

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, June 11, 1971

Senate called to order by the President.

Prayer by the Honorable Armand J. Fortier of Rumford.

Reading of the Journal of yesterday.

**Joint Order**

Out of order and under suspension of the rules:

On motion by Mr. Hoffses of Knox:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 14, at 10 o'clock in the morning. (S. P. 636)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

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

In the Senate June 3, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-304) and as Amended by Senate Amendment "A" (S-244), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-244), in non-concurrence.

On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Consideration.

**Non-concurrent Matter**

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

In the House June 7, 1971, Reported and Bill Indefinitely Postponed.

In the Senate June 8, 1971, the Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft, was Passed to be Engrossed, in non-concurrence.

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

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

The President appointed on the part of the Senate the following Conferees:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

HARDING of Aroostook

**Non-concurrent Matter**

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

In the Senate June 4, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-227).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" and House Amendment "A" (H-441), in non-concurrence.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I don't like this bill at all. It is one of those subtle little gems that are stealing away our liberties. They are like a creeping paralysis dulling our senses while they take away our freedom.

I have a camp in unorganized territory. If I want to build a lean-to on the rear of this camp to house my dog, I have got to have permission from the Land Use Regulation Commission. I might have to wait for weeks for an inspector to come up and give me the green light on this gigantic undertaking. What about the cost of sending the inspectors all over the state? They may not be creating another bureau but we are certainly adding a lot more people to our payroll.

I am very much against this bill. I don't want you to think that I am against improving our environment because I am not. I guess I am just afraid of this bill. Mr. President, I move indefinite postponement and, when the vote is taken, I move it be taken by the "Yeas" and "Nays".

The PRESIDENT: The Chair would inform the Senator that a

motion to indefinitely postpone this Bill is not in order at the present time. We are in non-concurrence with the House of Representatives. The only motions that may be accepted by this body are to recede, to recede and concur, insist or adhere.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Thereupon, on motion of Mr. Violette of Aroostook, the Senate voted to Recede and Concur.

### Joint Order

WHEREAS, the Noble Knights of Noble High School, School Administrative District 60, have captured the State of Maine Class B baseball championship for 1971; and

WHEREAS, the road to victory included the Southern York Secondary Schools Association Championship, South Western Maine Championship, Western Maine Championship and the State Championship; and

WHEREAS, an undefeated season of Class B baseball competition is a unique and splendid record of achievement and the result of a total field effort; and

WHEREAS, this is an exceptional group of champions, both on and off the field, who are not only a great credit to their community, parents and themselves, but the State of Maine as well; 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 and its coach 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 George Anderson and Coach John Sullivan of Noble High School in token of the sentiments expressed herein. (H. P. 1403)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Communications

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

June 10, 1971

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

The House today voted to adhere to its action of June 8 whereby Bill "An Act relating to Voters Resigning or Removed from the Voting List" (H. P. 561) (L. D. 1701) was indefinitely postponed in non-concurrence.

Respectfully,

/s/ BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

### Committee Reports

#### House

#### Ought to Pass in New Draft

The Committee on State Government on,

Bill, "An Act to Amend Biennial Elections of Penobscot Tribe of Indians." (H. P. 508) (L. D. 653)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1399) (L. D. 1816)

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

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

#### Senate

#### Ought to Pass

Mr. Berry for the Committee on Constitutional State Reapportionment and Congressional Redistricting on,

Resolve, to Apportion Representatives to Congress. (S. P. 634) (L. D. 1822)

Acting by authority of Joint Order (S. P. 106) reported that the same Ought to Pass.

Mr. Berry for the Committee on Constitutional State Reapportionment and Congressional Redistricting on,

Resolve, Dividing the State of Maine into Councillor Districts. (S. P. 635) (L. D. 1823)

Acting by authority of Joint Order (S. P. 106) reported that the same Ought to Pass.

Which reports were Read and Accepted, the Resolves Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Mr. Wyman for the Committee on Bill, "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities." (S. P. 134) (L. D. 346)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities and the State Museum." (S. P. 633) (L. D. 1821)

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

#### Second Readers

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

##### House

Bill, "An Act Relating to Constitutional Amendments Printed on Instruction Sheets." (H. P. 1385) (L. D. 1808)

Bill, "An Act Relating to the Possession and Sale of Certain Hallucinogenic Drugs." (H. P. 1391) (L. D. 1813)

Bill, "An Act Defining Certain Terms Used in the Environmental Laws." (H. P. 1392) (L. D. 1814)

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

##### House — As Amended

Bill, "An Act Relating to Hunting, Fishing and Trapping on Indian Tribal Lands." (H. P. 1371) (L. D. 1789)

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

##### Senate

Bill, "An Act to Regulate Surficial Mining under the Maine Mining Commission." (S. P. 631) (L. D. 1819)

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

#### Enactors

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

An Act Providing Notice or Severance Pay by Employers. (S. P. 155) (L. D. 424)

(O motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Enactment.)

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

An Act Relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication. (H. P. 708) (L. D. 954)

An Act Relating to Record of Plans by Registers of Deeds. (H. P. 728) (L. D. 816)

An Act Relating to the Operation of Motor Vehicles. (H. P. 828) (L. D. 1119)

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

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

#### Orders of the Day

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

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

Tabled — June 8, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for June 17, 1971, pending Passage to be Engrossed.

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

SENATE ORDER — Relative to State Department of Audit conduct an in-depth audit Augusta State Hospital.

Tabled — June 10, 1971 by Senator Berry of Cumberland.

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

Mrs. CARSWELL: Mr. President and Members of the Senate: I have a communication from the Attorney General's Office. I spoke to him, or at least I left a note for him to consider yesterday. His answer is: "This is unquestionably a permissible order by the Legislature according to the terms of Title 5, Section 243, Subsection 1, of the Maine Revised Statutes. But since this law refers to the Legislature your order would have to be a Joint Order. The Senate cannot act alone." So, I must withdraw this order, and I will be returning with a Joint Order.

While I am on my feet here, I would like to say that studying the slush fund shows me that Ernst and Ernst was paid \$18,000 for a systems analysis. It looks like these reports are not being used very wisely.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, withdraws her order.

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

SENATE REPORTS — from the Committee on State Government on Bill, "An Act Creating the Municipal Assessment Appeals Board." (S. P. 493) (L. D. 1441) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft (S. P. 630) (L. D. 1818).

Tabled — June 10, 1971 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

Mr. Fortier of Oxford moved that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator:

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: We have heard a great deal both during this session and the previous session of the inequities in our local municipal assessments. As far as that goes, we have heard of certain inequities in our state assessments. Some of

those things are beyond our immediate control, at least today.

But this bill here would, in my estimation, correct one of the greatest errors that we have had in our municipal assessments, and that has been the appeal from our local assessors. Under the present system, the most common form of appeal is going to the county commissioners. This is a very informal court of justice, you might say, and it has been the most popular one. But it also has been the least fair of any of the methods employed.

I find that county commissioners, when elected, generally are very much surprised to find out that they have become appraisers of properties. They are elected generally with the general idea that they are administrators of county business, of county funds, and that is correctly so. It is very, very seldom that we get county assessors that are at all familiar with the procedures. They are generally dealing with subjects that they are intimately connected with, therefore, they are biased either for a municipality or for an individual.

The purpose of this bill was to establish a state board of competent people whose only duty would be to appraise property and who, according to the bill, would be named by the Governor with the approval of the Council and they would be persons knowledgeable and experienced concerning either the Maine property tax law or property appraisal.

If I remember correctly, at the committee hearing the most serious question asked was what guarantee we had that this board would be more competent in judging assessed values than the present system. Well, under the present system there is never a question raised as to the competence of a county commissioner to sit on appraisal questions. This board would be a part-time board, because we have no way of knowing in advance whether there would be sufficient work to warrant a full time board which, of course, would be preferable if practical.

These would be fifteen men named by the Governor with the consent of the Council. The Gov-

error would name a Chairman. On appeal of any taxpayer, the chairman would name three of these fifteen to act as a board. Another item which I think is very important is that if a taxpayer appealed and lost his case, he could be held liable for the expenses to which he had placed the municipality which, of course, would eliminate all these cranks, would eliminate people that just want to be heard and that just want to make noise. No one would appeal unless they really thought they had a case. No cases then, in turn, either by the municipality or by the taxpayer, could be appealed to the Superior Court the same as they can at the present time. The only exception is that at the present time a taxpayer may appeal originally either to the commissioners or directly to the Superior Court. Where, under this bill, he would have to appeal to this board of appeals first, and we are in hopes that in this way it would help clear some of our judicial dockets which are months and months behind. So, I think that it has a lot of advantages. There would only be one full-time employee, who would be a clerk, classified according to the personnel law so that the cost in proportion to the benefits therefrom, I think, would be very small. I hope you see fit to endorse this bill.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This bill is probably a very good bill. It boils down to just a simple case of do you want these people to be your final judge or do you want the County Commissioners? That is actually the only difference there is. It is probably as good a bill as any that we have heard. But many people hate to take anything away from present county government they feel they are deteriorating it, breaking it down, and they don't want to do that. On the other hand, maybe the competence of this board that would be set up would be more advantageous to the gentleman who has the grievance than the County Commissioners, so it is your choice.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Fortier, that the Senate accept the Minority Ought to Pass in New Draft of the Committee. Will all those Senators in favor of accepting the Minority Ought to Pass in New Draft Report of the Committee please say "Yes"; those opposed "No"

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

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

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

Tabled—June 10, 1971 by Senator Berry of Cumberland.

Pending—Enactment.

Mr. Levine of Kennebec moved that the Bill be Indefinitely Postponed.

Mr. Berry of Cumberland then requested a division.

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

Mr. VIOLETTE of Aroostook: Mr. President, a point of inquiry: Before we vote, is it the intention that this be voted on now for final enactment, or is this to be placed on the Appropriations Table? Could we have an answer on that?

The PRESIDENT: The Senator has posed an inquiry to a member of the Appropriations Committee who may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In answer to Senator Violette, I would say that this very definitely would be placed on the Appropriations Table.

This bill was reported out of the Appropriations Committee as a possible solution to the tremendous parking problem that we have here in Augusta round the State House, especially during the wintertime, when the Legislature is in session. I understand it will be worse as this new museum

and archives complex comes into operation. The committee felt that at least the legislature be given the opportunity to consider this facility, which would be a four-story facility, out behind the state office building, and it is in accord with our understanding of the plans of the capitol complex.

I don't think any member of the committee felt terribly strong about this item, but we did feel that the legislature should consider the parking problem that we do have around the state house complex.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think there was enough parking space for all of us this winter here. I don't think it is the appropriate time to spend \$1,400,000 for a garage when we have referendum coming up about the state income tax. The average person will feel it is a luxury, and if we go and spend money for luxuries I am afraid they might turn down the income tax. I don't think we need it. Everything is in the right place at the right time, and I think it is the wrong time now to go and spend that money for a garage. I would like a division on it.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I shared the sentiments of the Senator from Kennebec, Senator Levine; I felt very uneasy about this bill. It was my intent to put an amendment on it to have user fees adequate to pay for the cost of the building. The more I looked into this approach the more I came to the conclusion that if we mandated that user fees be adequate to amortize the cost of the building, and if the user fees then became so high we wouldn't have any customers, but we wouldn't have a flexibility about the level of the user fees. So I requested, and the Appropriations Committee did put an amendment on, which not only directs BPI to review the practicality of user fees for this garage, but also for any other state parking in

the area. So, I feel that much of the sting of the criticism of the Senator from Kennebec, Senator Levine, has been taken out by this amendment.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: To comment on the remarks made by the good Senator from Kennebec, Senator Katz, the amendment is really a joke, because it will be taken off afterwards. Any amendment to that effect is a joke; it will be taken off. And I would like to have a roll call.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As much as I hate to interfere with the debate between my two good friends, Senator Levine and Senator Katz of Kennebec, I feel that maybe someone from Lebanon ought to step in here and speak a word or two.

I would support Senator Katz on this proposal because we do need this parking area. There is nothing as embarrassing to any one of us here who invite people to the State House and find out that they have to park their car two miles away to reach the State House. There is no question that we do need some parking facilities in the City of Augusta. I am all in favor of retaining the bill and moving it along for enactment.

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think I would like to interject just a few more comments, but not particularly about the garage. Coming from Augusta, I am



very conscious of the ever-increasing needs of the state in the state house area. But those of you who have watched the American public commute to work, whether it is on Western Avenue in Augusta or an artery in Boston, see the great American tradition of one person driving one car to take up one parking space wherever he is going to work. A legislator whose name escape me, but who I think deserves a place in history, has come up with a novel idea for a public parking facility in another state. Directing his attention to user fees, he suggested that we charge four dollars a day for a car that brings one person in, three dollars a day for a car that brings two people in, and a decreasing charge, depending upon how many passengers that they have.

This garage really isn't going to solve our parking problems, but maybe the ability of BPI now to establish user fees, whether they are parking meters or some kind of a swinging gate, will encourage people in the state house complex to double up and establish car pools, because until that happens we are going to have increasing problems.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate I must say that I strongly admire the courage of Senator Katz in pushing this amendment because I can't imagine anything that will make a politician more unpopular in the Augusta area than this bill, and I sure hope it goes through.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I tried very quickly to digest this but I am afraid that I have not succeeded.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta," be indefinitely postponed. A "Yes" vote will be in favor of indefinite post-

ponement of the Bill; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Chick, Clifford, Danton, Fortier, Graham, Harding, Hichens, Levine, Minkowsky, Moore, Quinn, and Violette.

NAYS: Senators Bernard, Berry, Carswell, Conley, Dunn, Greeley, Hoffses, Johnson, Katz, Kellam, Marcotte, Martin, Peabody, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

A roll call was had. Thirteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

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

Bill, "An Act Relating to the Powers and Duties of the Environmental Improvement Commission." (H. P. 1352) (L. D. 1768)

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

Bill, "An Act to Revise Laws Relating to Outdoor Advertising." (H. P. 605) (L. D. 807)

Tabled — June 10, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Danton of York to Indefinitely Postpone.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would request a division on this motion. This is an extremely important piece of legislation. We will be turning back the clock several years if we accept Senator Danton's motion, and I hope you will vote against it.

The PRESIDENT: A division has been requested. As many

Senators as are in favor of the motion of the Senator from York, Senator Danton, that this Bill 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. Seven Senators having voted in the affirmative and twenty-four Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

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

Senate Amendment "B", Filing No. S-270, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to Establishing a Special Committee on Legislative Rules and Procedures. (S. P. 626)

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Berry of Cumberland to Recede and Concur.

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

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

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

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Conley of Cumberland, placed on the Special Appropriations Table.

The President laid before the Senate the ninth 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 10, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

On motion by Mr. Wyman of Washington, retabled and specially assigned for June 15, 1971, pending Passage to be Engrossed.

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

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

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 10, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Johnson of Somerset to Reconsider Action Whereby Bill was Passed to be Engrossed.

On motion by Mr. Hichens of York, retabled and Tomorrow Assigned, pending the motion by Mr. Johnson of Somerset to Reconsider.

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

JOINT ORDER — Relative to Joint Standing Committee on Appropriations and Financial Affairs report out a Bill relating to benefits payable to Recipients of Old Age Assistance and Aid to the Blind. (H. P. 1369)

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Passage.

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

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

Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (S. P. 332) (L. D. 983)

Tabled — June 10, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

Bill, "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 Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

Tabled — June 10, 1971 by Senator Katz of Kennebec.

Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Is this bill up for enactment?

The PRESIDENT: The Chair would inform the Senator that we are in non-concurrence with the House.

Mr. KATZ: Mr. President, I move that the Senate recede from its former action.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede from its action whereby the bill was passed to be engrossed.

The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: I hadn't

intended to speak at this time, but I will explain my motivation to the Senate: We are in non-concurrence and I would presume, if I am going to offer an amendment, that we would have to recede from our previous position and then presumably adopt a House Amendment that the House has put on, and then I would offer my amendment which is going to attempt at least to delete some housing from this bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think in order to expedite matters that Senator Katz from Kennebec should give us his full thinking at this stage of the game before we take any further action. I would request a division.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would request a roll call.

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I cannot say that I am in agreement with the procedure this morning, because this is a bond issue, and as a bond issue it is going to need the support of two-thirds of the members present and voting ultimately for enactment, and there has to be substantial agreement on the content.

My amendment which I am going to offer this morning, Senate Amendment "A", under filing S-268, and I would have preferred to debate this at the time of offering the amendment, takes something like \$1.1 million out of this bond issue, and it takes it out in

two categories. It deletes from the bond issue a Central Maine VTI dormitory for \$455,000. And it takes a bond issue of \$650,000 from the Eastern Maine in Bangor. That is all it does, and the rest of the amendment just changes the names and changes the addition.

I ask the Senator to consider a question of public policy here. For the last three sessions of the legislature we have changed our attitude about residential facilities, and the legislatures have very clearly indicated that whatever funds are available to offer educational opportunities can best be used in offering educational opportunities rather than constructing campuses all around the state. The only housing that this legislature has authorized for the University in the last three sessions is part of a girls dormitory at Farmington that I took a whack at and recanted on, and stood mute while we authorized that, but every session of the legislature previously would have requests for housing.

Now those who propose to build these dormitories of these two schools can justify their request, no question. They can say we have got so many students that come from other parts of the state and we don't have enough beds for them so let's supply the beds. I can't take issue with this, except I can take issue with the philosophy, and I can't consider it to be yesterday's philosophy that somehow the taxpayer has a responsibility to build an ever-continuing series of campuses with residential facilities around the State of Maine. And to those of you who are going to be intrigued by the words "self - liquidating housing," I would like to say that perhaps the building may be self-liquidating, but you cannot become a mother and a father to thousands of youngsters around the state by building residential facilities without it costing the state more, the taxpayer more, and the parents of the student more.

The one bill this session that has gotten a historic Ought Not to Pass vote was a \$10.0 self-liquidating bond issue for the University of Maine. It was a joint hearing,

and it was the only bill that I know of that has ever come out with a vote of twenty-three to nothing Ought Not to Pass.

But here I ask you to take a look at how these VTI's are going to develop, and I am confident that they will develop. Should they develop as traditional resident facilities, or can't we look forward to them developing basically to serve the needs of their areas.

Now, Lewiston-Auburn, I understand that it now surpasses the population of the City of Portland, and right in the Lewiston-Auburn area the bulk of the students of the VTI are going to come from in the years ahead, not with two-year courses, but with one-year courses and six-month courses, and nine-month and ninety-day courses. I say that the purpose of my amendment is to put odd dollars to the creation of educational opportunities and not go to the ever-expanding cost of building residential facilities.

I call to your attention one more thing: that the third busiest campus of the University of Maine is here in Augusta. It doesn't have any dormitories and it isn't going to get any dormitories. The most intriguing VTI in the State of Maine is in Waterville, also in Kennebec County with no dormitories, and I don't know of any demand for dormitories. We can make the system work without becoming mamas and papas. So I ask you to support my motion to recede, and subsequently take a look at this amendment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I want to thank the Senator from Kennebec for his explanation at this stage of the legislative process because, as I said when I objected, I think that we are trying to move things along and now is the time to talk about it.

I heartily support Senator Katz's viewpoint and I will vote for the changes as he outlined. I think he has put it very, very plainly that we have here a philosophy and the legislature should maintain this position. I think the commuter

concept both for the University and for the vocational technical institutes is a practical one. It is why these institutions are located around the state. I would support the ultimate change as he has indicated.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to oppose very strongly the motion which the good Senator from Kennebec, Senator Katz, has made.

Sometimes I am intrigued by the good Senator's wisdom, his diplomacy and his tactfulness, but this morning back to back is one of the most outstanding things I have ever seen. The good Senator feels that it is wise for us to spend, and he spoke for it, \$1,400,000 for parking facilities in the City of Augusta. That is a wise expenditure of money. But, on the other hand, when it comes time to spend money for a facility so that our kids can go to vocational schools, that this is an unwise expenditure and we shouldn't spend that money. Well, maybe in Augusta the people can commute, and maybe these kids will commute to the college here, and I suppose they can park their car in the extravagant facility which has been suggested here of \$1,440,000. But in Aroostook and many other area they cannot commute, and it comes right down to this: that either they have facilities to live in or they can't go to school. I think that in these vocational technical institutes that we have the opportunity to provide many of our kids with skills, which we ought to give them, and as the years go by, as the Senator has said, we are going to have to retrain people more often because of the changing technology that we have. If I ever saw a back to back misappropriation of expenditures, this is it. I strongly oppose this and I hope you will vote against the motion to recede.

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 strong issue with the comparison. I think that the

Senator from Aroostook, Senator Harding, knows that I was very much opposed to the parking garage, and it was I who bird-dogged around for days looking for an opportunity to get user fees to pay for the darn thing. I don't feel good about it. But not building a garage is not going to solve the parking problem, and I feel that it was an unjust comparison. It is the first time I have ever been called other than a blank check artist for education. But I think it is not right to use a blank check for education, that we have got to be discriminating where we put our dollars. We don't have enough dollars to get around, and I would rather to see it go in the direction of the kids than bricks and mortar.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Perhaps I might be able to give an analogy which might be a little closer. We have the University of Maine, which is located in various sections of the State of Maine. You can start at Fort Kent and work your way up to Presque Isle, Orono, Bangor, Augusta, Farmington, Washington, and Portland, and in every one of these areas there are dormitories.

Why is it that an individual that desires to go to a vocational technical institute, why should he be any different than the others? Why shouldn't he have a dormitory as well as somebody else? Why shouldn't there be dormitories available in these areas? Now, we have done so for those that wish to seek a course in the liberal arts, business, and sciences, so what is wrong with these children that want to seek an education in the vocational technical institute? Are they to be discriminated against because perhaps they have chosen a different field to go into, that they should not be provided with facilities as equal as the others?

I disagree with Senator Katz from Kennebec very strongly. My feeling is that the voters of the State of Maine will find out that these items have been left out of certain areas and that they may well show their ire if this matter ever reaches the ballot next fall.

I certainly ask you support against Senator Katz's motion to recede.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I rise in support of the motion of the Senator from Kennebec, Senator Katz. I think that there are one or two things that haven't been pointed out. As many of you know, I voted against the bond issue for the University of Maine not too many days ago, and I am going to support the Senator from Kennebec, Senator Katz, on about the same basis this time.

I don't think we should build these dormitories, particularly in the larger centers, until we have had further study to decide where we are going to spend our money on education. I know that there are many people who feel that we should support our secondary and elementary education to a greater extent than we are, and the money that we are putting into our post-graduate work in the long run is going to decrease from the effort we can make locally.

In answer to the question raised by one of the speakers, if you will refer to the bill under discussion, you will note that there is no attempt to take money away from a dormitory. For instance, at the Maine Vocational Technical Institute, I think most people realize that the population is so scattered in some areas that perhaps we can justify building dormitories. But when the program of these vocational technical institutes was first developed, the idea was to scatter them over the state so that they could be commuter institutions and there wouldn't be a need to go into the building of dormitories. Now, if we build a lot of dormitories, I think, we may be in the same situation we are with the greater university at the present time, in that many of the occupants of those dormitories are students from out-of-state, and the people in the state are forced to subsidize the education for many of the students from beyond our borders. I think at this time, until we have a further study as to where we

are going on this support of education beyond high school I am going to support the position of the Senator from Kennebec, Senator Katz.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I also rise in support of Senator Katz. This is one of the times I have seen and witnessed in this Senate Chamber that we are using reason and logic instead of emotions.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I think this matter has been well discussed and I don't want to take up any more of your time, but it strikes me that we do have a problem here. I generally support the theory of having the commuter education, and I heartily support greater emphasis on the vocational technical institutes.

It appears to me unless we have some dormitory facilities at the various technical schools you are going to have a situation where there is a great deal of pressure to build more of the VTT's throughout the state and scattered through a smaller population area where it would be economically unwise, so I would support the bill as it now stands, to have a dormitory built at these campuses.

I think the Senate should be well aware that if we absolutely preclude any dormitories of any kind at any technical institute that we are not only being unfair to those areas where people live too far to commute to school, but we are being very unwise economically because we would be fostering the theory of smaller and smaller schools where programs cannot be presented efficiently. Therefore, I oppose the pending motion of Senator Katz.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: So far as I know, all schools presently have dormitor-

ies, including the two that we are directing our attention to today, and we are leaving the Washington County beds in.

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

Mr. SEWALL of Penobscot: Mr. President, a parliamentary inquiry: as I understand it, the good Senator's motion is to recede, which would mean that the Senate would adopt House Amendment H-312. Is that correct.

The PRESIDENT: The Senator is incorrect. The motion of the Senator from Kennebec, Senator Katz, is that the Senate recede from its action whereby this bill was passed to be engrossed, and the Senate will be in the position of having the bill before us to be passed to be engrossed in non-concurrence.

The Chair would also say that the House Amendment could be read and adopted at that point.

Mr. SEWALL: Mr. President, I would point out to the members of the Senate that House Amendment 312 is an important amendment in that it does change the bill to the extent that the bill calls for a dormitory to be built in northern Maine, and it was determined by the Appropriations Committee that this dormitory at this time was not as necessary, in our opinion, as other dormitories. So this dormitory was amended out by the committee, and we substituted in its place a dormitory in Washington County. There are other minor changes in the bill, but this is a fairly major change, and I think the Senate should be aware of this change.

I would further pose a question through the Chair to the good Senator from Kennebec, if he chooses to answer: How does it happen that he chooses the two dormitories that he is attempting to amend out and not amending out these other dormitory facilities?

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

The Chair would like to inform the Senator from Penobscot, and

also the rest of the Senate, that House Amendment 312 has been adopted in concurrence in both bodies. It is on the bill.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I withdraw my request for a roll call on the motion to recede.

In answer to the question, the Washington County dormitories are in a remote area of the state. I assigned a completely different philosophy to them. I don't like it, but I don't know of any alternatives in the remote areas of the state to have student housing available.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This is a very important question. It sort of crept up on us here this morning without too much research. I wish someone would put this on the table until the next legislative day to give us a little more time for consideration. I would like to have someone move that it be tabled until the next legislative day.

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

Thereupon, on motion by Mr. Levine of Kennebec, tabled and Tomorrow Assigned, pending the motion of Mr. Katz of Kennebec to Recede.

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

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

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

In the Senate June 3, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-304) and as Amended by Senate Amendment "A" (S-244), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-244), in non-concurrence.

Pending — Further Consideration.

Mr. Wyman of Washington then moved the pending question.

Thereupon, the Senate voted to Recede and Concur.

#### Reconsidered Matter

Mr. Anderson of Hancock moved that the Senate reconsider its action of earlier in today's session whereby on Bill, "An Act Revising the Maine Land Use Regulation Commission Law", (S. P. 610) (L. D. 1788), the Senate voted to Recede and Concur.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I oppose the motion and I ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Senate reconsider its action whereby the Senate receded and concurred with the House.

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

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

The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Senate reconsider its action whereby on Bill, "An Act Revising the Maine Land Use Regulation Commission Law," the Senate receded and concurred with the House. A "Yes" vote will be in favor of reconsideration; A "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Chick, Dunn, Greeley, Hichens, Minkowsky, Moore, Quinn, and Wyman.

NAYS: Senators Bernard, Berry, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Hoffses, Johnson, Katz. Kel-

lam, Levine, Marcotte, Martin, Peabody, Schulten, Sewall, Shute, Tanous, Violette, and President MacLeod.

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

#### Reconsidered Matter

Mr. Berry of Cumberland moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Contruction and Renovation of Higher Education Facilities at the University of Maine", (S. P. 617) (L. D. 1802), the Senate voted to Recede and Concur.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

Out of order and under suspension of the rules, the Senate voted to take up the following Papers from the House:

#### Joint Resolution

##### STATE OF MAINE

In the Year of our Lord One Thousand Nine Hundred and Seventy-One

##### IN MEMORIAM

WHEREAS, the State of Maine lost a congenial friend and valued public servant on June 9, 1971, in the death of David K. Marshall of Old Orchard Beach; and

WHEREAS, he served with loyalty, devotion and conscientious effort for over twelve years as a public utilities commissioner and former chairman; and

WHEREAS, we wish to record, upon his passing, our personal sadness and deep appreciation of his life's work; now, therefore, be it

RESOLVED, by the One Hundred and Fifth Legislature of the State of Maine now assembled, that its members inscribe with all the members of the Judiciary, the Public Utilities Commission and the people of this State, this token of common sorry and sadness and esteem for his memory; and be it further

RESOLVED, that a suitable copy of this Resolution be sent to



his devoted wife along with our deep understanding to his family and others who share in the loss. (H. P. 1407)

Comes from the House Read and Adopted. Which was Read and Adopted in concurrence.

Thereupon, on motion by Mr. Tanous of Penobscot, the members of the Senate stood in silent prayer for a moment in respect to David K. Marshall.

The PRESIDENT: The Senate will be at ease pending the return of the Joint Adjournment Order.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would like to inform the Senate that on the advice of the Attorney General's Office regarding the interpretation of the Constitution as to what constitutes the two days by which the Houses cannot adjourn for more than two days without the consent of the other branch, the Attorney General's Office informed me that, as stated in the Constitution, Monday would not be more than two days.

The Chair recognizes the Senator from Knox, Senator Hoffses.

On motion by Mr. Hoffses of Knox,

Adjourned until Monday, June 14, 1971, at 10 o'clock in the morning.