

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, June 9, 1971

Senate called to order by the President.

Prayer by the Rev. Howard O. Washburn of Gardiner.

Reading of the Journal of yesterday.

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Buildings at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

In the Senate June 4, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-312) and House Amendment "B" (H-391), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendments "B" and "C" (H-420), in non-concurrence.

On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Consideration.

**Non-concurrent Matter**

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

In the Senate May 28, 1971, the Majority Ought to Pass as Amended Report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-221).

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

On motion by Mr. Bernard of Androscoggin, the Senate voted to

Recede from its prior action whereby the Bill was Passed to be Engrossed as Amended.

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

Senate Amendment "A", Filing No. S-243, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I debated the merits of this particular bill and the amendment and came to the conclusion that the amendment would probably massacre the bill.

After listening to the debate which took place yesterday at the other end of the hall, ninety per cent of which was irrelevant to the bill, I felt that perhaps the strongest objection during the debate was that it was brought out that Commissioner Green was truly a wonderful man, but there was some concern that if ever he should leave his post that perhaps a dictator might take over and this would put an end to the Maine fisherman as we know him today.

So the intent of the amendment is to require that if at the public hearing ten or more residents of the municipality objected to the leasing of ocean bottoms adjacent to the area of the municipality that the Commissioner would not grant the lease. So I thought we should tack this on and give them something that is worthwhile for them to debate at the other end. I would hope the Senate would go along with this.

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

The motion prevailed.

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

Sent down for concurrence.

**Non-concurrent Matter**

Bill, "An Act Repealing the Poll Tax." (S. P. 14) (L. D. 42)

In the House June 3, 1971, Failed of Passage to be Engrossed, in non-concurrence.

In the Senate June 4, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-250), in non-concurrence.

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

On motion by Mr. Wyman of Washington, the Senate voted to Insist and Join in a Committee of Conference.

#### **Non-concurrent Matter**

Joint Order (S. P. 626) Relative to Establishing a Special Committee on Legislative Rules and Procedures.

In the Senate June 4, 1971, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-433) in non-concurrence.

Mr. Berry of Cumberland then moved that the Senate Recede and Concur.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The House action takes the question of the study of review of legislative procedures and puts it in Legislative Research. I will not oppose the motion to recede and concur because I think that is the way it is going to be handled, but I call to the Senate's attention that last session Legislative Research tackled this same question and the only things positive that came out of that were the questions of committee review and 17-A.

The original intent of this order was to bring in the benefit of the thinking of some experienced former presiding officers like Bud Reed, Dana Childs and Jerry Campbell perhaps. I think the Senate adopted the proper way, and I think that the other branch has diluted the entire purpose of the bill but, in the face of reality, I move the pending question.

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

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

#### **Non-concurrent Matter**

Bill, "An Act Empowering the Environmental Improvement Com-

mission to Conduct Studies Relating to Noise Pollution." (S. P. 407) (L. D. 1223)

In the Senate June 3, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-220).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-429) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### **Non-concurrent Matter**

Bill, "An Act Relating to Boarding Kennels or Pet Shops. (H. P. 1336) (L. D. 1752)

In the Senate June 1, 1971, Passed to be Engrossed as Amended by House Amendment "A" (H-363) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-428) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### **Joint Order**

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine, being ever mindful of certain administrative responsibilities which are prerequisite to establishing an adequate system of compensation, recommend and urge that the Board of Trustees of the University of Maine take immediate and appropriate action to adopt for classified employees under their jurisdiction both a pay plan and wage levels equal and comparable to the State minimum wage for classified employees. (H. P. 1396)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

#### **Joint Order**

WHEREAS, music once described as the universal language of mankind causes eloquent thought to flow among the greatest of nations; and

WHEREAS, sentiments of glory and pride flowed in abundance as

the Calais Memorial High School Band performed at the Annual Maritime Band Festival in Moncton, New Brunswick; and

WHEREAS, the discipline and enthusiasm displayed by this talented band was described as one of the most remarkable aspects of the festival and as "Ambassadors of Good Will" they were considered without peers; and

WHEREAS, this pleasant interlude not only reflects great credit on the participants and their community but has imparted an inspiring international image of Maine youth as well; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 105th Maine Legislature extend to the combined membership of the Calais Memorial High School Band, its director, school principal and city manager a message of gratitude for an outstanding accomplishment along with our best wishes for continual success in their efforts to bring recognition and honor to their community, State and nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. Joseph D. Driscoll, Mr. Philip Q. Flagg and Mr. Harry J. Pascoe in recognition of the band's inspiring performance. (H. P. 1393)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, the title of State champion is awarded to those who have obtained the highest standards of excellence; and

WHEREAS, the Bangor High School Rams have earned that distinction and are the Class A baseball title holders for 1971; and

WHEREAS, this long awaited victory climaxed 13 Penobscot Valley conference games, 2 Eastern Maine title encounters and the state contest, without defeat; now, therefore, be it

ORDERED, the Senate concurring, that we, the members of

the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, take this opportunity to recognize and honor this outstanding baseball team, its coach and athletic director for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this order be transmitted forthwith to Principal Carl Lundquist, Athletic Director, Fred Berry and Coach Robert Kelley of Bangor High School in token of the sentiments expressed herein. (H. P. 1394)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640) be recalled from the Engrossing Department to the House (H. P. 1395)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Resolution

JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

WHEREAS, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

WHEREAS, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

WHEREAS, the Government of North Vietnam has not conformed

its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

**RESOLVED:** That we, your Memorialists, speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

**RESOLVED:** That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

**RESOLVED:** That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unflinching courage of our Americans who are prisoners of war or missing in action and their patient and courageous families. (H. P. 1397)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

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

Sir:

The House today voted to adhere to its action of May 18 whereby Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) was passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence.

Respectfully,

Signed:

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Orders

On motion by Mr. Conley of Cumberland,

**ORDERED,** the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill: "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics," Senate Paper No. 3, Legislative Document No. 17, introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

**ORDERED,** that the State Departments of Health and Welfare, Mental Health and Corrections and the Office of the Attorney General be directed to provide such technical advice and other information as the Committee deems necessary to carry out the purposes of this Order; and be it further

**ORDERED,** that the Committee report its findings and recommendations at the next regular or special session of the Legislature; and be it further

**ORDERED,** that said agencies of the State be notified accordingly upon final passage of this Order.

(S. P. 624)

Communications

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The order that is before the Senate this morning is an order to have the Legislative Research Committee look into the very serious problem that we have with respect to the problem of alcoholics throughout the state.

I believe it can be amply verified that we have somewhere in the neighborhood of 35,000 of these types of individuals throughout the state, and really there is very little or no treatment available to them.

I am disturbed primarily, for one thing, because the hospitals in the state have kept their doors shut and totally closed to the admittance of any of these people. I am also disturbed at the fact that our state hospitals feel that they are not in the position of opening their doors for treatment.

I noticed in last Saturday's Portland Press Herald that the State of Florida, in its wisdom, had abolished the law on public intoxication.

Now, Mr. President and Members of the Senate: There are many reasons for this order being here. I am very much concerned with the problem myself and I would like to just give you a few figures and facts as to how the problem relates to our courts in Cumberland County. During the year 1970, I have been informed it will be in the annual report that will be submitted by the Sheriff of Cumberland County, there were 421 commitments for the crime of public intoxication. For the care of these individuals who were sentenced to the county jail, and generally their sentences are for anywhere from 15 to 30 days and upwards, the cost for keeping one of these people in jail is \$8.40 a day. For 15 days that comes to a figure of \$126 that it costs the taxpayers.

Recently there was an article in one of the Boston papers by Mr. Harry Kelley who reported on an AP wire out of Washington, and he was speaking primarily to the effect of how many of our returning veterans from Vietnam are addicted to drug abuse, and also to the problems of alcoholism.

He states that although drug abuse has risen sharply among the veterans from Vietnam the Veterans Administration has told Congress that on any given day seventeen out of every one hundred of its beds are occupied by patients suffering from alcoholism or its complications.

I think that Maine really is no different from any other state, that we do have our serious problems with these individuals. And as I look at our budget each year, and it continues to stay in the neighborhood of \$80,000 that is allocated to the Department of Health and Welfare for its program of the rehabilitation of alcoholics, it really is not even enough money to prick the problem at all. So, I would hope that the Senate would go along and put this order on the Legislative Research Table, and I hope in the final days it will meet with approval.

I would also commend the good Senator from York, Senator Hichens, who had submitted L. D. 17 for the study. It is my understanding that the bill is now on the Appropriations Table, but it can really not be implemented unless the funds are restored to that bill.

Secondly, I feel that I would really like to see the legislature itself involved in the study of this problem, and not just turn it over to our Department of Health and Welfare or Mental Health and Corrections. I think that the Legislative Research Committee, in conjunction with these departments, can really be a broad view picture of how serious this is, and I hope that in the 106th or during the special session some legislation may be introduced that will certainly help to attack the very, very serious problem that exists.

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

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

On motion by Mr. Tanous of Penobscot,

ORDERED, the House concurring, that the following be recalled from the Governor's Office

to the Senate: Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm." (S. P. 332) (L. D. 983) (S. P. 629)

Which was Read and Passed and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mrs. Carswell of Cumberland,

WHEREAS, there is growing concern over the matter of educational leave being granted to some state employees and not to others; and

WHEREAS, employees on such leave remain on full salary and are provided expenses; and

WHEREAS, the practice of educational leave was initiated to help recruitment of specialized persons otherwise impossible to hire; and

WHEREAS, there is a strong feeling among employees that there should be rules and regulations relating to the granting of such leave; and

WHEREAS, such rules and regulations may best be promulgated and enforced by the State Personnel Board rather than at the discretion of the various departments; now, therefore, be it

ORDERED, that the Legislative Research Committee be authorized and directed to study the practice of granting such leave and to determine the feasibility of promulgating and enforcing rules and regulations by means of the State Personnel Board which will carry into practice a uniform policy for educational leave for all state employees; and be it further

ORDERED, that the State Personnel Board and Department be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

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

ORDERED, that said agencies of the State receive copies of this Order upon joint passage as notice of the proposed study.

(S. P. 628)

Which was Read.

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

### Committee Reports

#### House

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

Bill, "An Act Relating to Possession of Certain Drugs." (H. P. 595) (L. D. 790)

#### Refer to 106th Legislature

The Committee on Judiciary on, Bill, "An Act to Make Uniform the Law of Partnerships." (H. P. 1152) (L. D. 1612)

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

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

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

#### Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Food Stamp Program." (H. P. 1210) (L. D. 1657)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-417).

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

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

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Revising the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 838) (L. D. 1161)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-411).

Signed:



**Senators:**

SCHULTEN of Sagadahoc  
DANTON of York

**Representatives:**

MADDOX of Vinalhaven  
LITTLEFIELD  
of North Berwick  
PRATT of Parsonsfield  
SCOTT of Wilton  
TRASK of Milo  
SHELTRA of Biddeford  
McKINNON

of South Portland  
ROCHELEAU of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-412).

Signed:

Senator:

CARSWELL of Cumberland

Representatives:

O'BRIEN of Portland  
CLARK of Jefferson

Comes from the House, the Majority Ought to Pass as Amended by Committee Amendment "A" Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-430)

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

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

**Senate****Final Report**

The Joint Standing Committee on Legal Affairs submitted its Final Report.

Which report was Read and Accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

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

Which was Read a Second Time.

On motion by Mr. Quinn of Penobscot, Tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof." (H. P. 1388) (L. D. 1811)

Which was Read a Second Time.

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

Bill, "An Act to Provide an Alternative Method of Enforcing Orders of Support of Minor Children." (H. P. 1390) (L. D. 1812)

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

Sent down for concurrence.

**House — As Amended**

Bill, "An Act Relating to the Management of Solid Waste." (H. P. 1383) (L. D. 1803)

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

**Enactors**

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

An Act Relating to Examinations for Certain Occupations by Graduates of Maine Vocational Technical Institutes. (S. P. 193) (L. D. 554)

An Act Relating to Probation of Juveniles in Cumberland County. (S. P. 525) (L. D. 1565)

(On motion by Mr. Kellam of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to the Collection and Disposal of Solid Wastes by the Washington County Commissioners. (H. P. 819) (L. D. 1092)

An Act Relating to Aiding Injured Persons and Reporting Hunting Accidents. (H. P. 851) (L. D. 1164)

An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of

Farm Products. (H. P. 927) (L. D. 1281)

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

An Act Providing for a Feasibility Study for High Speed Rail Service for Maine. (H. P. 1201) (L. D. 1652)

An Act Appropriating Funds for the Construction of a General Activities Building and Dormitory Building for Female Offenders on Property at Stevens School. (H. P. 1327) (L. D. 1741)

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

An Act Amending the Maine Insurance Code Relating to Fees and Licensing. (H. P. 1377) (L. D. 1797)

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

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

Comes from the House, having Failed of Final Passage.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise in opposition to passage of L. D. 1099. Among other things, this would repeal Constitutional Article 9, Section 15, which is the constitutional debt limit of municipalities. I oppose relinquishing or changing the constitutional limit on municipal indebtedness, and will vote "no" when the time comes to vote.

I respectfully urge the members of the Senate to join me in voting "No" and thereby preserve the current seven and one-half percent debt limit in the Constitution. I feel that the constitutional debt limit is a very, very important control of municipal spending.

The purpose of the constitutional debt limit, as stated by the Maine Supreme Court, is to preserve and prevent the abuse of municipal

credit which might result in ruinous taxation, and to protect the taxpayers and their property. Our constituents are overburdened with taxes now and look to us, their legislature, to relieve them of their tax burden and not to add to it, which we would should we pass this L. D. 1099. I very much hope that you will join me in opposing making any change in the constitution at this time, and vote "No". When the vote is taken, I move that it be taken by a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would hope that you would vote "Yes" on this proposal on this resolution, which would change the constitution, or at least would send it out to the voters of this state to allow them the choice of changing it.

Now, believe it or not, I am in favor of regulating municipal debt. I have told this to Senator Quinn on numerous occasions but apparently he doesn't want to listen. I say that the law, the way it is right now, does not effectively control municipal spending, and I think this point has been debated at least twice before in this body. The reason it isn't effective is because of the quasi-municipal districts that have been set up to circumvent the seven and one-half percent debt limit which is written into the constitution right now. And unless we get rid of it we are going nowhere. We are going nowhere as far as regulating municipal debt.

If we are going to do this, if we are going to effectively control the cities and the towns on how much they spend, we have got to do it through the legislature.

Assume that this resolution passed, that it got the legislature's two-thirds vote, and assume that next November in the '71 referendum election that it got voter approval, how could this Legislature or how could the 106th Legislature do the job that we want it to do? I have been asked this question several times. To begin

with, the constitutional debt limit would not be removed. It would stay there until such time as the 106th acted. Now, it would be my thinking that the 106th could develop a formula. I am going to throw out a figure in just a second, and I am not suggesting that the 106th adopt this figure. I am just suggesting this figure for the sake of argument, just to make it more clear to the members here in this body what my thinking would be on this particular subject. And I am not trying to impose my judgment by throwing out this figure on the 106th.

But let's assume, just for the sake of argument, that two years from now the legislature decided to set the municipal debt limit at fourteen percent of the assessed valuation of a town or a city. Assume further that a particular town or a particular city had already borrowed two percent of their value in the form of a water district. This two percent would be deducted from the fourteen percent, leaving the town or the city with twelve percent yet to borrow. Let's assume further in the case of a town, which was a member of a SAD, had already borrowed five percent through the SAD. That figure too would be deducted from the total of fourteen percent. So first you go down to twelve percent because of the two percent borrowing under the water district, and then five percent more would be deducted, bringing it down to seven percent, because of the borrowing under the SAD. Let's assume further that the town had already borrowed one percent of its assessed valuation under a sewer district. That too would be deducted. So that in the case that I just gave you, the hypothetical that I just gave you, a town would have six percent left to borrow. And if they had already used up part of this six percent, this too would be deducted from the total amount of fourteen percent. This is the only way that you are going to effectively control municipal borrowing.

Now believe it or not, I do strongly feel that we should regulate municipal borrowing. I think it has been amply demon-

strated in the two previous debates, and on this occasion now, that we haven't got any effective control over the municipalities or over the towns, and this is the only way that we are going to do it.

There is a bill on today's calendar, on Page 7, under your second readers, 7-1, it is an "Act to Incorporate the Jackman Water District." If you look at that bill closely, this empowers the Jackman Water District to borrow up to \$300,000. This Jackman Water District takes in two towns, the total population of which is 800 people. Now you see these bills coming through here all the time. I don't much care what happens up in Jackman, Maine, and I don't think most of the people here do, but I think this is what we have got to stop. If we are going to regulate municipal debt we have got to regulate the entire field to be effective. So that I hope you would vote "Yes" on this question.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would arise in full support of the motion made by the good Senator Quinn from Penobscot.

In listening to this debate, I am a little confused as to whereas the previous speaker stands. He claims we are defeating the purpose of the debt limit to the cities by allowing these quasi-municipal organizations to become law. He just referred to an article, which he has just voted for apparently.

I can recall a few weeks back where he voted for a bill that would have created another authority in our county, an airport authority, which here again, according to his testimony, would continue to defeat the very purposes of the debt limit.

I would say to you that the mere fact this bill has reached the stage it is at indicates to me that someplace in the State of Maine there are city managers, city mayors, boards of councilmen and aldermen, who apparently have a desire to spend this additional fund. Now, in the City of Auburn in the last four years our property tax has

risen thirty-four percent. If you take the debt limit off the cities in the state I expect the City of Auburn would go ahead and build several new schools and several large buildings. And perhaps on these buildings would be brass plaques memorializing someone in public service.

The question comes right down to who is going to pay for all of this additional expenditure? It appears to be the property owners. So, for that very purpose, I say to you that if you vote to repeal this debt limit you are directly voting to increase your local property tax burden. Therefore, I support the motion to kill this bill.

The PRESIDENT: The Chair would inform the Senator that there is no motion to indefinitely postpone the bill. The resolution is up for final passage.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to pose a question to some member of the committee, if I may. If this constitutional amendment were passed, would this in any way affect the borrowing power of these quasi-municipal corporations? Like, would this affect the limit in any way of the borrowing power of the Presque Isle Water District or the Presque Isle SAD, for example?

The PRESIDENT: The Senator from Aroostook, Senator Harding, 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 Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: In answer specifically to the question that has been posed, I feel the answer would probably be — I am not particularly familiar with the Presque Isle Water District — but I would suppose it would not affect the debt limit of that district. But I would also assume that the Presque Isle Water District is probably similar to the new Jackman Water District which has just been discussed by one of the previous speakers.

Now, that Jackman Water District does carry a limit to the

amount of money which can be borrowed by that district. It also carries a referendum clause that will go to the people that are served by that district. All the people in that district will have an opportunity to vote whether the Jackman Water District will be allowed to borrow \$300,000.

I think there is a great deal of difference between that procedure and the way it has been outlined by one of the previous speakers. We do not just automatically create districts. The districts do not just automatically come into existence. They are not a board of trustees which somehow appear on the scene and go out and borrow money. These districts are all carefully considered by the localities in which they appear, and those people have an opportunity to vote.

During the course of this legislative session I have made various proposals to the people who are pushing for this particular bill as to how they could alleviate their problems and yet still be responsible to the people of the State of Maine. And I would say this, that if the local municipality wished to be on the same basis as the water districts, wished to be on the same basis as the State of Maine, and wished to have their bond issues approved or disapproved by the local people who have to pay those bond issues, I believe we could change the constitution to take care of that matter. When we pass a bond issue for the State of Maine we have to go to the people for the vote. This section that governs the State of Maine's activities is the next prior section in the constitution to this section that is governing the municipalities, the section which they wish to wipe out.

I think the Senate should certainly never vote on this bill without being fully advised as to what is the motivation for this bill. We all know what it is because you have seen people in the corridor who are pushing for it. The motivation is to enable greater debt, to borrow more money. Municipalities are interested in increasing their debt without going through the more responsible activity of revaluing their communities.

Practically all the communities that want to borrow greater money to take care of their problems, just by facing up to their responsibilities to the public in their community can revalue. But you know, that revaluations come about as the result of pressure by certain groups who feel that they are being short-changed.

So I do not see the great problem to the local government in living within this constitution, and I do not believe that this body should take and abolish that protection to these people. As I say, I would probably not object to pegging the debt limit to the state valuation, which would certainly alleviate probably all the problems that they have.

I think the idea of the districts to circumvent, there is some merit to it and some truth to it but, on the other hand, it really doesn't meet the problem we are faced with today. The argument that we should regulate the districts is true; we probably should regulate the districts, but I think you will find that in virtually all the districts, if not all the districts, that are set up there is control, because the people involved have a vote on it. The people in Jackman will be able to vote next fall on this particular water district as to whether they want to encumber themselves to this extent. True enough, it will be outside their debt limit, but that is not the most crucial thing in the world. The crucial thing is that they do have the vote to say whether they will have the debt or not.

During our legislative deliberations here we frequently pass special legislation for various communities to enable them to exceed their debt limit is done after careful consideration, and I don't feel that we should take away this constitutional protection which, in effect, means that the backers of this particular bill will be able to come in two years from now and get a majority vote and peg the debt limit, if at all, at any place they want to. This one takes away the debt limit altogether. Therefore, I support Senator Quinn, and I believe I will make the motion to indefinitely postpone the

bill, if that has not been made already.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would support the motion which the Senator from Cumberland, Senator Kellam, has made to indefinitely postpone this.

If the answer is as I think it is to the question which I raised, and which Senator Kellam answered, it is the affirmative. That is, as I understand it from the explanation, and take my own town, for example, under the proposal which I heard the good Senator from Aroostook, Senator Clifford, suggest, it is that we would try to have an overall debt limit. All right. Now, the Presque Isle Water District is a board of trustees by itself, and they encumber, they put out an indebtedness. The Presque Isle Sewer District puts out an indebtedness. The SAD puts out an indebtedness. Well, all of this is going to be taken into the total of what Presque Isle could borrow. So the main body, the main people, of Presque Isle are going to be shortcircuited. Their borrowing capacity is going to be practically nil, and they will have nothing to say about it because these other quasi-municipal corporations would have the control.

I think this is a very dangerous amendment, and I just couldn't see something like this going to the people.

Now, I want to make this clear too: that if an amendment had been put before this legislature to put out to the people to raise the debt limit of the municipalities, I would support that, because I believe in home rule. These municipalities would have to vote on it, and if they want to tax themselves that is all right with me. But this removed it beyond their power, and it takes it down to this legislature as to what we would

do and the judgment that we would be making. And although I have confidence in this legislature on various matters, this is one which I think they ought not to get into. So I hope you would support the motion to indefinitely postpone this because I think it is a very dangerous amendment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This may be somewhat like beating a dead horse because we would need a two-thirds vote to pass this and I kind of feel we haven't got those figures.

I support Senator Quinn very much in this. I think Senator Clifford from Androscoggin cited a very poor example to support his case. The Jackman Water District situation is a critical one. A small community acting under the laws of the state presumably is going to form a water district. It is going to be regulated properly in its financing and every aspect of it, and I think that due to the good laws we have on the books this is possible.

I think any change which would impede the progress of the formation of a water district in Jackman certainly is not to be used in furthering the progress of this bill, and I certainly would support the motion of Senator Kellam.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: Perhaps I did use a poor example, but let me cite another example, and that is the SAD's. If a town is a member of one of these school districts, they are allowed to indebted themselves to the district up to twelve and a half percent of their assessed valuation. In addition thereto, under the constitution, they can indebted their town up to seven and a half percent on other matters. So they can indebted the total town up to twenty percent.

Now, I don't think the people that formulated the constitution, or formulated this provision in the constitution, had any idea or would

favor this kind of indebtedness. And in effect you have lost complete control over how much a town can borrow.

I think the issue in this case here is simply this: Do you favor municipal regulation of debt? If you do, you will vote in favor of this resolution. If you don't, if you think that the towns should borrow any amount that they want to, then you would vote with Senator Quinn and vote "No". I think it is as simple as that.

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

Thereupon, Mr. Kellam of Cumberland was granted leave to withdraw his motion to indefinitely postpone the resolution.

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

The pending question before the Senate is the final passage of Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Clifford, Danton, Dunn, Fortier, Johnson, Katz, Marcotte, Sewall, Tanous, Violette, Wyman, and President MacLeod.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Conley, Graham, Greeley, Harding, Hichens, Hoffses, Kellam, Levine, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, and Shute.

A roll call was had. Twelve Senators having voted in the affirmative, and twenty Senators having voted in the negative, the Resolution Failed of Final Passage in concurrence.

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

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

Which was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

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

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

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

An Act Relating to Voters Resigning or Removed from the Voting List. (S. P. 561) (L. D. 1701)

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

Mr. Moore of Cumberland moved that the bill be Indefinitely Postponed.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would oppose the motion of Senator Moore to indefinitely postpone this measure. I feel that this should be enacted and sent back to the other body. I feel that something can be done, and that something can be resurrected from this measure.

This bill should assume a non-partisan tinge because it is designed to assist the registrar and boards of registration all over the state in performing a function required of them under law to keep their voting lists current. There are a couple of amendments that are not objectionable to the Committee on Election Laws, to the majority of this committee, and I believe there is a gross misunderstanding on the part of some members of the other body, and they represent people on both sides of the political spectrum, and I believe that this should be enacted in this body and sent back to the other body for further consideration.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This was a rather controversial bill before our committee. A lot of us were not in agreement with it. We could write a few more words into the law, but it wouldn't mean anything, and there were some things about it that were very objectionable to a lot of us.

When I look over here at the calendar and see that this is June 9th, and we are playing back and forth with these bills so much, this is not going to pass the other body, I am sure of that, and as far as I am concerned, the bill doesn't amount to anything anyway, and that is why I move for indefinite postponement, more to expedite the legislature.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would disagree strongly with Senator Moore. This bill does mean something. It means something to those registrars whose job it is to keep the voting lists current. It would make their job a lot easier. So it isn't something to be discarded with an easy reference to its applicability and to its importance.

Senator Moore and I are of the same political party, and it is obvious that this does not represent a partisan approach to the problem of trying to find a way for local municipalities and boards of registration to do their job in a better fashion.

All this provides is that a voter who votes in a general election has automatically reregistered, that the voting list, the check list, becomes available to the board of registration so that they can check with those people who have not voted in at least two general elections, and inquire from them, through the regular procedures provided under the law, whether or not they wish their name to remain on the voting list. This is a tool which will aid municipalities in keeping their voting lists current, and also providing jury lists

for the county commissioners and jury commissioners. So, I would oppose the motion for indefinite postponement and ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Moore, that this bill be indefinitely postponed will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Thereupon, the bill was Passed to be Enacted in non-concurrence. Sent down for concurrence.

#### Bond Issue

An Act to Authorize Bond Issue in the Amount of \$2,985,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Correctional Institutions. (H. P. 177) (L. D. 235)

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

#### Orders of the Day

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1380) (L. D. 1800) from the Committee on Natural Resources on Bill, "An Act Relating to Municipal Regulation of Land Subdivisions." (H. P. 467) (L. D. 595)

Tabled — June 8, 1971 by Senator Johnson of Somerset.

Pending — Acceptance of Report. Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once.

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

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

Bill, "An Act Relating to the Sale of Marijuana." (S. P. 278) (L. D. 812)

Tabled — June 8, 1971 by Senator Tanous of Penobscot.

Pending — Motion by Senator Conley of Cumberland to Indefinitely Postpone Bill and Report.

Mr. Conley was granted leave to withdraw his motion to Indefinitely Postpone the Bill.

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

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

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

Tabled — June 8, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 8, 1971 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

(See Action later in today's session)

The President laid before the Senate the fifth 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 8, 1971 by Senator Graham of Cumberland.



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

On motion by Mr. Graham of Cumberland, the Senate voted to indefinitely Postpone Senate Amendment "A" to Committee Amendment "A".

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

### Reconsidered Matter

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: With reference to tabled matter No. 4 on the table, L. D. 1165, Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses", (H. P. 852), I think it might move things along if I move reconsideration and hope that everybody votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby tabled matter No. 4, Legislative Document 1165, Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses, was Passed to be Engrossed. 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 sixth tabled and specially assigned matter:

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

Tabled — June 8, 1971 by Senator Clifford of Androscoggin.

Pending — Consideration.

On motion by Mr. Clifford of Androscoggin, retabled and Tomorrow Assigned, pending Further Consideration.

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

Bill, "An Act Increasing the

Gasoline Tax." (H. P. 403) (L. D. 516)

Tabled — June 8, 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 eight 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 8, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-263, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

### (Off Record Remarks)

The President laid before the Senate the ninth 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 8, 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 Joint Order (H. P. 1396) tabled earlier in today's session by Mr. Berry of Cumberland:

Pending — Passage.

Mr. Berry of Cumberland then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

The President laid before the Senate the second matter tabled

earlier in today's session by Mr. Sewall of Penobscot.

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof". (H. P. 1388) (L. D 1811)

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, are we discussing L.D. 1811?

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-259, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: This is the first opportunity that we have had to discuss or to debate the Part II Budget. As the minority signer of the Ought Not to Pass Report of the Part II Budget, I would clarify my position by saying that I am not opposed to the passage of Part II in that sense but, I do find strong objections within that document.

I would like to clarify some of my statements perhaps by going back to a few weeks ago when the Appropriations Committee was meeting and discussing as to what we were going to do in Part II. Although there were never any real programs discussed, at one of our meetings we were submitted by a member of the Appropriations Committee a document at least to work within. That, it was my understanding, was presented to us by the Leadership of the Majority Party here and it calls for roughly around a \$20,000,000 Part II Budget. I found at that time, after discussing it with Leadership within my party and with the Chief Executive, that although the Chief Executive had offered or requested a budget of somewhere in the neighborhood of \$39,- 40,000,000,

that the proposed recommendations by the Majority Party at that time were adequate, with a minor change here and there.

We met in executive session last week, and you know the old saying that something funny happened to me on the way to work, and this was the position that I found myself in because immediately members of the House began taking a different avenue, and before we knew it we were sitting there with a \$15,000,000 document.

The opposition that I hold and members of my party hold is the fact that we have not included within the Part II document an item of \$2,000,000 to fulfill the increased salary wages for the classified employees of the University of Maine, and that is the amendment we are discussing at this moment. It isn't that we are so strongly opposed, but it is the fact that it is my feeling as one member of the Appropriations Committee that we made a strong commitment to the University back during our debate of the Part I Budget and the funds that they had requested. Their original request as submitted to the Governor and the Department of Finance was for the sum of \$61.9 million. That was reduced, after careful scrutiny by the Governor and the Finance Department, to \$53.9, or \$8.0 million less than requested. When the Appropriations Committee got through applying our surgical wares we had reduced it to \$52.1, or \$9.7 million from the initial request.

In 1965 the 102nd Legislature was noted for instituting the alleged crash program for the University. It seems to me really, and unfairly, that at this session of the Legislature we are apparently applying for the crunch program of 1971, because everything that the University has asked for, from a bond issue right down the line, has been either narrowly defeated or substantially defeated, or narrowly passed. And we are still really waiting to see what is going to happen with the bond issue and the \$1.3 million requested out of surplus.

As the minority member from the Senate serving on the Appropriations Committee, I

intended and intend today to stick by my guns on the amendment that has been offered because I feel that we do have a deep commitment. Back in the Part I Budget, we increased the salaries of the classified employees by two percent. We had promised the University at that time, because they had asked for a bigger percentage increase in salaries for the classified employees, but only did we promise that we would give them an increase provided that we did go along and give the regular state classified employees a raise and we have done that in this budget. We have roughly, we can consider, an eleven percent state employee raise for our employees, and I certainly feel that they are entitled to that. But I think it is inadequate, and I think it is hypocritical on our part not to go along with a promise that I feel that I made in the Part II Budget to allow the money that they asked for to take care of these needs. So, Mr. President, I would move the adoption of Senate Amendment "A".

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: In the first place, I think when we met to settle down to come up with figures for a Part II Budget, we went in with widely varied beliefs in what we should have. As the Senator from Cumberland has said, some of them wanted a budget in an area of \$20.0 million. There were many more, and I was one of them, that would have been glad to have kept it to the \$9.0 million that we have in estimated revenues; that would take care of it and no taxes. The main objective was to come out with a budget that would be somewhere near acceptable to everyone so that we could get a two-thirds vote and pass it.

This is a compromise. I had no intention of voting for taxes when I went into the room, and others probably intended to hold out for the \$20.0 million or even more. So it was a compromise, and I think a reasonable one. I think that the committee was hopeful that we could come out with an undivided

report. We didn't seem to be able to do that, but we still think it was a good try and we think we have a good budget.

The University of Maine, whenever the Senator has said anything about any agreement with the University, we did say something to the effect that we would consider pay raises. But we have seen over the last months that the University does not like to have us say that they will do this or that they will do something else, and we feel, most of us anyway, that the pay scale is up to them, that that is their province.

To go back to a paper that was put out by the Finance Office, in the Part I Budget we added an increase of half a million dollars for social security increases, \$540,000 for fuel oil increases, an increase of two percent the first year and two percent additional the second year for operational expenses, a sum of \$619,000. When it all totaled up there was left, over the actual operating, an excess of \$1,200,955. Now this amount is enough to put into effect a ten percent pay raise for the classified employees, effective as a one-shot deal. It is also enough to put in a six percent effective the first of July in 1971, and another six percent the first of July 1972. So, they have, I believe, finally admitted to some members of the committee that they do have money in their budget at the present time so that they can give a pay raise to the classified employees.

I have here the University of Maine professional salary list for 70-71. You can open it anywhere, it doesn't matter where, and it doesn't matter what the person's name is, but the salary in 1969-70 was \$15,000, and 1970-71 the current year, it is \$16,500. The professionals have had a pay raise in the last year, \$21,000 - \$23,500, anywhere in the line, \$9,000 - \$9,800. So that they have said they have enough money to give a pay raise to the classified employees, and they have already within the last year given the pay raise to the professionals. I personally feel that this is their province, that they are the ones that are setting

the salaries. We give them what money we can, and I think we have done quite well by them.

I would move that this amendment be indefinitely postponed.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose the motion by the Senator from Oxford, Senator Dunn, to indefinitely postpone this amendment, and when the vote is taken I would request a roll call vote.

I think what this thing finally comes down to is that you can only slice the pie so many ways with regard to what the University of Maine is winding up with. And I don't know, I suppose it is probably not the most popular thing to talk about, but I think the University probably, like many other people, is becoming some kind of a whipping boy. I don't know, maybe they deserve some of the things that are said as to how they use their money, and perhaps they don't. But fundamentally this is undoubtedly what is happening and what will happen, and why I oppose the indefinite postponement of this amendment and why I hope it will be adopted.

Now, in Part I we gave the University, roughly speaking, \$52 million. The argument is now made that they can take the money from this and give their classified employees a pay raise instead of giving them \$2 million in the next biennium to do just that. Well, I am sure that they can do that. But the end result is going to be that you are going to reduce the amount of money that the University will have to do the rest of the job that it has got to do. You can only do so many things with so many dollars. Certainly I would hope that, whatever amount of money the University receives, that they give the classified employees a salary increase which is at least nearly what we have given the classified state employees. But if you do this without adding any additional money you are going to reduce the ability

of the University to do the job that it does, and this is to educate our young people.

Now, with the money that is now available to the University, it is going to have to maintain its enrollment at a static or the same rate that it now has in the next biennium, unless it finds considerable money somewhere else. The present enrollment is 15,000 students, and we admitted in the past year 1,540 new students. Because of the large enrollment in the upper classes, the end result of it is going to be that in the next year the University is going to admit approximately 4,500 students, and in the following year it is going to admit, roughly speaking, about 4,100 students. So in the next biennium, unless somebody can do it with mirrors or unless the University can come up with a lot more money from somewhere else, we are going to admit anywhere from 1,200 to 1,600 less students than we have admitted in the past.

Now, if anybody wants to stand here and say that is all right, let them take the money that they have and give the classified state employees pay increases out of what they have, the end result being that we will have to admit less students than we have admitted in the past two or three years, well, I am not willing to take that position. I would hope that at least we would provide the University with enough money to keep enrolling the number of students that we have enrolled in the past couple of years.

I think we have created a further disparity with regard to our classified state employees and our University employees. Now, I had some employees at the Fort Kent campus of the University who, up until the time that these campuses were amalgamated into the University structure, were state employees and were faring far better as state employees than they have fared as University of Maine classified employees. The disparity between the two groups of employees has grown. Perhaps this may be due in part to the fault of the trustees; I don't know. But at least we have written into the

amendment the condition that they are going to have to use the additional money to give the classified employees an increase in the salary before passing it on to other types of employees at the University.

I would hope that the end result of our actions today here—and we have an order which we will take up later, I assume as soon as this amendment is disposed of, which indicates that they are telling the trustees that “You use the money we have given you in Part I, and you take money out of that to raise the salary scale of our classified employees up to the state standard.” If you do this, then you are further reducing the ability of the University to continue admitting students at the same level we are doing now. In fact, they will have to curtail the enrollment of students and reduce the number of students.

Now, they say well, let these young people graduate from our high schools and let them go out and find jobs instead of going to the University if they want to. Even those who have been in our labor market are losing their jobs because of the economic conditions. It seems to me that this would be a time where, perhaps because of these conditions, we certainly wouldn't be tossing more of our young people who want to get into our University, instead of admitting them there, tossing them further onto the labor market and causing further unemployment conditions. I hope that the motion made by the Senator from Oxford, Senator Dunn, does not prevail, and I hope we would follow by accepting this amendment. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: It is extremely difficult to hear the very soft-spoken Senator from Oxford over on this other side of the aisle, but I believe that in his statement he was making reference to the distribution that has been put on our desks.

If the members of the Senate would carefully look at this

distribution, it states that in the Part I appropriation \$52.1 million was appropriated for the fiscal years of '71- '72 and '72- '73. And I believe he stated then below that, in L.D. 1730, \$1.2 is put there for salary increases. Well, when you study L.D. 1730, and you look under the University of Maine, really all that it shows under 1730 is the \$52.1 for their current operating expenses. There is nothing there for a salary increase to the classified employees. If there is some confusion on their part, perhaps they meant to submit L.D. 1802 as their figures, \$1.3 million, that is for capital improvements. Now, you can't spend a dollar twice. It is marked out and specifically spelled out in the L.D. as to what that money is to be used for.

Now, under the proposed amendment for the \$2 million, it is my understanding that \$1.8 million of that is to be used totally for classified employees. And the additional \$200,000 is to be spread out throughout the University to increase salaries of professors and such.

To me it is a difficult situation. When you look at a 52 or 53 million dollar bill, it certainly is complex, and it is difficult for any of us to understand as to how and where the money is being spent. But we can say that for all appropriations, as far as that is concerned. The fact is here that when we continue to cut the operating revenues from the University we are continuing to affect the number of students who need to get that higher education. We look at kids going around the streets today and we say why aren't they working. Well, some of them perhaps would be in the University if we had appropriated a little bit more money, because by the position we have taken in this session we have certainly hurt a number of students from being eligible to get into the University. In fact, it is my understanding that one member of the Appropriations Committee had a son rejected because of the fact that the University could not take in any additional students.

I honestly feel that we should live up to a commitment to the

University and adopt the proposed amendment.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I feel that the Appropriations Committee has been working all winter to try to come up with a realistic budget, and we are discussing that document today. Now, I am going to support the motion of the Senator from Oxford, Senator Dunn, to indefinitely postpone this amendment, and I shall also take the same position on other amendments.

I think that if all the Senators in the room come out with their idea of a Part II Budget that they probably would all be different. So I think the position we should take here is to endorse the hard work that has been put into this budget.

Now, some of the arguments that have been presented on the present amendment I don't think hold water. They have discussed the pay raise for employees of the University system and compared it with the pay raise of state employees. I don't think personally that there is any comparison. The only raise that the state employees will receive is from money provided by the legislature. However, the University of Maine is run by a board of trustees, and they come to the legislature to justify an appropriation from the citizens of this state each two years. Our committee, after a good deal of study, has decided on the amount of money that they feel we can afford to give the University. Now, in my opinion, the trustees should accept whatever this legislature gives them, and then adjust their budget accordingly. They are not dependent entirely on the money that they receive from the state legislature; they have other sources of funds. They have federal funds coming in, and a way they could secure substantial funds is by changing their policy on tuition. So I think that the University has other alternatives.

Now, personally I don't like the scare system like we had in the papers this morning, in which it was implied that the pay raise of the University personnel depended

on the action of the legislature. I don't think that is so at all. I have noticed, and it has been in the paper recently, that there have been personnel in the University system that have got as high as a twenty-five and thirty percent raise in pay. So they evidently found the funds somewhere to do that. Now, I think we should go along with the Senator from Oxford, Senator Dunn, and indefinitely postpone this amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Just a couple remarks to try to clarify the point that the Senator from Cumberland brought up. This first year of the biennium the University received \$22 million for their operations from the state. The second year they receive \$24 million something for the same thing. Now, we were told at the hearing by Dr. MacNeil, with all sorts of charts, that to hold level at the regular enrollment, that if we doubled the \$24.7 or \$24.8, whatever it was, that they could hold at the same level. And this doesn't mean, as the Senator from Aroostook, Senator Violette, said, I cannot imagine you hold an enrollment level if you graduate 2,000 — to replace that class you must have to take in perhaps double that: I don't know what the attrition rate is. And I think to hold the enrollment static you are still taking at the bottom a whole lot more than you put out at the top. But we took the \$24 million and doubled it for the two years.

Now, during this last two years they have found money out of their \$22 million and their \$24 million to give substantial pay raises to their professors and their professional people. So I would think that it would be quite possible to take care of their own classified out of some of the funds that are in this present budget.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Implicit in this whole debate this morning is the fact that we have passed a current services

budget some weeks ago, a budget I voted against, in which we effectively spent just about all the money we had to spend. I think we are reaping the harvest today.

We say we don't have \$2 million to bring the classified employees of the University of Maine up to standard. I ask you again to take a look at the disparity between the action of this legislature toward state employees and the University of Maine classified employees.

Now, the state employees are my constituents, and I probably am speaking on a very unpopular basis, but I think without any question the level of appropriation to state employees increases this time is substantially in excess of what was expected. The impact on the current services budget next time is going to be enormous, and I would like to know what it is.

But here is a case where you are trying to get the University of Maine, as the Senator from Aroostook said, to spend their appropriation for two and three things, and you can bet your boots that only my wife knows how to spend a ten dollar bill more than once. I think you share my experience when you suddenly come into a bit of money, whether it is ten dollars or twenty dollars, that somehow this windfall gets spent three times in the process of having been found. But the University of Maine can't do this. And what you are saying here today very effectively is that this is the first legislature in many, many years that is knowingly and wilfully curtailng our ability to meet the needs of our young people, because the money is definitely going to come out of the heart of the kids. This is the first legislature I have been associated with that has successfully and knowledgeably cut back the number of opportunities for young people.

Now, I have heard so many figures pertaining to the University of Maine and so many quotes, and so many conflicting statements, that I have reached the conclusion that this legislature really doesn't know the facts of the matter, and I am not sure that I do know either. It points up the failure of this legislature to research enough to know exactly where we stand.

You have heard the conflicting claims about this \$1.3 million surplus, so-called, and which of the many interpretations do you believe? I, for one, am confused on many of these points. But I am not confused on the notion that if you fail to give this appropriation, if you fail to adopt this amendment, that you will be taking a second step - you took one in the current services budget - a second step in reducing the number of opportunities for our kids. I think this is regrettable.

I am aware of the fact that speaking for this amendment is politically unpopular, and I am aware of the fact that if it is adopted it is going to require another small tax to go onto the taxpayer, but maybe this is the price we have to pay if we believe in living up to our responsibility to the kids. I think it is as simple as that.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think it is a usual parliamentary tactic to paint the opposition with a brush that you have dipped in a pot that is just the opposite color you paint your own house with. Now, I have sat here listening to the complaints, the dire predictions and the castigations of people who say that if you look twice at the University you are against the kids, you are against education, and you are against the University.

I appreciate that a lot of this is said in the spirit of trying to get your own views across to get your own legislation passed, but I for one resent it, because we are up here representing the people of the State of Maine, we are put here by them, and we are voting the way they want us to vote nine times out of ten. And when I listen to some of the good Senators who have preceded me say that if we don't go along with them we are in those categories of being against everything, as I say, I resent it because the facts are far different than they have portrayed.

I have observed peculiar voting habits when we come to vote for

expenses and then voting to support these expenses. The facts, as stated by those who are for this amendment, that we have not done anything for the University, and that it is going to fall apart if we don't pass this amendment, of course, are completely erroneous. The legislature historically in the State of Maine has done excellent by the University, and it is this time too. We can go back home with our heads held high, and let no man tell you differently.

You might be interested to know that ten years ago - this was my baptism to the legislature - we appropriated for the general operating budget of the University something over \$13 million. Now, this was the entire present University system, Mr. President and Members of the Senate, as it is now constituted, the University and the then normal schools. A little over \$13 million, and the population of the State of Maine at that time was a million people, roughly. We have already passed a Part I Budget on the same basis of \$52 million. And if we threw in a little item which might well be put there, of \$1.2 million, \$53 million plus, with still a million people in the State of Maine, no more. As a matter of fact, as I have said before on this floor, we have had to juggle some figures in the census to keep our population a little bit above what it was ten years ago.

Now, it seems to me that these figures prove conclusively that the people of the State of Maine are proud of their University, they are resolved to do everything they can to support it, and they are doing everything they can to support it.

I think the Appropriations and Financial Affairs Committee has done an outstanding job this year with very little to work with. They have seen fit to give the University thirteen percent more money than they got two years ago. I don't think that is starving it to death, and I know you don't either.

Now, there is the additional point that it is not overly popular to stand in the legislature and try to control expenses. I found this out - I didn't need to be shown

it - but I found it out as a member of this special committee investigating the Health and Welfare mess. The minute you talk about doing anything that should be done, I see the bleeding hearts, I hear them. You will recall that when the Appropriations and Financial Affairs Committee exercised just a modicum of gump-tion, and they said in their document that it was the intent of the legislature that the University should insofar as possible keep the enrollment somewhere near where it was now. Up goes the bleeding hearts, and out goes the legislation language.

Here we have got not even the same thing. We are giving them, as I say, thirteen percent more money. Senator Violette from Aroostook has told us of woeful figures that are going to occur if we limit our increase to thirteen percent. I have heard this language, of course, before in debate during my ten years up here. It never happens. The only figures I wish I could give you that I don't have is the enrollment we had ten years ago when we had our budget of some \$13 million. But we have done very well. We keep hearing of how the kids can't get in. Well, obviously we are getting an awful lot more kids in the University year by year by year, and we are paying for it and supporting it.

Lastly, may I point out that when the Appropriations Committee tried to put that language unsuccessfully in the budget they were told, "No, don't meddle with the University affairs." O.K. Now we have Senate Amendment "A", and we are meddling with University affairs. It is funny, isn't it. It depends on what your viewpoint is, whether you are meddling or whether you are keeping the kids out of college. So I would hope that we would not meddle in their affairs. That board of trustees has done an outstanding job of amalgamating the University System over tremendous difficulties, and we have given them the money. I know that they can find the million odd dollars necessary to take care of these employees. I know they will do it, and I am sure that in defeat-



ing Senate Amendment "A" we will in no way be handicapping the trustees or the students who are or will go to the University of Maine.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I must take exception to the expression, obviously referring to members of this body, of "bleeding hearts". I think it is rather a strong term, particularly since one of these bleeding hearts earlier this session asked you and pleaded with you not to pass legislation which would give a windfall over a million dollars to students attending private institutions regardless of the income level their parents were in.

Again and again this session, last session and the previous session, I have opposed what I consider to be unwise educational expenditures, and very frequently I was overridden on the creation of single town SAD's and some of the bond issues. I have opposed since I have been Chairman of Education every single bond issue for residential activities at the University of Maine campuses. Tomorrow I will offer an amendment to cut \$1.1 million off a bill before us to turn VTI's into residential institutions because I think it is an unwise expenditure of tax funds.

I don't mean to impugn the judgment or anything else of any member here. We are partners. We are attempting to arrive at a meaningful solution to the state's problems. But the problems are there, and again I will say to you that in the good old days perhaps we didn't have these problems because very few women graduated from high school and a rather small percentage of our boys. And the problem is created, not by the legislature, but by the fact that our youngsters who are coming up through school believe in the benefits of higher education. I don't say college and I don't say university; I say post-high school education. That is what is facing us today. And when I say that this is the first legislature to actually cut back on enrollments, this is literally true.

Senator Chick and I both share a complete dissatisfaction with the tuition policies of the University of Maine, and I think that we will be effective in getting them changed. But if you do increase tuition at the University of Maine, how many things can you use the increased money for? I suggest the proper use of increased tuition is the establishment of a substantially more realistic student assistance fund and the admission of more kids. You can't build buildings with it and you can't pay salaries with it if you are going to accomplish those two things. You can't do all of the things with the money that you get. So, I say let us complete this debate, but on the basis of thirty-two men and women of good faith who are trying to come to a conclusion, rather than identifying some of us as the good guys and some as the bad guys.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I guess this is the third term that I have served in this Senate, and I don't know what anybody will classify me as when I move out of this Senate, whether it will be as a bleeding heart or as a rugged individualist who stands up for free enterprise and the rights of everyone, but I just hope it might be said that it was without castigating anyone, without at all taking personal issue with anyone. When I have spoken for education I have tried not to be critical, in a sense, and I am not critical of the Appropriations Committee today and the work they have done.

I have just heard mentioned here the amount of money which we were appropriating for higher education in Maine ten years ago and the amount of money we are appropriating today, give or take two or three million either way of what we will be spending. I think the money we have invested in the last ten years in our young people is undoubtedly, in my judgment, and I hope it proves to be right, the best investment that our state could make in our people.

I know that by the investment the Federal Government made in

me when I came out of the service, under the G.I. Bill of Rights, I was able to finish my college education and go on to law school. I know what it has done for me and I know what it did for so many other thousands of people. I think that what we have done for higher education in Maine for our young people in the past ten years is a credit to all of us and a credit to all of our people, because I think undoubtedly today we in Maine and all the young people we have educated are that much better for it.

So, if I am going to be classified as a bleeding heart for standing up and speaking for opportunities in education for our young people, well, I am very, very pleased to be classified in that category. I probably will have some company along the line, I hope I do.

I just discussed here this morning, I hope as objectively as I can, the reasons why I think we ought to add \$2 million to the University of Maine Budget to provide for paying employees, again for the reason that I think unless we do so it is going to make it harder for our University system to continue educating more of our young people.

I know in my own community and my own district ten years ago the number of our young people who were going on to higher education and the number of them who are now doing so, not only to the University of Maine, but to our vocational technical schools, to our trade schools, and I know as these young people come back to my community, not to live, unfortunately, because there are not the opportunities there, but wherever they go and they come back, I see the thankfulness that they have for everyone who was able to allow them to go on to a higher education and earn their living in a much better way than many of our parents did and many of our ancestors did. So, this is what I think we are discussing here today, not acrimoniously, but in trying to move this matter along to a little higher plane and continuing to give at least an equal number of our young people an opportunity for a higher education.

This is the way that I at least

view my comments here this morning. Unfortunately, they have been taken some other way. I am awful sorry for that but perhaps I have used intemperate language. But, as I say, if I am going to be classified among the bleeding hearts for speaking for higher education, I hope I have been able to do it without in any way reflecting upon the opinions of anyone else who disagrees with me, so I will stand classified that way. In a few minutes I am going to get up on another bleeding heart issue, so you can tee off on me on that one too if anyone wishes to do so.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I always become quite amazed and extremely interested everytime the Majority Floor Leader gets up and castigates or criticizes members of the Senate for being bleeding hearts. And everytime my eyes veer out to the left of me and I see Senator Berry's building over here for in excess of \$5,000,000, I wonder how many bleeding hearts there were that voted for that bond issue to be put up. And I would have to admit that I was one of those bleeding hearts back in the 103rd that supported him. But what, in essence, we are saying here right now is the fact that we are going to cut expenditures of the University, their program, by \$2 million if we don't adopt the amendment. That is where the nut lies, and that is when the whole thing is going to be settled really. Again, I hope that the amendment would be adopted.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I have given this matter a great deal of thought before I decided to get up and speak here. It just seems to me that we really and truly don't have all the facts about revenue coming in and going out. For instance, the Department of Mental Health and Corrections apparently let the Augusta State Hospital get

to a point of crisis where they needed more funds.

However, in a previous session of the legislature a dedicated revenue account was established, and I think you would be amazed to see how some of this money has been spent. It has been spent under the title of Mental Health Improvement Fund. I am quite proud of the fact that I helped establish this fund, but I have very serious questions as to how it has been used. I see \$50,000 for a YMCA swimming pool in Augusta. I see \$10,000 for a sex education course, \$20,000 for something else, and I am just wondering if we can't scrutinize and analyze the anticipated revenue that will be coming into this account, and let's have the legislature decide where some of these funds are going to be spent. Maybe we can find some money for the University of Maine here.

I have an order coming up tomorrow and I really and truly think that we should scrutinize this department which cooperates with the Department of Health and Welfare in spending some of this lush fund. It is amazing, and I think that each member should have a copy of this before we vote on this budget document. I really do, I am very serious about it.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Senate Amendment "A" be indefinitely postponed.

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

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

The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Senate Amendment "A" 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, Bernard, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Levine, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman and President MacLeod.

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

A roll call was had. Twenty Senators having voted in the affirmative, and twelve Senators having voted in the negative, Senate amendment "A" was indefinitely postponed.

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

Senate Amendment "C", Filing No. S-262, was Read.

The PRESIDENT: The Senator has the floor.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: What this does is seek to add \$700,000 to the proposed appropriation in L.D. 1811 in the category of aid to families with dependent children. The reason why I offer this amendment is that, unless the projections are wrong in the case load which is going to have to be handled by the Health and Welfare Department in the first year of our biennium, there is going to be a deficit of \$600,000 to take care of the case load at the current average percentage of grant to each category.

Now, in brief, this is going to mean that if we go ahead with the \$1.4 million as is now proposed, and do not increase that, that at the beginning of the next biennium, which will be July 1, the Department is going to have to make a general grant reduction of from seven to ten percent in each grant.

I don't know, but I guess it is not the most popular thing to do to stand up here and bleed for additional money for the Health and Welfare Department in the ADC categories. I am just as much troubled, I guess, and pained as many of our people are, as many of our citizens are, with trying to arrive at a program of assistance to our needy people that is going

to be satisfactory to more people than it is being satisfactory to today, undoubtedly including this speaker. There is no question that there is a tremendous amount of anguish on the part of everybody at the apparent and supposed inability of not only our state but of our federal agencies to come up with a solution that is going to perhaps render assistance to our needy people in a more satisfactory manner than is now being done.

Unfortunately, at the state level we don't have a great deal to say as to who we are going to help. Studies and studies have been made, and I don't know any of the results of the report of the legislative committee which we appointed, and which is headed by the Senator from Cumberland, Senator Berry, as to what they have been able to come up with as proposals to perhaps make another approach to this.

I suppose somebody is going to say to pour more money you are compounding the problem, but I think it can be taken as a fairly safe analysis that there isn't very much that can be done here in cutting the numerical number of the people that we are presently assisting unless we change our laws at the federal level.

Unless again the figures that we are given are wrong, and they may be, but what the result is that is going to happen is that unless some of this money is restored or additional money is given, that we are going to reduce the percentage grant of each recipient by anywhere from seven to ten percent. I think in this day of inflationary costs that this is going to be a very, very large burden for many of our people who have no other means of supporting their children and supporting themselves than through this aid category, that it is going to be very, very difficult for them and more difficult for them to meet their needs. A vast majority of these cases are not now being met at the full budgeted needs. They are only being met at a percentage of the budgeted need. If we make further reductions in the percentage grants to each of these people, they are going to be

further handicapped in meeting their needs.

That is as much as I can say. I have no illusions as to what is going to happen to this amendment, but I feel compelled to submit it. I know that this is one category that troubles everyone, and it troubles me. It is so easy to get up and say well, let's get some of these people off the dole and let's get them working where they ought to be working, and let's get these types of people off our welfare rolls. But in the final balance, when you really add up the number of people who fall in that category, I think you are going to find that there are very, very few in numbers that can be placed in that category and say that are now being supported today that ought to be working and who are not working. I am sure that there are some but, if you can weed those out, it is not going to make a very substantial reduction in what it is costing us to assist many of these worthy people. So, I submit this amendment and I hope it is accepted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: To sort of focus on this one, I would like to move that the amendment be indefinitely postponed, and I would like to speak very briefly to it.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Senate Amendment "C" be indefinitely postponed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I have got to find another metaphor. My bleeding heart apparently went right home to where I intended it to go. All I can say is this, that when I listen to my good friend, Senator Violette from Aroostook, and he gives us all the benefit of his thinking, and which he is very clear on the subject — incidentally, if he hadn't made his first little speech the last time I wouldn't have even got up and talked; the second speech I agreed one hundred percent with.

We are being asked here on this amendment to appropriate a figure which approximates one percent of the budget of the Health and Welfare Department, and if we don't vote for it we are bad and if we do vote for it we are good. Well, I don't believe it is quite that important. One thing that did come out of this Special Health and Welfare Study very early in the game was that for an example of a fully administered department in the state you couldn't find a better one. One of the many reasons I am for governmental reorganization is that it is proposed that a keeper be placed over the Department of Health and Welfare, and believe me, Mr. President and Members of the Senate, this is just what the Department of Health and Welfare needs, a business administrator. With proper administration this department is going to save an awful lot more than the money proposed in Senator Violette's amendment. So, in all candor and frankness, I urge you to vote against it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise at this time to defend my good friend from Cumberland, Senator Berry. I am sure some in the Senate have got the wrong idea. The mere fact that he has spoken against this pay raise for the University of Maine employees, and he has been against more kids going to the University of Maine, against funding this program so that those who cannot get the money to eat may eat, some have said that he does not have any heart and that he said so when he spoke, but he didn't say that. What Senator Berry said was that he didn't have a bleeding heart. But the Senator does have a heart, and I am willing to go along with it. I think he has misconstrued the objective here but I hope, in spite of the fact that we disagree with him, that we will all agree that he does still have a heart.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think perhaps some figures that were compiled here might be of interest. In the 104th the appropriation for the ADC program was \$3,198,000 in the 105th in Part I it was \$17,598,000, and Part II proposed says \$1,400,000, or a total of \$18,998,562.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I heard the good Senator Violette say that most of the cases that received aid from the state can't work, and I agree with him. But it causes another great problem: a lot of them pay men that are able to work, and they are satisfied to live on the money that they get from the state and they don't get any jobs. That is a great problem.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think it might be good if we took a look at the Part II Budget. It is clear that we have not appropriated the needed funds that are necessary for the rate of the current increase of case loads on ADC. In fact, we have really allocated no funds for increased payroll in the second half of the biennium.

We realize and recognize the fact that presently before Congress there is a bill that may get passed and may take over the entire welfare system of the country, and I would be one to fully support that, but in the event that we do have these additional case loads, as the good Senator from Aroostook points out, it is going to end up in a lessening amount of money the recipients will receive. Certainly anyone with a large family today who is unemployed or who is receiving AFDC benefits is certainly not getting wealthy on these payments. In fact, we know that one can barely survive with it. But it is my hope that we will adopt the amendment in the event that the needed funds are necessary. If not, then we won't have to worry about it. But currently, according

to the projected figures by the Commissioner, they are going to be short \$700,000.

I recall very vividly the Majority Floor Leader coming before the Appropriations Committee in relationship to this matter, and how upset he was that the department had transferred to the Governor and the Council \$5,000,000 brought forward for these payments. We all know that because of the constitution, the U. S. Supreme Court in its decisions, and also by legislation passed by Congress, that we are compelled to meet these payments, and there was no other way for us to go about it, so unless we are going to have another problem such as last January, then I would hope that we would put the money back into the budget.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I had hoped that we wouldn't have to bring up the situation that developed a year ago, but Senator Conley seems to insist that we drag the dirty linen out into the open. Of course, what should have happened last July, and would have happened if it had not been the beginning of the gubernatorial campaign, was that the legislature should have been brought back into session, and not have a unilateral decision made by the executive that we would illegally have state funds spent in a manner that was directly contrary to the law and the will of the legislature. This is what happened.

I want to just say a few more things about the department and why this amendment is completely useless. There has not been a - you can't believe what I am going to tell you; I won't say you won't believe, I will say that you can't believe what I am going to tell you - there has not been a single prosecution for fraud, overpayment or misuse of funds by the Department of Health and Welfare. Now, can you imagine that? Not a single prosecution. They have what is known as the voluntary system of registering for welfare cases, you self-qualify. You go down and fill out an application and you get your

check in a few days. As a matter of practice, and as a manner of bureaucratic administration, something like one out of ten of these self-filing statements is checked for accuracy, qualifications and so forth. Can you imagine this? A reasonable audit and a reasonable amount of administrative common sense will save far more than the amount of money that Senator Violette is trying to appropriate, and this is what we should be doing.

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

Mr. CONLEY of Cumberland: Mr. President, I would just pose a question through the Chair to the good Senator from Cumberland, if I may: If there are frauds actually taking place within the state on the AFDC payments, is the Senator suggesting that the Attorney General's Office is not doing its job?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There is an assistant Attorney General assigned for this purpose, under the control of the Director of the Department of Health and Welfare. There is nothing holding it up at all. If the department were properly administered there would be some law suits, and there would be some recoupment of money that would pay for some of these things that some of our people think are going by the board now. All we really need is to have the department properly administered, and we will be able to pay the needy more funds and keep it away from those people who are not qualified, which is the real problem.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I am going to add a little more to what the Senator from

Cumberland, Senator Berry, just disclosed. He didn't say that a lot of the caseworkers, and I haven't got the figures here, but there were sent in here to the office in Augusta several hundred cases which they felt were a rank violation of the present regulations, and no action was taken on them. So, I think we should give credit to the people out in the field who are picking up these cases.

It was to me quite amusing, I don't know how the rest of you feel about it, but recently there has been a directive sent out from the state office that wanted to know why they wasn't getting so many of these reports in as they had formerly. Of course, they wasn't sending them out. He did admit that they told him nothing was being done in the central office with these; that they quit making them out and sending them in which I don't blame them.

One comment the Senator from Cumberland, Senator Conley, made which I can't agree with at all, and I believe that his comment was if you give them the \$700,000 and they don't need it then they won't spend it. I don't know where he thought that one up. I am going to say that with the amount of money that the Appropriations Committee has approved for them in this Part II Budget, if it goes through that they can do more than they ever have done in the past.

I am going to mention just one or two things that came up, and I want to make it clear that I am saying this as an individual and not as a member of the committee for instance, it was to my surprise I found out that the procedure is for one of the Health and Welfare cases to go to a doctor and, if need be, he will give them a prescription, and they go to the drug store and they in turn will bill the state. We are talking a lot about administration in this session of the legislature, and the Governor has asked for considerable more authority because they can't do a proper job of administrating. I maintain that in this department, and probably in some others, that the Governor has been in a position to do a lot of administrating if he saw fit.

Now, what the procedure is on these prescriptions, they have been allowing the drug store to send in a bill to the department, and they have been paying the bill without having any copies of the prescription at all. If you ask them if they are paying for the prescription they assume they are. Now, it is just a simple matter for an administrator to require that a copy of that prescription be sent in along with the bill so that you know whether you are paying for the prescription or something else. That is just one way that I am sure they could save a lot of money.

Another thing that bothered me, at least a little bit, in talking with some of the personnel there we find that a lot of drugs are being prescribed — I should say not drugs but tranquilizers — and of the drugs used, I believe the figure was about seventy-five percent were of tranquilizers. So, I asked him what the need for the use of so many tranquilizers was, and he said there was two basic, and the two that stood out as probably the most prevalent, was in the use of alcohol and family quarrels. I don't believe that the state should be asked to buy tranquilizers for people for either one of those situations.

Now, another way they can save a substantial amount of money: we find, for instance, that the state laboratory is not being used. They are using private laboratories and the fees of using these semi-private laboratories is substantial in many cases. So, I think that if they want to do a good job of administration they can do even more and take care of more case loads than they have already with the money provided in Part II. So I hope that the motion to indefinitely postpone this amendment prevails.

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

Mr. VIOLETTE of Aroostook: Mr. President I would request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amend-

ment "C" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and seven Senators having voted in the negative, Senate Amendment "C" was Indefinitely Postponed.

Mr. Conley of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-260, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: We have tried to act responsibly by trying to put back into the Part II Budget the \$700,000 that is needed in the event of additional caseloads. What this amendment before us does is allow the Department of Health and Welfare to bring forward any payments in the third and fourth quarter to be able to meet those additional funds that are necessary to continue the payments to AFDC cases. It would be my hope that rather than having the department have to decline in the amount of payment to these cases that we would adopt the amendment to allow them to bring the money forward to meet this obligation.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to oppose the amendment as offered by my good friend, Senator Conley. It seems to me that this amendment would result in our finding ourselves in the same situation a few months hence as confronted us when we came back this time, with tremendous deficit in the Department of Health and Welfare, for which we have had to appropriate approximately \$5,000,000 during this past winter. In fact, only three or four days ago we approved a bill for \$1.2 million to finally wind up the money requirements for this department.

It might be in order, and I can assure you I won't be long, to state again that the amounts of money that we have appropriated the

Health and Welfare. Last session we appropriated \$3.1 million, plus approximately \$5.0 million, to pay for this type of operation that the amendment which Senator Conley offers would encourage. This present session, within the budget documents, we have appropriated approximately \$18.0 million. \$18.0 million, in other words, as compared with \$8.0 million last session for this department for these category assistant programs. So, I oppose this amendment and I think, frankly, a fiscally irresponsible thing to do would be to adopt this amendment. I hope you would oppose it.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: In the debate that is going on here this morning, nothing has been mentioned of what happened back in 1969 after we left here in July and went home, and passing the biggest budget by far and the greatest increase that there ever was in the state's history.

In September they decided to increase welfare payments by twenty-one percent, retroactive to July 1. I am sure that you were aware of it at that time. Of course that resulted in a decrease in our funds to go around, and a few months after this — I got this information from the Health and Welfare Department a year ago when we were discussing this with Dr. Fisher in the Research Committee — when the Federal Government found out that we increased our payments they decided to reduce their payments from sixty-nine percent back to sixty-seven percent. So that is one of the reasons. If this amendment is offered here, I am sure the thing will just happen over and over again. I certainly hope that this amendment is defeated.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I feel it is sort of unfair for the Chairman of the Appropriations Committee to get up after the seventh round and engage in the debate because I am sort of



punched out. He told me I wasn't ready for the main event earlier this morning anyway. But I do think that really if we are going to be fiscally responsible that we should have adopted the amendment that the good Senator from Aroostook tried to put on this document.

Now, really what we are doing is neglecting the problems that we do have. We weren't faced with the additional increase of \$10.0 million that the Chairman of the Appropriations Committee spoke about because of our actions, but because of actions taken by Congress and by the Supreme Court. If we are going to meet our obligations then I feel that we have to at least allow the department to bring the funds forward in the event that there is a need. Seeing that we tried to do it in a fiscally responsible manner, and that was rejected, I feel that there is no other road to take but the one that we are offering now.

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

Mr. BERRY of Cumberland: Mr. President, I move that this amendment be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Senate Amendment "B" be indefinitely postponed.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "B" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and nine Senators having voted in the negative, Senate Amendment "B" was Indefinitely Postponed.

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

(See Action Later in Today's Session)

#### Reconsidered Matter

Mr. Johnson of Somerset moved that the Senate reconsider its prior action whereby Bill, "An Act Regulating Roadside Clear Cutting

Practices", (H. P. 1354) (L. D. 1770), was Passed to be Engrossed.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Johnson of Somerset to reconsider.

#### Reconsidered Matter

Mr. Tanous of Penobscot moved that the Senate reconsider its prior action whereby on Bill, "An Act Relating to Power to Loan under State Housing Authority's Law", (H. P. 1387) (L. D. 1810), the Senate Accepted the Minority Ought Not to Pass Report of the Committee.

Mr. Berry of Cumberland then requested a division.

Mr. Tanous of Penobscot moved that the Bill be tabled and Tomorrow Assigned, pending the motion by that Senator to reconsider.

On motion by Mr. Berry of Cumberland, a division was had. Nine Senators having voted in the affirmative and eighteen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I now move we reconsider our action whereby we passed L. D. 1811, the Supplemental Appropriation Bill, for engrossment, and I hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that on L. D. 1811, Bill, "An Act Making Supplemental

Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof", the Senate reconsider its action whereby this Bill was passed to be engrossed. 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.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate:

Mr. TANNOUS: Mr. President and Members of the Senate: In the heat of battle over here we sometimes look upon our opponents as people that are of another world perhaps, or that they can't see eye to eye with what your aims are. I recall that at the Labor hearing on my minimum wage bill there was an individual that had just read about the public hearing scheduled for that day. He was an individual from Camden, Maine and he, I guess, was at work or had noticed it anyway, but did come and speak against the minimum wage bill, and spoke very strongly against it and, although

we both kept our composure and remained friendly throughout the debate, he was a florist, and I suggested to him in rebuttal that if the bill did get killed that perhaps he ought to send me some flowers. Well, the bill didn't get killed entirely; I got about half of what I was looking for, but this gentleman was good enough at least to call me and congratulate me on the fine efforts which the proponents of the bill made. He felt that since the bill had partly been killed that I should get part of a bouquet, and this was the result, what I have before me today.

I just wanted to mention that the moral perhaps of this is that in this society of ours, under our system of government, it is indeed wonderful that some people do recognize that our form of government is probably the best and that in the end result, whatever we do enact, they do go along with it in the spirit of fellowship, and that we are doing what we feel is best for the state. Thank you.

**(Off Record Remarks)**

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.