty days to look around to find another job and not draw unemployment, and I think it is a very good bill.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I would like to take it a step further from what the good Senator from Penobscot, Senator Wakine Tanous, says relative to the closing in Lincoln and in Brewer. They closed overnight.

Now, many of those families had children in college who they were trying to give a college education to. Many of them were buying their homes on time. Now, they not only lost their jobs but they had to make a complete readjustment of their lives, and they ought to be given as much time as possible to do that. You and I would find ourselves in a very embarrassing position if we had the same kind of conditions.

The PRESIDENT: The Chair

recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think that most everything has been said here that can be said in support of this bill, but since it is my own bill I would say that what motivated me to file this legislation is exactly what has been said here by many members of this body who have got up and spoken in behalf of this bill.

There was mention of the Standard Packaging plants in Brewer and Lincoln just a few years ago. And there was also, I know, within the past six months another example of a plant in Lisbon Falls, which was the old Worumbo Mills and which employed between two and three hundred people. Again, it closed its doors without notice to any of its employees. Now, there has to be some compassion and some justice in allowing a business to go out of business for whatever reason it may choose. But I think that these businesses, many of which today are not owned and controlled by Maine business people, they have become subdivisions of major national corporate conglomerates, and as these people sit at their desks in the offices in Boston, New York or other parts of the nation, they push a button and say this is going to be closed, and all of a sudden without notice we have some of our Maine people out of work.

I think that certainly this is a reasonable bill. Any business that knows what it is doing, for whatever reason it may want to close, and which is closing voluntarily, should certainly know thirty days from the time it is going to close its doors that that is what it has to do or plans to do. I think it is small notice indeed to give 30 days to their employees to let them know that they are going to close the plant and that these people will be out of employment.

Certainly the matter of unemployment compensation, which is one of the major factors we have today in assisting our people who find themselves out of work, was not in any sense meant and

enacted to take the place of or to fill the void where a major business goes out of business without notice and throws its people on the unemployment rolls. I hope the Senate would accept this bill because I think it is a reasonable bill, and I think it gives some degree of protection to our Maine workers.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill has been before us like many others, it has never been debated, and I find the best way to get a bill debated is to make this motion.

There is one thing I would like to say in regard to the statement of the good Senator from Kennebec, Senator Levine. Of the hundreds of men that I have employed, I have never seen any of them at all hesitant about signing up for unemployment, but I will withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Moore, withdraws his motion.

Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee on Bill, "An Act Providing Notice or Severance Pay by Employers"?

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

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

SENATE REPORTS — from 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) Report "A", Ought to Pass in New Draft Under New Title: "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion, and Land Acquisition." (S. P. 617)

(L. D. 1802); Report "B", Ought to Pass as Amended by Committee Amendment "A" (S-232); Report "C", Ought Not to Pass.

Tabled — June 2, 1971 by Senator Dunn of Oxford.

Pending — Acceptance of Any Report.

Mr. Sewall of Penobscot moved that the Senate Accept the Ought to Pass in New Draft Report "A" of the Committee.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: This is one of those well debated jewels that came from the Committee on Appropriations and, as one of the signers of Report "B", it would be my hope that the Senate would reject, at least temporarily this morning, Report "A".

Unfortunately, one who signs a report can't sign more than one because it would have been my feeling in the Appropriations Committee really, if I had the chance, that I would like to have signed both Report "A" and Report "B".

Report "A" takes a little over a million dollars out of surplus to give to the University to help them with their physical plants, to help renovate and restore them.

Report "B" is a bond issue for \$8,600,000 for establishing new buildings on most of the campuses throughout the state.

Now, if we can recall back to the early days of the session, when the University of Maine's bond issues first came in, I noticed that the good Senator from Sagadahoc, Senator Schulten, was the proud possessor of a \$27 million bond issue for the University. I was also the sponsor of a bond issue for the University of a little over \$19 million. It seems to me that since the beginning days of the session that this legislature has not been overly generous in its dealings with the University, and I know that I, for one, feel that there could be some tightening up, that perhaps the University itself really has not used its muscle and thoughts and wisdom in trying to more streamline the running of the University. Perhaps they should be able to coordinate their

programs better at the expense of the taxpayers, but I honestly feel that if we reject Report "B" today that we are setting back the University for at least another five years.

If you noticed, the bond issue goes to the voters in the general election of 1972. There are those here today who would say "That's all right, we can do away with the bond issue and come back in January of next year, prepare a new bond issue, and put it out to the voters and let them vote on it at that time." But I think we have to at least establish here today before the citizens of the state, and also to the many students who are unable to get into the University at this time because of the lack of facilities, at least establish before them that we are looking progressively toward the University and that it is our intention to make the University more available to kids who are having difficulty getting into other colleges throughout the land.

We have probably one of the highest unemployment rates in the country. We have many kids who are unable to get higher courses of education because of the fact that they can't afford to go to colleges outside the state, and can really barely afford to attend the University if it was available to them.

I honestly hope that we would reject Report "A" this morning, and tomorrow morning I would be very happy, as a member of the Appropriations Committee, to offer an amendment which incurs the amount of money in surplus to the bill and to give the University really both the bond issue before the public that goes before them in a general election, and to then test and see what the real mood or real feeling is of the public.

I think perhaps what defeated bond issues in the past is that too often they have gone to them in special elections, and we all know that it is much easier to get someone out to vote against something than it is really to get someone out to vote for something. I think in a general election people go out mainly because of their interest

in who is going to represent them up here in Augusta and who is going to represent them on the national level, and we could get a real sounding. I think, as one signer of this bond issue, that reducing it from \$19 million down to the present \$8.6 was a real good compromise, and I personally feel there would be no difficulty in the people going along and authorizing this when it does come before them. So I, temporarily at least, this morning hope that the Senate would reject Report "A" and then accept Report "B".

The PRESIDENT: The Chair recognize the Senator from Oxford,

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This is a case where you have a wide choice. Three members of the committee thought that we should not give anything in this bond issue and did not want to go along with the draft of \$1,300,000 from surplus to the University.

At the present time in this biennium the University has received \$46,636,000. The next biennium, under the bills that are already passed, they are receiving \$53,302,000, an increase of \$6.65 million. That is an increase of fourteen percent, and we believed that this is about their fair share of the taxpayers' money, so the three of us signed the Ought Not to Pass Report. I will request a division, if the Senator from Cumberland did not, on the motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to defend Report "A", and I would point out to the Senate that when the Appropriations Committee divides it really does divide. We have one of each of us on each of these reports.

There is nothing that either of my colleagues have said that I can basically differ with. My concern is basically for the University, and I know how necessary the \$1.3 million is to their operations, so I am attempting through this report to attain the possible. I am concerned that another bond issue for the University at this time, following the



defeat of two in two previous elections, would be a very bad thing to have happen to the University. I think we do have money in surplus that could fund these very necessary items as outlined in Report "A", and I hope the Senate would back this report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is one of the two bills that the Senate assigned for a joint committee hearing. The Committee on Education sat in on this and subsequently spent many hours shaking down the bond issue.

For those of you who felt that the Committee on Education are blank check artists for appropriations to education, we came out unanimously Ought Not to Pass on the other bill, which was for a \$10 million bond issue for self-liquidating housing.

Behind this debate today is the fear of the repeal of the income tax and the effect that any spending by this legislature could have on this vote. But I suggest to you that we have got to be completely candid with the people. The existence of this income tax repeal threat in no way reduces the needs of the state, and I think as we see the needs we must identify them and present them to the people for the people's choice.

The Chairman of the Committee just mentioned the other thing that is behind our thinking this morning, the fact that the bond issues of the University of Maine have gone down twice to defeat and, therefore, we should be prudent and not put them in a position of a third defeat.

But I ask you ladies and gentlemen to look around the Senate Chamber this morning and you will see today, as you have seen so many times in the past, a chamber filled with young people, who really don't know anything about the repeal of the income tax or can't second guess the attitude of the electorate towards bond issues. We have been saying to our young people for years that if you study hard and you have the motivation that we will make it possible for you to continue your education, and we have got to make the facilities

available. Regardless of anything that the legislature does or says today, the number of young people in the state who are going to be increasingly demanding educational opportunities after high school is not going to be stopped. The University presumes that their enrollment will increase from sixteen thousand to almost twenty-five thousand during this decade, if we let it increase. And I, for one, feel that the increase in enrollment is a healthy sign that maybe our educational system is working.

I want to point out to you several developments at the University level which might influence your vote today. First, in the years that I have been involved with the Education Committee, we have not authorized a single, solitary dormitory for construction. What this means is that more and more we are heading toward a concept of lower cost commuter education, easier on the student, easier on the students' parents, and also on the taxpayer. Since we adopted the University system the Number 1 priority at the University is no longer baccalaureate programs; it is two-year and less than two-year programs for the many youngsters who just aren't motivated or capable or desirous of the traditional resident four-year program, a development that is going to involve lots more people in education.

I know that the Senate is dissatisfied with the present level of tuition, and no one is more dissatisfied than I, but I predict that we will be able to convey to the trustees our distinct desire that, at least for the second year of this biennium, they take a strong look at tuition practices, increase tuition and establish a substantially larger student assistance fund.

I am not completely in agreement with the Senator from Cumberland, Senator Conley, as to the date of this bond issue. But what I am saying to you ladies and gentlemen this morning is that you cannot stop by legislative action the needs of the young people who are coming along. You just can't simply stop the increasing needs. The only power we have is to slow down the filling of these needs, and I think it would be a sad day, after encour-

aging our young people and saying study hard, if we snatch the key out of their hands.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I was quite interested when the good Senator from Cumberland, Senator Conley, said that he would like to vote for two of the reports of the committee. I think, to be real candid, that if I had been on the committee that I might have been tempted at least to come out with a fourth report, because I don't find myself in complete agreement with any of the three reports.

However, I am going to vote for Report "A" this morning. I think the good Senator from Kennebec, Senator Katz, has pointed out the need of the University, however, I feel very strongly that the problem is that the trustees of the University have got to take into consideration the thinking of the public if they want to continue to get help from the public by bond issues. I am really afraid that it doesn't make too much difference what the size of the bond issue is; until the trustees really operate the school in a manner that meets with the approval of the electorate that they are going to continue to vote down bond issues.

Now, I also am in agreement on the tuition situation that was mentioned by Senator Katz from Kennebec, because I think they can generate more funds by a more realistic approach on their tuition policy.

I would urge the members of the Senate this morning to accept Report "A" and, if there is a compromise somewhere between no bond issue and the eight or nine million which I believe Report "B" covers, and I don't believe stands a show at all in passing, it can be taken care of later on by amendments. So I hope the Senate will accept Report "A" at this time.

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

Mr. CONLEY of Cumberland: Mr. President, I move that when

the vote is taken it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to support Senator Sewall in his motion. It just seems to me that we are misleading these boys and girls. We tell them that if they go to the University of Maine and get an education that, at least by inference, they have it made.

Quickly I can think of two from my area who have gone to the University of Maine, who are qualified teachers, who have no jobs. One is working as a clerk at Sears & Roebuck, and the other is waiting on tables in a restaurant. It just seems to me that we are misleading these people by sending them to the University of Maine with the idea that education is going to do so much for them.

We have done a great deal for the University of Maine in the last few years, and it seems to me that we can afford to slow down for this session of the legislature and go along with Senator Sewall on his report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It dismays me very, very much to hear the reason for going along with Report "A" as given by my good friend, Senator Wyman from Washington County, as to why we should accept Report "A", and that is that we mislead our young people in encouraging them to get an education, and that then they graduate from the University and find that they are without jobs.

If we were going to accept this argument and take it to its logical conclusion, we would never send any of our children on to college to higher education. I think I am better off today for having gone to college and secured an education, not that I might not have been able to earn my living without one. And my father, who did not have the benefit of a college education, sent his eight children through college

at great sacrifice to himself because he felt that it would increase their opportunity for a good living, not only for themselves but, if they did have families, for their families also. I think this is the premise on which all of us have perhaps gone through school; we think of giving opportunities to our children.

Now, certainly a college education is not going to mean automatically that a young person is going to have it made in life, but I would disagree very, very violently with any one who says that it is also not going to increase his opportunity for having a good life for himself and or his family once he has gone through college. So it is not automatically a road to success, but it sure takes him a long ways down the road toward success with a good college education.

Now, that brings us back to these reports here. I don't disagree with Report "A" to the extent that it goes. And I don't know what the people of Maine will say to another bond issue if we place it before them. I had my own questions on some of the bond issues we have placed before the voters for the University in the past, and I had a discussion with the Chancellor very, very shortly after the last bond issue for the University was defeated. At the same time the voters of Maine had accepted a bond issue for our vocational technical schools, which indicated that they were not against higher education. But I think they were showing that they were going to be very selective with regards to what they accept on the matter of construction at our University. And I quoted one of the items that we had in the last bond issue, which was a \$4 million physical education complex for the campus at Orono. I said I didn't particularly object to that, that I could go along with it, but a lot of our Maine people who had to face the fact of making the choices perhaps felt that this was somewhat in the line of dressing, and that if we gave them basic buildings for students, for classrooms, and for only essential needs, that they possibly would approve a bond issue.

So I would like to put it to our Maine voters on that basis, and I think that the \$8 million issue which is shown in Report "B" today is that type of a bond issue, and I personally would like to see it go out to the people and get their reaction on it. I think if we convince them that there is no gravy in that, that this is all basic building needs to do a better job in educating our Maine children, I think they would accept it. I have confidence that they would. So I am willing to buy a large percentage of what there is in Report "A", but if I had to make my choice I would accept Report "B". So I hope we would accept Report "B" here this morning and then we can amend it to include major parts of Report "A".

I think we have to continue making progress for the higher education of our people. I think we can do it sensibly and in a way that our Maine voters will go along with it.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The last remarks made by the Senator from Washington, Senator Wyman, I think are not appropriate because, as I indicated, the whole orientation for the University since the establishment of the University system is away from traditional education, that seeks to minimize teacher education, and goes toward the two-year youngster.

Now, what is a two-year course or one-year course? Well, in September here in Augusta there will be a two year course, the first one ever, for registered nurses. We need them, and it costs money to put registered nurses through. If you take a look at the institutions near your communities you will find out more than ever before, and heavens knows, we needed it, more than ever before the University is attempting to be responsive to the needs of the community; not necessarily desiring for everybody to get a bachelors degree, which I think is reprehensible, and I agree with you. But the emerging needs of the state clearly indicate that this legislature

should not accept at this time Report "A", and should vote against it.

If you take a look at the proposed bond issue, you will find that this entire hassle is approximately the cost of two large high schools in the State of Maine. And we talk about 16,000 youngsters, two high schools. Again and again on a blank check basis we authorize the construction of high schools here at the legislature by our school construction fund. So I urge you not to try and second guess the electorate, but let's vote against acceptance of this report and then let's get behind the bond issue and let the people decide.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate accept Report "A", Ought to Pass in New Draft on Bill, "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition."

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

The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate accept Report "A", Ought to Pass in New Draft on Bill, "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition." A "Yes" vote will be in favor of accepting Report "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Bernard, Berry, Chick, Greeley, Hoffses, Sewall, Wyman, and President MacLeod.

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

A roll call was had. Eight Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion to Accept Report "A" did not prevail.

Mr. Katz of Kennebec then moved that the Senate Accept Report "B" of the Committee.

Mr. Dunn of Oxford requested a division.

Mr. Katz of Kennebec then requested a roll call.

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 Kennebec, Senator Katz, that the Senate accept Report "B" Ought to Pass as Amended by Committee Amendment "A". A "Yes" vote will be in favor of accepting Report "B"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

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

NAYS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hoffses, Moore, Sewall, Wyman, and President MacLeod.

A roll call was had. Twenty-two Senators having voted in the affirmative, and ten Senators having voted in the negative, the Ought to Pass as Amended Report "B" of the Committee was accepted and the Bill Read Once.

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

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

### Papers From the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill setting forth Part II items that they feel are essential to the operation of State Government and included in this Bill shall be the taxes to fund same. (H. P. 1384)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Berry of Cumberland,  
Recessed until the sound of the bell.

(Senate in Recess)

Called to order by the President.

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

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

Tabled — June 2, 1971 by Senator Kellam of Cumberland.

Pending—Motion by Senator Berry of Cumberland to Indefinitely Postpone Committee Amendment "A" (H-366).

Thereupon, Committee Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in concurrence.

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

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

Tabled — June 2, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

The President laid before the Senate the ninth 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 2, 1971 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Acceptance of Either Report.

The President laid before the Senate the tenth tabled 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 2, 1971 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed in concurrence.

The President laid before the Senate the eleventh 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 2, 1971 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the twelfth 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)

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

MR. KATZ of Kennebec: Mr. President and Members of the Senate: I call the attention of the Senate to Senate Amendment "A", under Filing S-235. This is the amendment which seeks to make the bill constitutional. The very nature of the description that is required to make this bill constitutional points out more graphically than I could

the fact that this is an extraordinary piece of legislation. It was well debated before and the Senate expressed itself before, but it is so unique, so completely different from anything that we have done involving the deduction of dues, without any election, without any of the normal designation of collective bargaining units, that the amendment, I think, speaks for itself, and I move this bill and its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products", be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There is really nothing very extraordinary about this bill at all. I have an amendment to the other amendment to clarify one particular thing and to narrow it down to even further.

You will notice in my amendment they have a reference to a nonprofit agricultural commodity organization. That is a farmer organization that the dues would be deducted for. I am restricting that more under amendment S-240, so that the only dues that can be held would be for a cooperative agricultural marketing association.

Now, remember this is not costing the processors one dime. Just the farmer himself, as an individual, makes an assignment and he says to the processor, "I would like to have dues withheld for this cooperative agricultural marketing association." It comes out of the farmer's pocket. And the farmers in this bill have been so fair that they have even offered to pay the processor his bookkeeping charges for withholding the amounts.

Now this is an attempt by the farmers to help themselves, to bargain more effectively for the sale of their product. Now, I think it is very unfair for the processors here to suggest what the farmers ought to do with their money, because we are talking about farmer's money.

I would oppose this motion. I hope you vote no on the indefinite postponement and, if this is defeated, I would offer the amendment to further clarify and further restrict the organizations that dues could be withheld for. Mr. President, when the vote is taken, I would ask that it be taken by the "yeas" and "nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I hope that the Senate will not vote to indefinitely postpone this bill. I think the good Senator from Aroostook, Senator Harding, has well covered it. There is just one other point I would like to make, that if the processors of both the poultry and potatoes had been willing to sit down and talk the matter over with the producer organization, the agricultural organization, there would be no need of this.

In the case of the milk handlers, they have on a voluntarily basis done the very same thing that we are trying to do under this legislation. This legislation would never have been presented if the processors had shown a cooperative spirit and were willing to sit down and work with the producer organization. Due to the fact that they would not do so, this bill was presented to the legislature, and I hope that the Senate will approve the same. Thank you.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope that you would go along with Senator Katz on his motion to indefinitely postpone this matter. I said this the other day and I am saying it again today: I think this is a case where the legislature is sticking its nose into a place where it doesn't belong. We are legislating in private industry. The more we do this, the more problems we are going to create. We are taking sides with one in this case, where we are taking sides with the poultry processors against growers or

the growers against the processors, and I say this is bad, bad precedent to set. There is no precedent for this type of legislation, and I would hope that you would support Senator Katz on his motion for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Legislative Document 1281, be indefinitely postponed.

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

The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; A "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Clifford, Graham, Katz, Levine, Wyman and President MacLeod.

NAYS: Senators Bernard, Chick, Conley, Danton, Dunn, Fortier, Greeley, Harding, Hichens, Hoffses, Johnson, Kellam, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Shute, Tanous, and Violette..

ABSENT: Senator Sewall.

A roll call was had. Nine Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, with one Senator absent, the motion to Indefinitely Postpone the Bill did not prevail.

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

Senate Amendment "A", Filing No. S-240, to Senate Amendment "A" was Read and Adopted.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to pose a question through the Chair to the good Senator from Aroostook. I suppose he is a lawyer and he knows the law better than I do, and he knows that under the federal regulations that you can't withhold dues compulsory; they have to be arbitrated. How does he feel this law will do?

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This has absolutely nothing to do with labor law or labor relations. In the labor law dues are deducted involuntarily from some workers, if the majority of the workers so vote, and this is a negotiated thing. In this case no dues are deducted involuntarily. Every farmer has asked the processor to make the deduction. So there is no comparison; the things are not relevant at all. I think we have debated the thing far enough, and I would hope now that you would support the matter and we could go on to other things.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" as amended by Senate Amendment thereto be adopted?

The motion prevailed.

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

Sent down for concurrence.

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

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 2, 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 fourteenth tabled and specially assigned matter:

Bill, "An Act Revising the Maine Land Use Regulation Commission Law." (S. P. 610) (L. D. 1788)

Tabled — June 2, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Reconsider Engrossing.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned pending the motion by that Senator to Reconsider.

---

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

Resolve, Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County. (H. P. 1190) (L. D. 1640)

Tabled — June 2, 1971 by Senator Wyman of Washington.

Pending — Final Passage.

On motion by Mr. Wyman of Washington, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Resolve was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-244, was Read and Adopted and the Resolve, 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. Schulten of Sagadahoc:

Bill, "An Act Revising the Air Pollution Laws". (H. P. 1127) (L. D. 1557)

Pending — Passage to be Engrossed.

Mr. Schulten of Sagadahoc then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-239, was Read and Adopted.

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to Com-

mittee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing S-241, to Committee Amendment "A" was Read.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would like to speak briefly on my opposition to the acceptance of this Senate Amendment "A". I feel that the purpose of this newest amendment here is not a realistic approach to the problem that confronts us in the state as it relates to air pollution laws. I believe it is really an approach by the lobbyists to an unrealistic stand as regards what the Environmental Improvement Commission is trying to do. In other words, they are trying to read into this act, and to change by their amendment, things that are not implied in the bill that is before you. They claim, the lobbyists, and I have had discussions with them on this, they claim that this would be very detrimental to their operations and that the EIC has no business sticking their operations into this part of their business, and that it would have a dramatic impact on their profits.

I would like to say that I am closely associated with the desire of many people in this state to improve our EIC laws, to make certain that we go about pollution control in an orderly way, however, first and foremost, I am sure in my own mind that I am interested in our present business concerns making a profit because I realize perfectly well that if business is not allowed to make a reasonable profit that they will not continue to exist in the order of things. So, if any one is really concerned about these possibly restrictive laws, I think I am in the forefront of those. I do not feel that this is restrictive.

I do feel, however, that this amendment, as it is being presented by Senator Hoffses, would do a great deal of harm and also would circumvent the federal pollution control laws, which we do have to take into account, and which will be operative very quickly.



Less than ten minutes ago, at my request, I received a letter from the EIC people on this, and I would like to quote parts of it because I think it puts in perspective many of the things that I have been trying to say but perhaps have not been too clear on. I will quote various passages of the letter.

"In my estimation," and this is the director of EIC, "the need for statutory authority to establish reasonable standards and regulations is critical to this Agency's ability to prepare an Implementation Plan which will be acceptable by the Federal Government. The existing state statute continually refers to regulations prescribed by the Commission, but there is no section in the existing law which specifically provides for the establishment of these regulations.

"In justifying the need for authority to establish regulations, I have reviewed the existing State Statute for the Protection and Improvement of Air, the Clean Air Act of 1970 as signed by the President in December of 1970 and the proposed Regulations for Preparation, Adoption, and Submittal of Implementation Plans as published in the Federal Register, April 7, 1971.

"The State Statute, Chapter 4, entitled: Protection and Improvement of Air uses the term 'regulation' many times." Examples are quoted very frequently and I won't bore you with that, but they are listed here for your edification if you want them later.

"The Clean Air Act of 1970 clearly envisions the need to adopt regulations.

"In summary, I do not believe that it would be possible to put together an acceptable implementation plan without the authority to adopt regulations. It is not the Commission's intention to dictate to industries as to their processes, but only to adopt regulations designed to achieve and maintain ambient air quality standards and emission standards for the proper control of air pollution within the State."

Now, I understand that this implementation plan will be required by the federal government no later

than nine months from this present date. On that basis, I feel that the committee amendment that the Senator from Knox has offered is in direct violation to the course that we have to take in this state. I would move that the committee amendment be indefinitely postponed.

The PRESIDENT: The Chair would ask the Senator if he means to indefinitely postpone Committee Amendment "A" or Senate Amendment "A" to Committee Amendment "A".

Mr. SCHULTEN: The last one, sir.

The PRESIDENT: The Senator from Sagadahoc, Senator Schulten, moves that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think that my record in the matter of conservation and pollution abatement is well established in this body, but I think perhaps we should look at this particular document very closely.

Now, I have before me a copy of the present law. The Commission already has the power under Chapter 584 to establish ambient air quality standards for a region. Under 585 they have authority to establish emission standards and to regulate what is put into the air.

Now section 3 of this L. D. 1557, in my opinion, goes a little bit too far. It allows the Commission to regulate the manufacturing process itself, even though ambient and emission standards are being met. Maine's law is already tougher than those of most other states, many of which do not even have emission standards. Now if you look under chapter 585A section 3, "Other procedures and practices which result in the production of air contaminants." Now that in itself means that the EIC can go into the factory and they can regulate as to the procedures and the practices that are used in the manufacture of a product before the emission goes out into the air.

Now, I have no quarrel with the basic concept whatsoever. I believe that we should control what goes into the air and what goes

out into the water, but let us not tell a manufacturer what and how he shall operate his manufacturing business. Let's only direct what he shall emit out into the air and into the water. So, I would hope that you would adopt this amendment so that we would not restrict our manufacturing businesses to this extent.

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

Mr. SHULTEN of Sagadahoc: Mr. President and Members of the Senate: I would just like to make one comment here on the remarks of the good Senator from Knox, Senator Hoffses, and that is he said that we already have regulations that would control this, I believe, through the region regulations. This is one of the things that I believe that the Commission is trying to improve upon. Because the way the laws currently read, or currently are on the books, if they find the polluter that is polluting the air and they want to take action, under the present law they have to condemn the whole region that has already been set up. And what they are asking for is that, if they find a smoke stack or polluter somewhere in a town, they can go to the individual and seek corrective measures rather than closing down an entire air region within the state. I believe that there are six regions in the state, so this could be a real catastrophe if this sort of regulation were allowed. So, it is in an effort to be specific, to take those few violators that will not comply with the laws, and say we now recognize the problem and you will take steps to clear up the pollution. But that does not mean that his next door neighbor who is also in business half a mile downstream will also be closed down if he doesn't comply.

This is an honest effort to really make this air pollution control work in the State of Maine. And yesterday afternoon I was in a meeting with one of the lobbyists, with the EIC committee and with the House Chairman, and this very subject was brought up, and it sounds great because here we are trying to persecute industry, those

who might be polluting either willingly or unwillingly. But actually, in fact, if you look at this thing closely, it is not that at all. We are trying to be specific and to just go after those people who are continuing to pollute rather than shutting down an entire region. That is the reason I oppose the motion.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I am trying hard here to decide just what to do. As you know, I represent the City of Westbrook. Now, I understand that companies have been given until 1976 to come up with a reasonable plan of pollution abatement. Which side is it that is protecting industry and the public? Both the good Senator from Knox and the good Senator from Sagadahoc seem to say that each is protecting the public and trying to do it in a meaningful way so as not to destroy industry. I would like an answer from either one of them and then I will vote accordingly.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I believe what the gentleman from Cumberland has reference to is the water classification, which does have a timetable of 1976. This does not apply to the air pollution law.

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

Mr. BERRY: Mr. President and Members of the Senate: I am in basic agreement with both speakers, Senator Hoffses and Senator Schulten. The situation is somewhat like this: Our air quality standards act, which was milestone legislation passed at the last session, differs materially from our water quality control legislation.

Our water quality control legislation provides that if you discharge polluted material into a river, and the pollution content of your discharge is not above that of the river, you can put it in. Well, a

thousand people can put it into the river under the same conditions, so what we have seen since we enacted that type of legislation is that our rivers, instead of becoming more clean, they are becoming more polluted. We were increasing the polluted content of the rivers.

Well, recognizing this problem when we passed the air quality standards act, we said that in the zones which have been referred to there cannot be a total air contamination greater than a certain amount. Now, in order to enforce this, that law provided, and provides right now, that the Environmental Improvement Commission can tell any air polluter to modify or stop its emission. And it does this by monitoring the emission outside the property. It will monitor the air quality of each of the regions adjacent to a possible polluter, and they can tell any polluter in that area either change your pollution so that you emit so much pollution or stop it. Now, that is the law right now.

Now, basically the problem that is presented by this L. D., and it has many good points in it, but the problem that we are discussing is this: there are two ways the EIC can handle air pollution control, the way it is now, where it stands outside the property and samples the air and it says to a company you are polluting the air and you change it; or B, they can go inside the property and approve the method that the company uses for reducing its contamination. Now do you see the very important differentiation here? If you do the latter method, not what we are doing now, but what is proposed, if you do the latter method, the burden will then fall on the EIC to approve or disapprove manufacturing processes which will result in a reduction of the contamination.

Now, two years ago, when we were debating the enactment of the air quality control legislation, industry wanted approval of the equipment which would reduce air pollution, and this was vigorously and successfully opposed by the legislature because it was felt that the burden of proof should stay on

an industry to clear up its pollution.

Now, I hope I have made myself clear because I am supporting the amendment. I thoroughly agree with Senator Schulten and the EIC, of course, because I was very much involved in the original legislation. But we do have a difference of philosophy here. I think it is very important to recognize that the EIC now can control contamination very successfully. It was felt before, and I still firmly do believe, that we should not be asking EIC to go in and approve manufacturing processes because we can obviously see what the problem would be. If for some reason this manufacturing process, which has been approved by the EIC, in the future malfunctions, doesn't live up to performance, all industry needs to do is come back and say, "You approved it, EIC; it is not our fault." We want to leave burden of proof on industry, and that is what will happen if we adopt Senator Hoffses' amendment.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I think we should note that under the law proposed here the polluter has the right, after being cited by the EIC, to a public hearing. And if the public hearing goes against him he then has recourse to the courts. Furthermore, any regulations enacted by EIC can be reversed by the next session of the legislature. So I, therefore, support the Senator from Sagadahoc, Senator Schulten, in his opposition to Senate Amendment "A".

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: With all the sincerity that I can muster, I would like to go on record as saying that the Natural Resources Committee lost a great champion when the Majority Floor Leader took over his present position and could not serve on this committee, because I know he speaks from experience and with sincerity. However, I do feel

that somewhere within the translating I have failed to convey to him, and possibly to others in this body, the importance of what this desire and need for regulation would do.

Actually in our discussion of yesterday on L. D. 1557, one of the items there, under 585A, section 2, the first conversation revolved around this and it specifically says "industrial processes." Now, in an effort to be cooperative and show that this was a not a persecution deal designed to tie down industry to such a point that they could not operate, the EIC offered to amend out this reference to industrial processes, but there was no feeling of give or take on the other side at all. They just wanted the whole thing back; they didn't want any controls at all, and yet this is a fact of life. If we are to operate we must have regulation.

Now, I feel that this is important. I feel, as I have said, that I haven't conveyed the message here that I should have conveyed. Also I have not had an opportunity to speak to that distinguished Senator from Cumberland, Senator Berry, and so I would hope that someone would kindly table this item until the next legislative day in order that I might show to Senator Berry the letter that I just received because I think, regardless of whether he then changes his opinion or remains as he is, he will at least be better informed.

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

Thereupon, on motion by Mr. Violette, of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Schulten of Sagadahoc to Indefinitely Postpone Senate Amendment "A" to Committee Amendment "A".

The President laid before the Senate the second matter tabled earlier in today's session by Mr. Bernard of Androscoggin:

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

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from An-

droscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Yesterday we debated this bill at great length on the merits of the future of Maine in the realm of aquaculture, and it was felt that perhaps the opposition could be compromised into an amendment. Hastily I did draw up an amendment and I find that, after studying the impact of the amendment, and the fact that some of the constituents in the State of Maine are absolutely opposed to having outsiders down in their dooryard, I find that the amendment perhaps massacres the bill. In talking to the representatives at the other end of the hall, who perhaps are even closer to some of the fishermen than I, they indicated to me this morning that the bill was in great shape and that they could live with it the way it is. They have had no previous complaints with any of the leases that are available to their people in their area. So, I find that I cannot submit the amendment. I would, therefore, move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed?

The motion prevailed.

Sent down for concurrence.

The President laid before the Senate the third matter tabled earlier in today's session by Mr. Berry of Cumberland:

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

Tabled — June 2, 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.

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

Mr. CONLEY: Mr. President and Members of the Senate: Some time ago we first heard about a gentleman who has been interested in fighting the consumer's interest throughout the country, a gentleman by the name of Ralph Nader. I know a few months ago when our very distinguished Junior United States Senator, who I consider one of my biggest heroes in the State, was taken to task by Mr. Nader because of his alleged involvement in pollution within our rivers and streams from the great paper industries of our state.

Recently a member of this body, whom I have served with in this legislature for over a period now of six years, has been taken to task by some of Mr. Nader's associates as to his involvement in his business with the paper industries of our state.

I am basically an individual who has come since I guess to be able to judge people in the proper light. Perhaps I have been the type of gentleman that is extremely sympathetic to all types of people, but I find that it is easy for any one of us members of this body from one time to another to make any type of statement downgrading any particular individual, put it in the form of a news release, and we can get all the mileage we want out of it if it is interesting enough. They can be truths, they can be half-truths, they can be deliberate falsehoods, and yet the individual that is being attacked has very little opportunity to take a position of trying to clear the air.

This is the first session in the legislature that I have served on a committee with whom I feel is one of our most distinguished Senators here, he is the Chairman of the Appropriations Committee, namely: Senator Sewall. As I have stated, I have known him for a good six years. I have found him to be a very tall man, with complete honesty and high integrity. I have found that even in this session of the legislature in serving with him on committee that at many times, because of the work he does, that he has asked leave from the committee on reports or final judgments that were going to be made by the committee,

mainly because he did not wish to infringe within that area of conflict of interest.

I noticed only two days ago that remarks were made here in the Senate by one of our good Senators who also felt that he was being impugned by remarks of someone else here and I don't wish to get involved in that because I don't really believe that the good Senator in his remarks was taking any personality to task. But each and every one of us here from time to time must find it difficult on voting because of the fact that we are just average human beings and we do have to work to provide bread for our families. I know, myself, sitting here that I thank God that there are thirty-two of us, because in that area I think the state and the people are getting the best of all. And, regardless of the fact our conscience may in some way infringe as to what we do, there is still thirty-one people here to offset, if there is such a thing as a conflict.

But I am very disturbed really to see Senator Sewall's name being basted about the newspapers, radio and TV news media, because I found him, as I stated, to be one of the most open-minded men that I have had the pleasure of serving with, and I found it nothing but a pleasure and certainly an honor to have served with him on the Appropriations Committee.

Mr. Violette of Aroostook was granted unanimous consent to address the Senate:

Mr. VIOLETTE: Mr. President and Members of the Senate: Earlier in considering one of the bills that we had today with regards to one of the items on the calendar, with regard to the bill that we debated the matter of severance pay for industries which are closed and giving notice, I referred to one industry that had closed its doors, and I may not have properly stated this, and I didn't want to misrepresent anything.

After the discussion was over I think I probably should have elaborated a little more fully so that no one would feel that I was trying to misrepresent something. I now refer to the closing of the

Mill in Lisbon Falls which was formerly the Worumbo Mill. The fact is the ownership did close the mill, but fortunately a group of local citizens immediately stepped in and, after a few days interruption in the operation of the plant, they succeeded in reopening the plant. So to this day the plant has kept operating through this local citizens industrial group. The plant did not close permanently, and I thought that should be made clear. However, unless these people had stepped in and organized themselves to keep the plant open, it would have remained closed be-

cause the previous owners were not going to continue operating it. I did want to clear that up.

---

The PRESIDENT: The Chair would like to announce to the Senate that the Chair was in error yesterday in parliamentary procedure by allowing a motion to reconsider on a Governor's veto vote after the vote was taken once.

---

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.