

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

Tuesday, June 8, 1971

Senate called to order by the President.

Prayer by the Rev. James Smith of Hallowell.

Reading of the Journal of yesterday.

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

Bill, "An Act to Increase the Fee for Steam Engineer and Fireman Licenses." (S. P. 604) (L. D. 1777)

In the Senate May 27, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-425) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 7, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The House today voted to adhere to its action of June 3 whereby Joint Order (S. P. 619) re recalling from legislative files to the Senate, Bill "An Act relating to Actions by the Attorney General for Injury to Tribal Lands" (S. P. 364) (L. D. 1103) failed of passage in non-concurrence.

The House also voted to adhere to its action of June 3 whereby Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42) failed of passage to be engrossed in non-concurrence.

The House also voted to adhere to its action of June 3 whereby the Minority "Ought not to pass" Report of the Committee on Judiciary on Bill "An Act relating to Claims Against the State and Immunity of State Officers and Employees" (S. P. 417) (L. D. 1232) was accepted in non-concurrence.

The House also voted to adhere to its action of June 3 whereby

Bill "An Act to Provide for Use of the Courts by Indigent Persons" (S. P. 606) (L. D. 1779) was indefinitely postponed in non-concurrence.

Respectfully,

(Signed)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

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

Mrs. CARSWELL of Cumberland: Mr. President, a point of information: Is this matter relative to actions taken by the Attorney General for injury to tribal lands? Does this communication refer to that?

The PRESIDENT: It appears from reading the communication there there are four actions taken by the House on which they adhered, four separate bills, one of which was Bill, "An Act relating to Actions by the Attorney General for Injury to Tribal Lands."

Thereupon, Mrs. Carswell of Cumberland was granted unanimous consent to address the Senate.

Mrs. CARSWELL: Mr. President and Members of the Senate: The report coming from the State Government Committee was a false report. The report stated that I asked leave to withdraw on this item. I did not. I sponsored this legislation in good faith for the Penobscot Indians. It is unfortunate that the other branch did not care to correct this report. I feel that the Indians have been prevented fair play by this action of the other branch, and I feel that they do have a right to resent such action.

Committee Reports**House**

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

Bill, "An Act Amending the Unemployment Compensation Law Relating to Filing Payroll Reports." (H. P. 678) (L. D. 915)

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Incorporate the Jackman Water District." (H. P. 1372) (L. D. 1794)

Reported that the same Ought to Pass.

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

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

Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, "An Act Relating to Municipal Regulation of Land Subdivisions." (H. P. 467) (L. D. 595)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1380) (L. D. 1800)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A". (H-415).

Which was Read.

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

The Committee on Natural Resources on, Bill, "An Act Relating to the Management of Solid Waste." (H. P. 468) (L. D. 596)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1383) (L. D. 1803)

Comes from the House, the report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-424).

Which report was Read and 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 Committee on Judiciary on, Bill, "An Act Relating to Support of Children under Divorce Laws." (H. P. 910) (L. D. 1255)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Provide an Alternative Method of Enforcing

Orders of Support of Minor Children" (H. P. 1390) (L. D. 1812)

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

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1971 and June 30, 1973, and Raising Revenue for Funding Thereof." (H. P. 1388) (L. D. 1811)

Reported pursuant to Joint Order (H. P. 1384) that the same Ought to Pass.

Signed:

Senators:

SEWALL of Penobscot
DUNN of Oxford

Representatives:

BRAGDON of Perham
BIRT of East Millinocket
CARTER of Winslow
JALBERT of Lewiston
GILL of South Portland
CAREY of Waterville
SHAW of Chelsea

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

Signed:

Senator:

CONLEY of Cumberland

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Power to Loan under State Housing Authority's Law." (H. P. 961) (L. D. 1322)

Reported that the same Ought to Pass in New Draft Under New

Title: "An Act Relating to Power to Loan under State Housing Authority's Law" (H. P. 1387) (L. D. 1810)

Signed:

Sensors:

TANOUS of Penobscot

HARDING of Aroostook

Representatives:

HEWES of Cape Elizabeth

KELLEY of Caribou

WHEELER of Portland

ORESTIS of Lewiston

HENLEY of Norway

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

Signed:

Sensor:

QUINN of Penobscot

Representatives:

PAGE of Fryeburg

WHITE of Guilford

BAKER of Orrington

CARRIER of Westbrook

LUND of Augusta

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-426).

Which reports were Read.

Mr. Quinn of Penobscot then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you will recall, last winter we were invited to a very important meeting of the HUD organization which was held at the Holiday Inn here in Augusta. And if we are to come under the Federal HUD Program it is very necessary that we enact this bill. It certainly would relieve the very extreme difficulty in the housing problems that we have in the State of Maine.

Now, this bill has been somewhat amended. It was opposed by many of the banking institutions in the State of Maine, and this was a compromise bill that we came up with, which was acceptable to both parties, the Housing Authority as well as the banks in the state.

If you will notice, we certainly protected private industry or private business in here by eliminating the request that three banks would have to refuse the loan before the HUD program could take hold on this particular bill. So I would ask that you vote against the motion of my friend, Senator Quinn from Penobscot, and pass this matter. Thank you.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I opposed this in Committee and I oppose it here, because I feel it is putting the state in the mortgage business and I don't think we want to get mixed up in any more of that.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think this is a law which we ought to put on our books. All of the studies which have been made indicate that there is a tremendous need for additional housing in the State of Maine, a need which is not being met now under the conventional banking practices. All the studies which have been made by our own people in Maine here, by many agencies also outside our state, indicate that Maine has the highest need for housing of any of our states in New England, and particularly so in the lower cost rental housing.

I think the reason for this is that there is not enough money available to provide for these needs. Commercial banks in Maine, I think, have not been attracted toward this type of banking or this type of financing so they have not engaged themselves that much in this area.

Now, the way this bill is written, if any of our Maine banks wishes to pick up a loan under this type of financing they are free to do so. But upon the refusal of three of our Maine banks to fund or make this mortgage loan, then this agency can come into play and make the loan.

It seems to me that this is a very fair way of getting at this shortage of housing that we need.

It takes nothing away from our banks as long as they want to handle it, but if they do not want to handle it, for whatever reason, if they feel the rate of interest is not high enough or that the risk is more than they want to take, or they don't have the money to do it with, then this Housing Authority can come into play. I think this would allow us to bring into the State of Maine HUD funds which are not now available to take care of this large housing need that we have. I think this bill makes very good sense and I think we ought to adopt it.

If our Maine banks want to get into the picture and finance this construction, fine, they have got the opportunity to do so, but if they do not then I don't think we ought to deny other areas other means of financing housing in our state. I think we ought to take advantage of it so that we can provide some adequate housing which is so badly needed. I hope the Senate would accept this bill and pass it because I think it is very, very much needed.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: We are already in the real estate business and in the television business. I don't think we should spread out further and go into the banking business. I don't think we should encroach further on free enterprise.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As one of the signers of the Majority Ought to Pass Report on this Bill, I would hope the Senate would support this bill.

This does not put the state, as such, in the banking business as has been suggested here. The credit of the state is in no way involved whatsoever. This is an authority and it is like the Maine Turnpike Authority. The bonds will be sold, and only the Authority will be bound; not the State of Maine in any respect.

The problem we have in many

parts of the state is that you simply cannot get loans from the banks to build houses. I see that in my own town. There are only a handful of houses that have been built there during the past two years. But we have just acres of these house trailers that come in and, so unless we watch ourselves, we are going to become a state, in many parts, of just house trailers.

The reason for this is that to finance a house trailer there is a much better return. There is about an 18 per cent return on the money to finance a house trailer. To finance a house, however, there is about an 8 or a 9 per cent return, and so the money naturally goes, in many cases, to finance this kind of thing, which leaves us in a very bad way. Remember, when you sell a house trailer in Maine no Maine worker has been employed to build that house trailer. It has all been done out of state. But if you pass this bill, which I hope the Senate will do, it will mean that Maine people will be working to build Maine houses. This means that we will have people working in the woods, our truckers will be working to haul the lumber to the mills, our carpenters will be working, and our electricians. But most important of all, when we have something built it will be permanent. It will be something we can be proud of. It will be a home for the people of this state to live in.

Furthermore, if we conform with this requirement — now, this bill is in response to federal legislation, it is endorsed by Secretary Romney, this type of an approach — we can qualify for federal rent subsidies. This is important, because this federal money now is available and it helps the people who cannot otherwise qualify for a loan to get a loan, and this is guaranteed by the Federal Government. This is under your Title 235 and 236. At the present time we are not taking advantage, as I believe that we should, of these funds.

So, I think the result of this bill will be twofold: No. 1, I think that the banks will want to handle this, this will be an encouragement for

them to do so, and we will all be the winner if they do. There is no question about that, because remember three banks have got to turn it down before we come into this at all. Then if they do turn it down, as they have in our area, we still can build houses for our people. So it seems to me that everybody is the winner on this, and I would hope that we might pass this piece of legislation because all Maine would benefit.

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

Mr. SHUTE of Franklin: Mr. President, I have a question on this for any member of the committee who would care to answer it. In the Farmington area a group of people, a non-profit group, is undertaking to establish an apartment type home for senior citizens. They have made application through the State Housing Authority for plans and specifications, and I believe they have them approved. They have gone to the FHA for funding. My question is this: What would the State Housing Authority loan ability have to offer that presently is not now offered by the FHA or the present agencies that we have?

The PRESIDENT: The Senator from Franklin, Senator Shute, has posed a question through the Chair to any member of the committee, who may answer if he desires.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In answer to the question, I don't know if you were speaking of the Farmers Home Administration or the Federal Housing Authority. Now, the Farmers Home Administration for rural areas will loan money under this type of program, but it is limited. It has to be in rural areas and there is a limitation on the population that may be involved.

I could not answer the Senator's question as to whether or not this organization which he might have in mind would qualify, because it would depend upon many things. I would say this: this provision is available for multi-family dwellings. This is under Title 236.

It is available and you would have to qualify under the HUD program. And if no bank would loan the money, or if three banks would not loan the money, and if you qualified under the federal program, the HUD program, then the State Housing Authority could then loan the money for this project and the repayment would be guaranteed by the Federal Government. And if the occupants were of a certain income level, then the Federal Government actually would subsidize the interest payments.

So, I don't believe, as far as the information we heard in the committee, that there are very many areas in the state that are taking advantage of this Title 236 and Title 235 that I mentioned. So, I think that this would make available an added source of money for the projects that the Senator has in mind.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to point out one or two matters in regard to this, in view of the fact that I am in the building business myself.

It has been mentioned about the risk involved in this matter. Now, I feel that, whether it is a house, a small business or a major business, if one of three reputable banks do not feel that a project is acceptable and qualifies, and is a reasonable risk, why should the taxpayers of the State of Maine become involved in it? I do say the taxpayers of the State of Maine because somewhere along the way the taxpayer is going to have to help pay this bill.

Now, we raised the question about the need, and let's raise the question about the increase in our population. Do we have such a tremendous increase in our population that it has created the astronomical need for housing here in the State of Maine?

I would raise another question in regards to trailers. I think I know why people are buying trailers. They are buying trailers because of the tax situation. You know and I know that a trailer tax is nowhere near what the tax

would be on a house to house four, five or six people. We all have seen our taxes go up and skyrocket. Naturally the people are going to buy trailers and live in trailers because of the tax status of a trailer in relation to a permanent residence.

I personally do not like this piece of legislation. I feel that it is getting the state involved in the mortgage business. And Mr. President, if a division has not been requested, I would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would like to answer some of the points raised by the Senator from Knox, Senator Hoffes.

First of all, the proposition that if three Maine bankers won't handle the loan is it worth handling by someone else. This matter, I think, has been very, very well settled over the course of the years. I know with regard to the Veterans Administration loans that the V.A. has been making loans to veterans for housing in the State of Maine since after World War II. I have a VA loan on my house. Now, before you can qualify for a V.A. loan, you must get a rejection or a refusal by your commercial bankers. For whatever reasons they may have, the commercial bankers have not been interested in many, many communities of our state in going into the real estate or housing mortgage loan business. Now, I think it is quite evident why they have not wanted to do so, and I don't want to say anything disparaging about our banks, but I think many of them have preferred to use their money in the time sales department where they can make a better rate of interest than going into the mortgage loan business. I don't say this disparagingly; that is their business.

So the V.A. has been making loans in the State of Maine, as well as all over the country, for the past twenty-five years, and they have made a tremendous

number of loans in the State of Maine. The first priority or the first criteria for making these loans is that the commercial bankers have not wanted to handle the banking loans. They have made them in their community, they have made them everywhere in Maine, and the loss ratio in V.A. loans in the State of Maine is astronomically low. It is less than one percent.

Now, another case in point: The Farmers Home Administration in rural communities — and today they define rural communities as being communities or municipalities with a population of under 5,000 people — has been making housing loans for housing construction and housing repairs, particularly to our low income people, and they have been doing that for several years. They are making those in rural areas where here in Maine these are the low income areas, and those areas where normally you would think the loss ratio would be very high. They make them in my part of the state which from time immemorial, I guess, it has been designated as a low income area in the State of Maine. Yet since the Farmers Home Administration has been in this business of making housing loans, their loss ratio up to last year was under one percent. So the question of making these loans, that our commercial bankers are not interested in handling them and saying that they are not good risks, I think, does not stand up to scrutiny of the facts.

Now the need for housing is well established. I don't have to prove it. Pick up any study that has been made in Maine or elsewhere, and there is a tremendous need for housing. The reason people are buying trailers is that they can't get financing on houses and so they have to go to trailers. That is one of the very, very real reasons. I still think this is good legislation.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: For some years now I have been qualified by the Farmers Home Administration as

a loan attorney, and I can tell you that through a program which the Federal Government operates through the Farmers Home Administration, similar to what we are talking about here, it has worked very well.

Now, under that program, as the good Senator from Aroostook, Senator Violette, has mentioned, this individual has to be turned down by a local bank. He was turned down by a local bank. Their losses have been so low in my county on this, in other words, they have been taking risks which the banks did not choose to have, their loss has been so low that it is less than one-tenth of one per cent. That is in the County of Aroostook, and this is after taking these loans which supposedly some banks did not want to handle. The reason they don't want to handle it is just like me as an attorney, if I could get ten dollars an hour for working for somebody I wouldn't work for them for five dollars an hour. And on this banking thing on time sales they get a better rate of return, the banks do, on time sales than they do on real estate. So for many of them the risk has nothing to do with it; it is the return as to why they don't want to make it.

Right now we have a high rate of unemployment in this state. We have high welfare costs. This provides us with an opportunity to put our people to work in this state doing something constructive. It takes them off the unemployment rolls, it takes them off the welfare rolls, and it is building houses for our people. It seems to me this is a real worthy endeavor and, Mr. President, when the vote is taken I ask that it be taken by the "Yeas" and the "Nays". I hope that you will vote "no" against the motion which my good friend, the Senator from Penobscot, Senator Quinn, has made. Vote "No" on that so we then may accept the Majority Ought to Pass Report.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I regret that my good friend, Senator Harding from

Aroostook, anticipated my request for a roll call because, like him, I think that we have a very important issue here, one which we all should be courageous enough to take a position on.

I can't say that I see here a political difference of philosophy, but I sure see a very basic cleavage between two philosophies. I see the philosophy of government doing what individuals perhaps have not done as well as they should do. I see here something that does give me a great deal of concern, and that is an expression that we use once in a while around here which is called "empire building."

I have followed the labor pains of the birth of the Maine Housing Authority with considerable interest through the years. I lament the fact that it ever came about. It would be an interesting exercise in analytical journalism if some of our friends in the news media went into the subject of what preceded and has happened in the area.

But truly, I think that one of the basic problems we have had here is that our local, and by that I mean our state, financial institutions have failed in their obligations for financing housing. On the other hand, I don't believe that is such a grave and unalterable situation that we need to jump overboard. I would hope that our banks, which keep coming to us for charter protection and enlargement of their sphere of influence, that our insurance companies which do the same thing, and any other source of long-term funds, will pay attention to what is going on in the legislature in this area and accept the responsibility for financing adequate housing for the people in our state. They have not done it and, as has been stated in the debate, they find it attractive to make an extra dollar by going in other areas. It seems to me they have a responsibility to relegate part of their funds to looking after the housing needs of the people of the State of Maine.

But this doesn't make me swallow the arguments that have been put forth this morning on the need for the state getting into the housing market. If you want to

read the bill, you will see how broad it is and how you want to let the head of that Authority roam around the state loaning money, not loaning money, inspecting, setting up a whole hierarchy of inspectors, attorneys and regulations and so forth, I don't think we need it. I don't think we can afford it. It has been mentioned several times how low the loss ratio has been on other types of governmental backed housing. I point out to you that every one of these is a federal program and that on every one of these our local financial institutions are delighted to participate in because they can't possibly lose any money. The Federal Government has guaranteed every penny of it.

I don't believe the state needs to get into this particular area and I don't think they should. I think it is going to cost too much. If we have housing problems I think we are going to have to sort of force the private sector to accept its responsibilities. I hope for these reasons you will vote "Yes" on the motion of Senator Quinn.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: There have been some remarks made that the state stands to lose on this bill if enacted, and my understanding is that the state would in no way guarantee any of these loans. This is the Maine Building Authority, very similar to the Turnpike Authority which we created.

Now, any bonds that are written by the Maine Housing Authority, they are written only with their name on the bonds. They become liable, and not the State of Maine. Now, there is no way that the state itself, the taxpayers, can become legally liable or responsible under any bonds issued by the Maine Building Authority unless the legislature so designed at a future date.

We do need houses in the State of Maine, there is no question about this. If you attended that meeting — and we were all invited — that meeting last winter at the Holiday Inn, the luncheon, the need

was clearly shown, and especially in our cities in the state. Now, mind you, the City of Augusta, the City of Portland, the City of Bangor, the City of Presque Isle, all your major cities in the State of Maine, are behind this legislation, your city fathers, so to speak. They are closely watching this legislation because they feel that they need it for their people. They feel there is a need, and I certainly hope that we can provide the answer for this need by enactment of this legislation. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I am amazed to hear some of the statements this morning relative to this bill. I have often thought that the City of Portland has been the only municipality in the state that has taken any type of action to try to deal with the housing problem within the state.

The arguments which the good Senator from Cumberland, Senator Berry, puts forth really don't amount to water, because we can substitute everything he said as far as all these powers are concerned, and any local housing authority has these powers.

Now, I just put the question before the Senate this morning as to why hasn't the private contractor or developer got involved in building these 235's and 236's? Right at the moment the City of Portland has built so many units of public housing that it is beginning to affect its tax rate. As you know, there is no tax base on public housing. We get, I think, ten percent of the net money that has been collected, which is very, very minimal compared to the amount of tax which is paid by private ownership. The 235's and 236's that we speak of do bring revenue into the city coffers which would not be there had we continued along the same path with rows of public housing.

I think that the federal program in 235's and 236's is about the best program to come down the road for a long time. It isn't open to everyone. People are geared by their income and their dependents

as to whether or not they are eligible. But the fact is that nobody, at least nobody around the City of Portland, today in the private contracting business is building houses that the so-called moderate or low income person can afford. We had a 235 program in Portland a couple of years ago. One developer came in and he built, I think, twenty-five or thirty units, and they are not cheap. They start in at \$18,000 and they ride upwards to \$20,000 or \$21,000. So, if we can get the 235 program going throughout the state it is going to be a great benefit to the towns and municipalities because of its tax income to those municipalities.

I feel that eventually we are going to find ourselves and the state itself probably being shut off from federal programs and federal monies. I don't mean for this particular program, but I mean just about for anything, unless the state really starts complying and forcing the municipalities to get into the field of both public housing and also making available this type of housing project such as the 235. So I would hope that the motion would not prevail.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I would like to pose a question through the Chair to any member of the committee who would care to answer. This bill apparently hinges on the federal program through HUD. But what happens when the administration in Washington changes within this decade? Does this mean that the State of Maine picks up the entire burden if the administration curtails the operations of HUD or even abandons it? I would like to have this point clarified, if I may.

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If the Federal Government should abandon this particular pro-

gram, certainly there would be no funds available at the state level to loan to people. I would assume that on any particular construction that was under way the Maine Building Authority would have had sufficient funds available before they committed themselves.

Now, I may add also that on any default on any of these loans the Federal Government guarantees, so that nowhere in no way whatsoever could the State of Maine be held liable or responsible for a loss. The Federal Government guarantees every one of these loans under this HUD program, and this is primarily for your housing development in the urban areas. This is where there is a great need, which has been shown, and there is no way that the state can lose.

Again, I repeat, that three banks in the area must refuse the loan, so we are not going in competition with the local commercial banks or savings banks. We are merely supplying a need where there is a void. If three banks in the area feel that they can't finance this, for one reason or another, then they are eligible to apply under this particular program. So we are not competing. When you say three banks in an area, that pretty well precludes any other bank, especially in my area, three banks would really fulfill the scope of trying to get money in the area. So you are not cutting into the commercial aspect of loaning money for buildings. They must be refused by three of these banks before they become eligible. Thank you.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: From Senator Tanous's explanation, would I be more or less led to assume that this type of legislation would terminate if the Federal Government should curtail their operations and cut out any assistance to the State of Maine?

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

The Senator from Aroostook, Senator Harding, requests leave of the Senate to speak a fourth time. Is there objection? The Senator may proceed.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: To answer the question of the Senator from Androscoggin, Senator Minkowsky, of course all of the commitments the Federal Government had made up to that point they would be bound by. There would be no problem about that.

Now, as far as the bonds that would be issued by this Authority, they would be the same as the Maine Turnpike Authority bonds. Those would be issued. And of course they could not loan more money than is authorized. In other words, \$20,000,000 is the limit to which they could loan. Part of that probably would not be guaranteed by the Federal Government, so there might be loans that would not be guaranteed. But those that were guaranteed by the Federal Government, the Federal Government would be bound until the loan was repaid.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to answer one of the questions of the distinguished Senator from Cumberland as to why are we not building low cost housing. I would like as a man in the construction business to answer that question, and I will answer it truthfully.

The reason that you cannot build low cost housing is very, very simple. It is material, it is wages, and it is restrictions. Now, if you would like for us to hire help at the minimum hourly wage, if I can hire carpenters at \$1.60 an hour, and then to \$1.80 an hour, and if I can buy lumber for nine cents a board foot, and I can buy shingles for \$6 a square, I can build low cost housing. But I am not paying \$1.60 an hour; I am paying more than twice that amount per hour. I looked at some bills I got the other day, and those of you who own houses and who may have had some leaks this last winter due to the weather condi-

tions, and are contemplating having your houses shingled, let me inform you that you are going to pay \$2.50 per square more for shingles today than you would have paid for them last fall. Now, that is something that we contractors have no control over whatsoever.

Now, we will speak about restrictions. We sit in these legislative bodies and we impose restrictions. Plumbing restrictions, electrical restrictions, building code in general restrictions, those all add to the cost of the construction of a house. Now, when you do not have those restrictions, when you do not have to pay three and four dollars and even more per hour for labor, and when you can buy shingles and building materials for half of what you are paying for them today, then you can build low cost housing.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The good Senator from Knox could have shortened his little speech by just saying that now and in the future there is no such thing as low cost housing. And when he is talking about restrictions he is not really talking about restrictions; he is talking about codes, and the necessity of codes that are going to insure the health and safety of the people that are going to live in these houses.

I have been through the battle of public housing and these 235's for the last several years in Portland, and I honestly feel — and I know that Bangor is undergoing 235's, Lewiston is undergoing 235's and 236's, and unless we start making available this program we are not going to solve the housing crisis within the state.

Just recently there was a report released down in Massachusetts on a study on housing in New England, and Maine ranks right at the bottom of the ladder. We are not moving and we are not taking any steps forward, and as long as the cost of housing is going to remain so high the private contractor is not going to get involved. This bill is a necessity to meet the problems that we do have with housing.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Power to Loan under State Housing Authority's Law."

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I rise for a point of information. Can anybody tell me what the average cost of this low income housing would be, let's say, a two-bedroom or a three-bedroom unit, what would the cost of this be?

The PRESIDENT: The Senator has posed a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I can tell you that I don't believe you would get involved in a two-bedroom unit. What it would probably entail would be a three or four-bedroom unit, and generally they are in the range of between \$18,000 and \$20,000.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I have been involved in the problems of housing for some time. Away back before anybody would admit there was a housing shortage I had to go before the City Council several times to force them to have a referendum, and ended up requesting that federal funds be withheld until such time as the City of Portland would hold a referendum. Federal funds were withheld, and the City of Portland was forced to hold a referendum on housing.

I then sponsored legislation which would provide for all types of housing, 235, public housing and so forth.

Now, in the City of Portland we have one huge public housing unit, I should say building, for the elderly. There is another one going

up. These are very fine well-managed units. We also have other public housing over the city. Just recently a real estate developer, by the name of Robert Hayden completed the building of quite a few units of this housing that we are talking about right now, this eighteen or twenty thousand dollar housing. It is a little bit outside of the city in a very nice spot. The houses are very well placed and the people are happy with them, as near as I can tell. This man is one of the few real estate people who went into this knowing that he was going to make a small profit, but with community betterment in mind he went into this. I don't think he got the money on a money tree. Somebody had to loan him this money. I think this is a private enterprise getting into community problems and answering these problems. The proof of the pudding is in the housing that he put up there, and I see no reason throughout the state that we can't continue to do this.

I think I am going to vote "No" on this. I tried to solve housing problems before Eben Elwell ever hit the state capitol, and a few other people. I have nothing against Eben but, as I say, the proof of the pudding is in the structures that we have in Portland. I say other communities can do the same thing.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Power to Loan under State Housing Authority's Law."

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 Penobscot, Senator Quinn,

that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Power to Loan under State Housing Authority's Law." A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Levine, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Wyman and President MacLeod.

NAYS: Senators Bernard, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Marcotte, Tanous and Violette.

A roll call was had. Twenty Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Committee on Labor on, Bill, "An Act Creating the Maine Workmen's Disability Insurance Act." (H. P. 1162) (L. D. 1598)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

GOOD of Westfield
SIMPSON of Millinocket
LINCOLN of Bethel
LEE of Albion
KELLEY of Machias

The same Committee on the same subject matter reported in Report "B" that the same be Referred to the 106th Legislature.

Signed:

Senator:

MARCOTTE of York

Representatives:

ROLLINS of Dixfield
GENEST of Waterville
McTEAGUE of Brunswick
BUSTIN of Augusta

Comes from the House, Report "A" Ought Not to Pass Read and Accepted.

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

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 Applicability of Workmen's Compensation Law to Employers of One or More Employees." (H. P. 601) (L. D. 803) ask leave to report: that the Senate recede and concur with the House in passing the Bill to be Engrossed as Amended by House Amendment "B".

On the part of the House:

FINEMORE

of Bridgewater
McNALLY of Ellsworth
BUSTIN of Augusta

On the part of the Senate:

TANOUS of Penobscot
GRAHAM of Cumberland
LEVINE of Kennebec

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Senate then voted to Recede and Concur.

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 Record of Plans by Registers of Deeds." (H. P. 728) (L. D. 816) ask leave to report: that the House recede from passage to be enacted and from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as Amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House,

On the part of the House:

DYAR of Strong
CURRAN of Bangor
FRASER of Mexico

On the part of the Senate:

PEABODY of Aroostook
SCHULTEN of Sagadahoc
MARTIN of Piscataquis

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Senate then voted to Recede and Concur.

Senate

Ought to Pass - As Amended

Mr. Harding for the Committee on Judiciary, Bill, "An Act Relating to the Sale of Marijuana." (S. P. 278) (L. D. 812)

Reported tha the same Ought to Pass as Amended by Committee Amendment "A" (S-256).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. KATZ of Kennebec: Mr. President in reading the committee amendment over, I find that in the case of a conviction for the sale of marijuana that a minimum two-year jail sentence is mandatory. I share the Senate's concern for the proliferation of drug problems, but when I got into it a little bit on a personal basis I found out that some of the real offenders are high school kids, that the peddlers are not necessarily mean, dangerous criminals from New York City, but sometimes are our own youngsters who are in high school and whose judgment is extraordinarily poor.

I wonder if somebody from the committee can express to me what happens to the Maine high school youngster who does get into this kind of trouble? Is incarceration mandatory under this bill?

The PRESIDENT: The Senator has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot? Mr. President, in answer to the question of the Senator from Kennebec, Senator Katz, the answer is "Yes".

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then moved that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Bill be Indefinitely Postponed.

Second Readers

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

House

Bill, "An Act Relating to the Housing Needs of People Who Pay Rent." (H. P. 1386) (L. D. 1809)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Regulating Roadside Clear Cutting Practices." (H. P. 1354) (L. D. 1770)

Which was Read a Second Time.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Somehow to me this rubs me the wrong way. It seems as though we are going a little bit too far. This bill has two amendments. The first one is H-330, which changes the wording here from public road to numbered highways, which limits some of the area covered by it. But down in Item 6, you cannot remove more than forty percent of the trees, and the last amendment, 414, says forest trees that are over six inches in diameter breast height. So if you have a lot of mature timber beside the road you can only go in and take forty percent of it. It doesn't say whether you can take forty percent this year and then come back next year and take another forty percent, and so on.

But it seems to me that if the state wants to control a strip 100 feet wide on each side of the highways then perhaps they had better buy it. I move indefinite postponement of this bill and all its papers.

I would call your attention too to the amendment 414, to some of the reasons given for the need of this bill. In order to promote maximum safety of the users of

public roads. To me, you have to use your imagination a little bit. To protect the public investment in such roads. The next one: To preserve and enhance the natural scenic beauty. That is sensible. To prevent unreasonable distraction of motorists using public roads. I think this goes a little farther than we should go, and I hope you will go along with me on this motion.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Bill, "An Act Regulating Roadside Clear Cutting Practices," be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose the indefinite postponement of this bill.

The Committee on Natural Resources actually held two hearings on this bill. The result of the first hearing was that, while I think the committee felt there was a great deal of merit in the bill itself, and the industry people also appeared, that the bill needed a lot of changes. So the hearing was suspended and the sponsor of the bill, along with some of the industry people and the Forestry Department, worked out a new draft, which you have now before you as L.D. 1770.

It may not be perfect, but I think it does repair or correct a need which many people feel ought to be taken care of with regard to the forestry cutting practices along public roads. What this is going to do is prevent for a width of 100 feet along the regularly traveled public highways the type of cutting or slashing which many of us witness along the roads as we drive, cutting practices which really are indiscriminate, which not only despoil the environment — and that can mean a lot of things to a lot of people today — but in essence really is a despoliation of our land.

This bill was drafted, as I say, with the cooperation of the utility people who have to run their transmission lines and right-of-way lines along the highway. It was drafted with the assistance and cooperation of the landowners, and I think it will do the job. There

is a necessity to place a certain amount of explanation or standards in this bill so that whoever has to administer it, or the people who might be restricted by it, know what they are being faced with. The practice would be supervised by the Forestry Department, and the Forestry Department had a hand in the final drafting of this bill.

I think, while it may to some extent restrict the cutting by some people, what this does, in effect, is require that whoever is going to cut in the area of 100 feet to resort to some type of restrictive cutting, which was not felt unreasonable on the part of our committee. I think it is a bill that heads in the right direction. I think we ought to try it. I don't think it is something which is going to unduly harm or damage anyone who owns land along the highway. I think it will make them more cautious of how they carry on their cutting practices. And I will oppose the motion of the Senator from Oxford, Senator Dunn, to indefinitely postpone the bill, and I would ask for a division.

the PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: By reading the house amendment, 414, I notice it said, "Further amend the bill by inserting before the last paragraph the following: The Forestry Department shall be the enforcing agency." I look at the bill and I see no price tag, so I wonder if someone could answer as to what the cost would be to the department in the enforcing of this legislation?

The PRESIDENT: The Senator has posed a question through the Chair, which any Senator may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I oppose the motion, and I hope that we could move this legislation along. As you read the bill and the amendments, we have a good example of what might be

called watered down legislation. It is almost, but not quite, useless. So I think we really ought to pass it in an attempt to make a beginning in a very serious area.

How many of us in our driving around the state have a particular area that you go through with the trees on each side, a landscape ahead or through the trees, and we always look forward to making that trip? Have you ever had the cold water shock of visiting the same area a little bit later when it has been completely harvested, and you will never see again what you used to see?

If you look at L. D. 1770, I think any good lawyer could probably exempt any particular piece of property he wanted to from the provisions of the bill. Even maybe a poor lawyer could. Let me just point out to you that under subsection 2 that land which is exempt from the bill, which can be clear cut, that is what it means, is land used for residential, non-woodland commercial, industrial or recreational purposes, or being developed for such purposes. My goodness, if you wanted to clear cut your land you could say you wanted to make a baseball park out of it for your children. There are any number of exemptions.

This is an awfully important area, and I really feel that with the amendments they have cut it down. For instance, we are talking now about only State Highway Commission numbered roads, and a lot of the things that I am talking about, of course, don't even occur on numbered roads; they are off on the other public roads that aren't popular enough to be numbered highways. I really don't believe that this is going to do a bit of harm, and it might in a small way keep a little of the beauty of our state for future generations.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: Through some mistake, perhaps mine, my name appeared on the Minority Ought Not to Pass Report, which I hereby retract. Like the Senator from Cumberland, Senator Berry, I found the bill

almost innocuous. I was a little disgusted that so many exemptions were allowed. Therefore, I now support the bill and hope the Senate will vote against the indefinite postponement motion.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I am going to vote against the motion. As far as the cost is concerned, I see no need for any cost. I don't know why they can't carry out the enforcement while they are resting.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I object to the bill, but perhaps for a different reason than Senator Dunn. My objections are based upon the possible constitutionality of it.

I base my opinion, first off, as a lawyer and also as the result of a letter that Representative Marsteller received from George West of the Attorney General's Department. This letter was dated May 26, 1971, and on page three of that letter Mr. West ends up by saying, "We therefore express grave doubt as to the constitutionality of L. D. 1770 in its present form." He did suggest some language, which apparently is in House Amendment 330. Mr. West based his opinion on a case that was handed down in 1959 by the Maine Supreme Court. This was State vs. Union Oil Company of Maine, wherein the court said a constitutional guarantee protects one's property rights not only from confiscation by legislative acts, but also from unjustifiable impairment of those rights. A deprivation of a person's property within the meaning of this constitutional guarantee may take place by destroying its value, restricting its profitable use, or imposing such conditions on the use of it that seriously impairs its value.

To try to put that in laymen's language, what that means to me perhaps can best be conveyed to you people by a hypothetical case. Let's assume that I own a hundred acres of land along a river. The

state has the right under its police power to regulate what I throw into that river. They exercise this right under its power to preserve public health. This is allowed under our constitution. However, the legislature may not tell me what kind of a house I can build on there, they can not tell me that I must build a house that has a value in excess of \$25,000, let's say, or they can't tell me that I can only plant maple trees on this hundred-acre parcel of land next to the river, nor can they tell me that I can't put a macadam driveway on part of my land or put a road in on part of my land, because this type of regulation has no relation to public health, public morals, or the general welfare of the people in general, therefore, they can only go so far under the constitution.

I think what this piece of legislation does is just go a little too far, and I don't think that there is any reason for it. I don't think the bill in its present form really does that much good, there are so many exceptions to it. I am going to support Senator Dunn in his motion to indefinitely postpone.

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

MR. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hate to take issue with my very good friend, Senator Clifford from Androscoggin, and also a very learned lawyer.

I think one of the things you like to do when you feel yourself slipping away with the issue is that you go to the constitutionality. That is always a good way to fight a bill.

We ran into very much of a similar situation when we had the Allagash Wilderness Waterway Law, which the state enacted, when we placed restrictions on the use by the landowners of certain areas of their land along the Allagash Wilderness Waterway. The state bought the land outright for a certain distance from the waterways, the rivers and the lakes, and outside of that area we also created what we call a restrictive easement, a restrictive zone, where the rights of the landowners were

restricted as to how they could cut or what they could do on that land. That was a restriction on the use by those same landowners and exactly how they can forest that land. They have to come before the Parks and Recreation Commission and file cutting plan practices and they have to do what we call selective cutting. It is the same type basically, but not as much the same type of restriction that is being talked about here.

Certainly, if you are going to preclude somebody from using his land, why you are unduly depriving him of the right to use that land, and it is confiscation and would be unconstitutional unless you paid him for that land. I could be wrong but I don't think that the restrictions which are placed here, while somebody can always raise the constitutional issues, I think there are enough safeguards in that so a court could just as well say that a person's use of that land is not being unduly taken away from him, because just about all that you are doing here is that if he is going to leave it in forestry, or if he is going to make use of it in forestry cutting, he is going to be restricted on how he is going to go about that practice. This is basically what that bill does. If he wants to build a building on it, he is not restricted. If he wants to turn it into a parking lot, he is not restricted. If he wants to build a house on it, he is not restricted. And if he wants to use it for commercial purposes, he is not restricted. I don't think that the restrictions placed here are constitutional barriers, as much as I hate to disagree with my very, very good friend, Senator Clifford. I hope this bill passes.

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

MR. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would have to go along with the remarks of the previous speaker, and I ask for a roll call.

THE PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Regulating Roadside Clear Cutting

Practices", be indefinitely postponed.

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 Oxford, Senator Dunn, that Bill, "An Act Regulating Roadside Clear Cutting Practices", 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, Clifford, Dunn, Hichens, Hoffses, Minkowsky, Moore, Quinn, and Wyman.

NAYS: Senators Bernard, Berry, Carswell, Chick, Conley, Danton, Fortier, Graham, Greeley, Harding, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Peabody, Schulten, Sewall, Shute, Tanous, Violette, and President MacLeod.

A roll call was had. Nine Senators having voted in the affirmative, and twenty-three Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

Senate

Bill, "An Act to Limit the Tax Exemption for Certain Corporations Which Conduct Their Operations Primarily for the Benefit of Nonresidents of the State." (S. P. 621) (L. D. 1804)

Which was Read a Second Time.

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

Mr. TANOUS of Penobscot: Mr. President, I don't recall any explanation or perhaps discussion on this L.D., and I wonder if someone from the committee might explain what this does to the present law.

The PRESIDENT: The Senator has posed a question through the

Chair to any member of the committee who may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, I didn't get what item he was referring to.

The PRESIDENT: The Senator was referring to Legislative Document 1804.

Mr. MOORE: I am not sure, but I think it is my bill.

The PRESIDENT: The Senator is correct.

Mr. MOORE: No, not mine, not really.

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

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated". (S. P. 622) (L. D. 1805)

Which was Read a Second Time.

On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Enactors

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

An Act Relating to Indian Tribal Meeting on Proposed Legislation and Lowering the Voting Age for Biennial Elections. (S. P. 609) (L. D. 1787)

An Act Relating to Appointments to Housing Authorities. (S. P. 782) (L. D. 1048)

An Act Relating to Pari-mutuel Pools in Harness and Running Horse Racing. (H. P. 1332) (L. D. 1746)

(On motion by Mr. Hichens of York, temporarily set aside.)

An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission. (S. P. 20) (L. D. 48)

An Act to Provide Certain State Level Land Use Controls. (H. P. 1125) (L. D. 1543)

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

Which, except for the tabled matters, were Passed to be En-

acted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On the matter previously set aside at the request of Mr. Hichens of York on An Act Relating to Pari-mutuel Pools in Harness and Running Horse Racing, (H. P. 1332) (L. D. 1746), the same Senator then moved that the Bill and all accompanying papers be indefinitely postponed.

On motion by Mr. Marcotte of York, a division was had. Six Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Orders of the Day

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

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

Tabled — June 7, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President, I am still waiting for an opinion from the Attorney General's Office, and I wonder if someone might table this for a day.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled

and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 7, 1971, by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President, we have another bill that covers this legislation and it is still in committee. It would conflict with this particular bill, and I would appreciate it if someone might table this for a few days.

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

Thereupon, on motion by Mr. Shute of Franklin, retabled and specially assigned for June 11, 1971, pending Passage to be Engrossed.

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

SENATE REPORTS — from the Committee on Transportation on Bill, "An Act Relating to the Maine Turnpike Authority." (S. P. 507) (L. D. 1489) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — June 7, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Berry of Cumberland moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I obviously oppose the motion of the good Senator from Cumberland, Senator Berry, to

accept the Minority Ought Not to Pass Report, and hope that this body will go along with accepting the Majority Report of the committee relative to this bill.

I think we should have some explanation of the matter. I know that you have heard at least rumors or read about aspects of the Maine Turnpike during this session. What this bill does, it pure and simple is designed to have the state do away with the duplicate highway system managed by a different group from the rest of the highway system in the State of Maine. The Maine Turnpike comes under the province of an authority which was established thirty years ago just to run this particular piece of road. At that time it was envisioned the road would be a great deal longer than it has been and, possibly due to that fact, it may have seemed wise to set up a separate authority. Certainly after the passage of thirty years it is no longer a wise method.

We are discussing here this session many aspects of reorganizing state government and doing away with the surplusage and duplicity and, of course, this is a perfect example. The turnpike, as it turned out, was only built for the hundred miles or so from Kittery to Augusta, and by the time that that was accomplished a new method of financing super highways was put forth by the federal government, and the rest of the continuation of that roadway, or what would have been a continuation of the roadway, was taken over and designated as Interstate Highway and built on a ninety percent - ten percent matching basis. If this, of course, had been in effect some fifteen or twenty years sooner undoubtedly the entire roadway would have been built the same way.

What I have proposed is that the State Highway Commission is in a better position to run this piece of road between York now and Augusta. We are going to have something like a hundred miles now, and I suppose we will cut down to about ninety miles or so if the interstate is built between Brunswick and West Gardiner. Basically all this bill would do is

have the Turnpike Authority discontinued and the Highway Commission continue to collect the tolls that they are now collecting, and run the road the way it is being run now insofar as cost goes, and make some savings in the administration of the turnpike, because obviously it would be less duplication, and make some savings in the snow removal and that type of thing. I think all and all it would be an advantageous step for the state to recognize that after thirty years we are not in the same position that we were in 1941, and that this piece of roadway is nowhere near the length it was anticipated it would be, and that there is no need for a separate authority just to take care of this one short piece of road.

The bill does not envision, I should make it clear, that it does not envision that the road will become free immediately. Obviously the thought has occurred that the road should become free as soon as possible, and that would be done and it should be done in either case. We have had some testimony or publication of prospective activities of the Turnpike Authority in rebuilding the roadway from Scarborough down to York. This is something that I object to, but aside from that, whether it is rebuilt or not, I feel that it should come under the interstate system and should come under the Maine Highway Commission. The Maine Highway Commission certainly is in a much better position to try to negotiate with the federal government to effectively secure the funding that might be available for rebuilding. We know that if the road does need reconstruction that this can be done on a ninety percent-ten percent basis eventually when the bonds are paid off.

The Turnpike Authority has put forth some projected figures, and the bonds would probably be able to be paid off around 1976. During the next four or five years income will be sufficient to pay off all the turnpike bonds. Unfortunately, the Turnpike Authority has also put forth the thought that they will not use the revenues to pay off the bonds, but rather to build a new roadway on the existing right-of-

way. And this, I feel, is something that should be looked into very carefully, whether the State of Maine needs an eight lane highway, for one thing, or whether it is good business practice to tear down all the existing overpasses and bridges on the turnpike and build new ones. I think it is something that should receive very serious study and it has not received it to date. If the turnpike remains in the hands of the Authority, of course, it will not receive it in the future.

Therefore, I certainly hope that you will keep this bill alive today and have a chance to discuss it and see what the actual background and merit of it is. Therefore, I oppose the acceptance of the Minority Report, and would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I saw a while ago in the paper where the federal government took over the same kind of highway in the State of Oklahoma. By going along with this legislation and turning over the interstate under the jurisdiction of the State Highway Department, they can then negotiate with the federal government, and the federal government will take it over on a ninety to ten percent basis, and the tolls will be taken over then. It has been done in Oklahoma and it can be done the same way in the State of Maine. But the federal government does not negotiate with private enterprise. They will do it through the State Highway Department, but they will never do it with the Turnpike Authority.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: As a signer of the Minority Ought Not to Pass Report, I will try and give a little explanation why I signed that. In fact, I signed the Majority Ought Not to Pass Report when I first signed it, but there has been a few changes in the signatures and now we have

a Minority Ought Not to Pass Report.

As I understand it, the idea is to do away with the tolls and spend nine-ten money for reconstruction. Now, I think, to be honest about the situation, the Turnpike Authority is talking about spending \$61,000,000 in new construction. They can do that and still retire the bonds in 1983 or 84. I am not in favor of upsetting the growing concern that is doing a good job. There have been engineers advise the Turnpike Authority that something has got to be done on account of the increase in the traffic. Now, when this bill was set up years ago, and I think it was sponsored by a former President of this body, I don't believe that they ever dreamed that it would have the traffic and be so successful as it is today.

As far as spending ninety-ten money, I don't think there is too much extra ninety-ten money floating around. In fact, in this present biennium, the federal government gave us a little over \$52,000,000 two years ago for interstate construction. This year they have cut the program \$16,000,000, and brought it down to \$37,000,200. If we do have any extra money that we want to spend, I think we should be spending it above Bangor where the four lanes go into the two lanes. There already is construction going on up there, but we had a fatality there last night, and we have had fatalities there before.

I am certainly opposed to taking over the Turnpike at this time. I think, if I am correct, that there is a bill or resolve on the Legislative Research Table to have a study of this Turnpike Authority, and maybe it might be a good idea to wait and see what comes out of the Research Committee.

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

Mr. MARCOTTE of York: Mr. President and Members of the Senate: I view this piece of legislation as one progressive way of solving our traffic situation. In the York County, Androscoggin and Cumberland area we have a tremendous problem with paralleling highways, namely: Route One and the Maine Turnpike.

Now in my estimation this is an outmoded way of financing a state highway system or interstate highway system. I think this is evident by the act of 1954 by President Eisenhower where he entered on his program with the state and federal government to build these highways. One plan was from Florida to Fort Kent, or somewhere in Aroostook County, which was designated I-95, and at outset of the setting up of the Maine Turnpike Authority this was the plan. However, when this program came into being, we then went to the ninety-ten basis with the federal government rather than this outmoded plan.

Now, as was brought up by the Senator from Kennebec, Senator Levine, we have no way right now of receiving federal subsidies because it is in fact owned by a private authority. If we did release this, we are now in position to apply for the ninety-ten money, and, therefore, eventually eliminate the tolls. This would relieve the tension or the pressure on Route One because people would not be as reluctant to drive this highway in commuting back and forth to work when they didn't have to spend the five or six dollars a week, which they can't afford.

I would hope that the Majority Report would prevail here. As I said, it is a progressive piece of legislation, one that will lead to alleviating our traffic problems in the southern part of the state.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I don't want to appear ungrateful to the ladies and gentlemen that had the wisdom many years ago to become bondholders and to build this road for us, but times have changed. Statistics prove that right now there is an automobile for every 2.3 persons, and within five years there will be an automobile for every 1.9 persons.

Now, in York County — and I am concerned about York County; that is my County, even though the problem exists from York all the way up to Lewiston in Andros-

coggin County — we have a very bad traffic situation on Route One. Now, we have two courses to take: we are either going to take over this road — and I believe that the people that are the bondholders should be given their profit, and I also believe that you can't go broke when you take a profit — or the state has to come in and start building roads running parallel with U.S. 1 and with the Maine Turnpike. Now, in the long run it will be a lot cheaper for the state to take over the Maine Turnpike than it will to go and start building roads running parallel. And they don't have the room to build these roads.

The day before Christmas in our county when we had that snow blizzard the Maine Turnpike closed up. We had bumper to bumper traffic from Portland to York. I am presently serving on the Police and Fire Commission, and if we had had any fire at that time, any great emergency, it was impossible for the fire apparatus to leave the Fire Department Station to go to a fire, due to the fact that the traffic was bumper to bumper. We need this road. I think we can save the state a lot of money in the long run, and it will do the job for us. Thank you very much.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: As the last of the York County Senators to speak on this this morning, I rise in support of the motion. I am one of three legislators who have to travel the full distance on the pike in order to reach my home each week. I have several toll receipts to show that I have gone back and forth. I am willing to pay that toll for the privilege of coming down without having to go through Biddeford and Portland and some of these congested areas in order to get here.

As I see the thousands of tourists coming in from all parts of this country, traveling on this highway, and paying their share for the privilege of traveling it, realizing that the people up in north Aroostook don't have to pay for a road that they are never going to use

perhaps, that this has been going on for many years, and we have had very few protests in comparison to the number of people who are riding it. We have had very few traffic problems compared to what we would have had if they had had to go through the cities. And when we built the new approach at York, it was built because they were so afraid of everybody going on past the beach areas and they were losing that business. If we took the tolls off, there would be a lot more people who would go right by the beach areas and keep on going up into the other parts of Maine and over into Canada.

So, I feel that we should justifiably keep our tolls on the Maine Turnpike.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I want to explain just a couple of things that I believe have been brought up by others. The transfer of the turnpike itself does not mean that there is going to be a free road right away. Therefore, the good Senator from York, Senator Hichens, could probably continue to pay the tolls for at least another four or five years.

What this amounts to, the idea of transferring and having the tolls terminated, is a matter of keeping faith with the people who asked for this road in the beginning. The law sets forth the fact that the road will be built, they will charge tolls, pay off the bonds, and when the bonds are paid off it becomes a free road. This is a very simple procedure and this is done all the time. It does not say in the trust indentured agreement, the big thick book that the turnpike operates under, and the law, it does not say that when it looks as if the road is going to be paid off that the Turnpike Authority shall then tear the road down and start over again and build a new road. None of us would like to go in and have to, say, pay for a building, and when the building is finally paid for they are going to tear it all down and start over again. That is, in effect, what the

Turnpike Authority proposes to do. We have the figures from their reconstruction report, and they plan to use eight to ten million dollars a year during the next several years to effectuate this result. This is what I object to.

I think it is not keeping faith with the public and it is not keeping faith with the bondholders, because these bonds can be paid off right away. I say right away, relatively right away, right away in the next four years rather than waiting fifteen years. They have to go out of business in 1989 and, of course, what they are doing is stretching out repayment period.

As the good Senator from Waldo states, they could now retire the bonds by 1984. But before 1984 gets here we will have another stretch out, and they will retire the bonds eventually in 1989. Now this is what I object to insofar as the proposal put forth by the Turnpike Authority. I don't think it is fair.

When I say that the ninety-ten money is available, you believe me, gentlemen, it is available. It is available when the bonds are paid off. Right now the Maine Highway Commission is putting out cost estimates for the next, I believe, two to three years on the interstate system. We are all booked ahead on the use of the interstate money. The interstate money that is coming, that is going to be spent in the next few years, is going to go down here in the Brunswick to Augusta area. What I am talking about is that we have to start now to make the cost estimates for any reconstruction work that really is necessary, and put those in before the federal government so that they will be available when the funds are available, which will be in, I would guess, 1976-77, in that area. You see, the federal program is being stretched out also.

As far as any state money is concerned, this bill does not require any state money. It does require that if the transfer is made eventually, and if there is eventually going to be some rebuilding work done then, of course, it would be part of the system, just like in this area from Augusta to Waterville and Bangor is part of the interstate system.

I want to point out that on the rebuilding this \$61,000,000 that they are going to spend is only for thirty-five miles of roadway from the Scarboro-South Portland line down to York. To explain the availability of ninety-ten money, I would like to say that from the new toll house in York to Kittery, about five miles, has been rebuilt with the interstate money. All they did there was move the toll gate and transfer that section of the roadway. So it shows that these things can be done. I am personally not opposed to the financing of the road through the tolls, but like I say I think eventually we should get off the hook on this thing.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The good Senator from Cumberland just mentioned that the tolls would not be taken off, and I think he is correct. But we have to be in a good position right now and pass this legislation.

The good Senator Greeley said that we are only getting for the next biennium \$37,000,000 from the federal government for interstate highways. I want to assure the good Senator that President Nixon is a very good politician. He wants to get elected again, and two months ago it looked like the economy was picking up rapidly, and this week in Business Review it looks like it is slowing down again, so to get a fast pick-up for the economy they will have to come in and spend money fast and put people to work. The only place they can do it quick is through building highways. So, I predict that money will be available, a lot of money will be available, next year for interstate highways.

Don't underestimate, any of you, President Nixon. He is going to run again. He will try to get elected, and the only way he can get elected is to give people employment.

The money will be available next year, I am pretty sure, and if we pass this legislation then there is a chance that this portion of the highway can be paid ninety percent

by the federal government. If there is such a chance, I think it will pay for us to pass this legislation and be ready to grab it when the time arises. Thank you.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I believe that I am right in my understanding that even if the state takes over and continues tolls that the ninety-ten rating will not be available to us. They have to take the tolls off in order to get this ninety-ten ratio.

The other day we had a bill before us to build a toll bridge between Winslow and Waterville. I believe that our action today, if we vote to take the tolls off the turnpike, or let the state take over, is contrary to our action the other day when we decided to build a bridge at a toll rate there.

Here we have people in that community using it all the time paying a toll to go between their work and their homes, and here we have a road where tourists are coming in from all over the country and paying the tolls for us, and yet we are voting in this inconsistent manner.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I just wanted to answer the question, if it was a question, relative to the tolls coming off before the ninety percent money is used. This, under the present statute, is correct and I thought I covered that quite thoroughly. My seatmate thinks I cover things too thoroughly.

Basically, what I am saying is that the tolls will come off if the money that is taken in goes to pay off the bonds. The only way the tolls will not come off is if the money is not paid for the bonds. I just say that we should not set it aside in a separate kitty; we should pay off the bonds. But the tolls will come off long before the interstate highway system is phased out. If we wait until the rebuilding program is done by the turnpike, then it is very likely that the tolls would not come off until

after the interstate highway system is phased out and, of course, there will be no money available at that time.

Using the figures that they have furnished, the turnpike has furnished in its reconstruction report, it indicates to me that 1976 is when the bonds would be paid and the tolls would come off. We do have the prospect of some federal legislation to help us along on this thing, but I believe that legislation would require that the turnpike be owned and run by the state itself. I hope that answers the question.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: One point I don't think has been brought out. I am for keeping the tolls on the road until the bond issue is paid off, and then let's take it off at that time. One of the main reasons why I feel that way is that I come from a rural area and we would like to see more state monies spent on some of our roads.

Now, the point that hasn't been brought out is this: that when the state takes over the interstate highway from Augusta south, it is going to mean, as it has been estimated by someone from the Highway Department, that it is going to cost in the vicinity of \$6,000,000 a year for maintenance. So, I am just selfish enough to want to put the day off as long as possible before we shoulder the state with that amount of money, because I realize that if they are spending \$6,000,000 for maintenance on that road it is going to be less money somewhere else.

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 position of my very able and distinguished seatmate, the good Senator from Cumberland, Senator Kellam, and I really think he has made the feeling of the people down our way quite clear here this morning. I can't get upset when he starts challenging me as a seatmate and making statements like he said a few moments ago. One of the rea-

sons I sat up here during this session was to kind of contain him in his seat and, if I do have to say so, I have done a pretty good job up to now.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This reminds me of an incident that occurred back during World War II. I was riding on the train from Portland to Bangor, and there was a GI who lived in Portland and had been assigned to Bangor. He began to ask me about Bangor, and he didn't know that there was any of Maine that existed east or north of Portland. While we are fussing about these tolls on the turnpike, which we seem to be doing, I think there are a lot of us who come from areas who would be glad to pay tolls if we could just have some better roads.

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

Mr. MARCOTTE of York: Mr. President, when the vote is taken, I would request that it be taken by the "Yeas" and "Nays".

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to the Maine Turnpike Authority." A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; A "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Katz, Moore, Peabody, Quinn, Sewall, Shute,

Tanous, Wyman, and President MacLeod.

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

A roll call was had. Sixteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to Accept the Minority Ought Not to Pass Report of the Committee did not prevail.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the Acceptance of the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Berry of Cumberland, a division was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. BERRY of Cumberland: Mr. President, I request that the members of the Senate vote against the motion.

The PRESIDENT: The pending question before the Senate is whether or not the Senate will accept the Majority Ought to Pass Report of the Committee on Bill, "An Act Relating to the Maine

Turnpike Authority." A "Yes" vote will be in favor of accepting the Majority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

A roll call was had. Fourteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Accept the Majority Ought to Pass Report of the Committee did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee?

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

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, I move we reconsider our action, and I hope you vote against my motion.

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

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

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

Bill, "An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State." (H. P. 1076) (L. D. 1468)

Tabled — June 7, 1971 by Senator Violette of Aroostook.

Pending — Adoption of Senate Amendment "A" to Committee Amendment "A" Filing S-252.

On motion by Mr. Graham of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

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

Bill, "An Act Relating to Qualifications for Municipal Law Enforcement Officers." (H. P. 1379) (L. D. 1799)

Tabled — June 7, 1971 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Clifford of Androscoggin then moved the pending question.

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

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

Bill, "An Act Relating to Public Intoxication." (S. P. 607) (L. D. 1786)

Tabled — June 7, 1971 by Senator Hichens of York.

Pending — Enactment.

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

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

Senate Amendment "A", Filing No. S-255, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Clarifying the Statute Relating to Realty Subdivisions." (H. P. 1034) (L. D. 1425)

Tabled — June 7, 1971 by Senator Tanous of Penobscot.

Pending — Consideration.

On motion by Mr. Clifford of Androscoggin, retabled and Tomorrow

Assigned, pending Further Consideration.

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

Bill, "An Act Increasing the Gasoline Tax." (H. P. 403) (L. D. 516)

Tabled — June 7, 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 ninth tabled and specially assigned matter:

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

Tabled — June 7, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I am waiting for an amendment from the Attorney General's Office on this bill, and I would appreciate it if someone would table it for another day.

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

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

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

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

Tabled — June 7, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Schulten of Sagadahoc, and under suspension of the rules, the Senate voted to reconsider its action whereby it

Adopted Committee Amendment "A".

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

Senate Amendment "B", Filing No. S-257, to Committee Amendment "A" was Read and Adopted and, subsequently Committee Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 7, 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.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the following unassigned matter:

HOUSE REPORT — Ought to

Pass from the Committee on Natural Resources on Bill, "An Act to Amend the Oil and Gas Conservation and Development Control Act." (H. P. 499) (L. D. 645)

Tabled — March 17, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: On this L. D. 645, "An Act to Amend the Oil and Gas Conservation and Development Control Act," this primarily was a classification and protection of rights concerning these matters. A further study of the bill shows that this action is not necessary at this time. So, I would move that the Bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Sagadahoc, Senator Schulten, moves that Bill, "An Act to Amend the Oil and Gas Conservation and Development Control Act", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox, Adjourned until 9:30 o'clock tomorrow morning.