

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, June 14, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. Frederick Carrigan of Gardiner.

Reading of the Journal of yesterday.

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

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

In the Senate June 8, 1971, the Minority Ought not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed, as Amended by House Amendment "A" (H-426) and House Amendment "B" (H-446), as Amended by House Amendment "A" thereto (H-451), in non-concurrence.

Mr. Moore of Cumberland moved that the Senate Adhere.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that we recede and concur. This bill has been amended in the other branch, which takes away most of the objections that the members of the Senate had to it. We can take advantage of Section 236 of the Federal Law on Housing and over a period of years the people in Maine will receive \$2,963,000, which I think is quite a lot of help.

We badly need this housing in Maine and I think without the objections, which have been removed by the House Amendment, that the Senate should go along.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate recede and concur.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is my understanding — and if this is not correct I hope someone will correct me — that

with the amendment that is now being introduced in the other branch the Maine Housing Authority, the state housing authority, would be restricted to handling loans which are federally guaranteed. So there is no question at all at any point of any danger of the credit of the state or the agency of the state having to possibly at any time in the future make good for any losses suffered under this act.

If that is the case, then the Housing Authority would work to negotiate loans, those types of loans which are guaranteed under the federal loan provisions. Before they act, they still would have to require a rejection by three private banks be secured. Certainly if private banks are interested in making the loans there should be absolutely no objection to that and they ought to take them. But if they do not want to accept the loans, well then certainly under this act, which is considerably restricted by providing that only those types of loans which are federally guaranteed are going to be handled by the authorities, it most certainly reduces the risk involved.

I think, just to repeat a few of the comments I made the other day on this bill, that with the tremendous shortage of housing that we have now, with the great increase because of the increased cost of housing, because of the unavailability of housing, we see the situation here where so many of our people are going to mobile homes. Now, there is no objection to mobile homes, but in a sense they do not return to the municipalities of the state, nor to the state itself, the benefits that permanent housing would bring, both with regard to the tax structure of the municipalities and also with regard to the employment situation.

I think that with the amendment as it is now, I hope certainly that the Senate would find this acceptable and would go along with the bill as amended. I think it would be a great step forward in the area of providing additional financing for home construction. I hope that you will recede and concur.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: It is interesting to note that the projects being considered by the Maine Housing Authority for use of \$74,081, Section 236, interest subsidy for fiscal 1971, 66 one-bedroom units, 30 two-bedroom units, 5 three-bedroom units, a total of 101 units at a cost of \$1,481,620. Now, the cost per unit would be \$14,670, and each 733 of subsidy would produce a living unit.

The PRESIDENT: The Chair would inform the Senate that if the motion to recede and concur is accepted by the Senate then the Senate would be accepting the bill as passed to be engrossed by the House, as amended by House Amendment "A" and House Amendment "B" as amended by House Amendment "A" thereto.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I wonder if the maker of the motion would withdraw it and make a motion to insist and join in a committee of conference.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As I understand it from the Chair's ruling, if the Senate recedes and concurs we will be in agreement with the bill as recently amended by the other branch, and this would mean that the only loans that could be made would those exclusively for housing projects which would be either insured, guaranteed or assisted by the federal government, and we will not be pledging the full faith and credit of the State of Maine. So, on that basis, I would not wish to withdraw the motion.

It seems to me this removes every possible objection which had previously been made to this, and it would enable us to get some construction going here in the State of Maine and begin employing Maine people. If we look at the unemployment rolls, we certainly need it, and we certainly need the housing which could be built. So

I would not wish to withdraw this motion for that reason.

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

Mr. BERRY of Cumberland: Mr. President, in view of the statement by Senator Harding of Aroostook, I must oppose the motion and hope that we would defeat it and help keep the bill alive by eventually joining in a committee of conference. I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have heard some debate in favor of this bill here this morning, and the debate that I have heard for the bill seems logical and it makes sense. I have heard a few people speak against the motion of Senator Harding from Aroostook, and no explanation of their reasoning has been placed before us, so I don't know really what the opponents have against this bill at this point. There should be some logical reason or arguments opposing this bill rather than just opposing it for the sake of opposition.

Now, when we debated this bill before this body last week there were some objections and questions raised as to the credit of the State of Maine being pledged in these matters. There is no doubt that under the House Amendment, H-446, the faith and credit of the State of Maine is not pledged on any of these loans. If you have examined that amendment, it is very simple. It goes on to say that such loans as shall be made hereunder shall be made exclusively for housing projects which shall either be insured, guaranteed or assisted by the federal government, and shall not, I repeat, shall not pledge the faith and credit of the State of Maine.

It seems to me that if this is enabling legislation to permit some of our people in the State of Maine to obtain funds to build a home, with the exclusion of their having to apply to three banks in the area, I don't see how we are going to interfere with that provision and

I don't see how we are going to interfere with the financial institutions of the State of Maine. It certainly removes every doubt in my mind that we are going to compete with these banks.

I certainly feel that there is a need for this legislation. There are many families in the State of Maine that are not able to get money from our financial institutions to build homes. And here is an area, under a Nixon Administration bill, under the HUD program, where they are making funds available to the State of Maine, to the people of the State of Maine, to assist them to build homes rather than living in some of these tenements, as you have witnessed this winter by the various bills, with the poor conditions in tenements which we have in the State of Maine. Here we have an opportunity to help some of the people that perhaps aren't as fortunate as others to build homes for themselves and their families and to raise them to the dignity that is worthy of man. I certainly hope you will support Senator Harding's motion and pass this bill to bring some benefits to some people of the State of Maine who are otherwise deprived. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Of course, the matter has been debated and Senator Tanous said so in his subsequent remarks. It is probably not always necessary to repeat the debate that we had.

I find, of course, that the amendment does absolutely nothing, so we are talking about the original bill. And Senator Tanous made the very cogent comment when he said that what would be the objection to financing through the State Housing Authority any loan that is guaranteed by the federal government or any agency thereof. I say to you: what is the need of financing by the State Housing Authority if a loan is guaranteed by the federal government. There isn't any. There isn't a financial institution in the state that isn't very happy to loan a mortgage

when it is guaranteed by the federal government.

It seems to me that if we do want to keep this thing moving and straighten it out that it should go to a committee of conference, and I still oppose the motion as made by Senator Harding.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think there is an answer to the Senator from Cumberland, Senator Berry. I think there is a very, very good reason why possibly banks are not interested in picking up these loans even if they are insured.

I know in my county and in my own part of the state that for many, many years the Veterans Administration has loaned to veterans, and again the first provision is that you have to be refused by the regular banking institutions. These loans are guaranteed, and our banks don't accept them. There are the same provisions under the Farmers Home Administration Loans and the banks don't accept them, even if they are fully guaranteed. There is a very, very valid reason for that, and even under this there is.

We see today a tremendous increase in the number of mobile homes coming into the state to take care of people's housing needs. Now, what I am going to say here I want very clearly understood. I think the banks would rather loan on mobile homes under time sales contracts than make regular real estate loans because they get a higher return on their money. I am not standing here and indicting or criticizing our banking institutions, not at all, but I think this is the reason why so many of our banks are not interested in picking up housing loans, because they can do better on time sales contracts. They make these loans for mobile housing, and they are coming into the state by the hundreds every month to take care of the needs that people have for housing because, for various reasons, they are not able to get loans to build standard homes. And our financial institutions, I think,

would much rather pick these up under time sales contracts than they would making standard real estate loans where the rate of interest is restricted. I think this basically is one of the reasons, and I think this is the reason I would give in answer to the Senator from Cumberland, Senator Berry, as to why the banks are not picking these up.

As I say, I am not standing here being critical about banks; I am just stating a fact as it exists, that I think we ought to provide other opportunities for people to have standard housing loans if they desire to do so. I think this is one instance where we can create an avenue to provide it if our banks are not interested in making that loan. So, for that reason, I hope we would agree with the other branch and would recede and concur.

Certainly here the Housing Authority would not go outside of the area where these housing loans are guaranteed or insured by federal government policies, and I think this places them on a sound financial basis and will provide additional monies to put into the housing situation.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Last Friday afternoon I checked with two savings banks in Cumberland County and three savings and loan companies, because what I heard here from Senator Harding and from Senator Violette that the banks didn't have the money, well, the information I got is that they have plenty of money. In fact, they never had so much money available as there is today.

You have heard it said here many times that it must be refused by three different banks. If you are of substantial character, have a job and everything, and you can prove that you pay this off, believe me, the banks and the savings and loan companies are in competition with each other to get your mortgage. Under this here, if three savings banks or savings and loan institutions have turned them down, do you think it would be

a good risk for the state to pick it up? That is the only question I have that you should think about. After three banks have turned them down, do you think that the taxpayers in the State of Maine and the State of Maine should take that mortgage?

Another thing you better consider is that if we get a few thousand mortgages here, and as you well know because we have heard enough of it through the debate on landlords here this year, somebody has to take care of these, refurbish them and get them back on the market again, and I can visualize that we will have a department here that really will be something to be proud of.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think we also ought to be completely fair on this matter. I think another reason why some of our banks may not be willing to go into these loans is that they normally require some equity provision on the part of the borrower.

Now, the Veterans Administration, the Farmers Home Administration, and other federal loaning agencies are willing to loan on 100 per cent of the value of the property. I think this makes a very, very big difference whereas many of our banks, from where they stand, I think it is very, very difficult for them, and I am not criticizing them at all, in their taking a position where you have got to have a substantial amount of equity to throw into the housing loan if they will make the loan. I think probably if I were a banker, and being charged probably with the handling of other people's money that I probably would also have to take that position, so I am not critical at all of our banks in requiring that. However, this does mean that many, many people who cannot come up with the equity money that they request are unable to work out the housing loan.

As I say, the FHA, the Farmers Home Administration, and the VA will loan to 100 per cent of the appraised value of the property.

And as I said last week when we debated this here, even when these agencies have loaned at 100 per cent of the appraised valuation, their loss ratio has been extremely low. It has proven that with their screening programs, their screening of the people that they loan to, if they cannot work out the loan then they do not make it. But even by loaning at 100 per cent of the appraised valuation of the property their loss ratio has been exceedingly low, very, very low, and they have been very, very successful. I think this is another reason why this type of loan is beneficial for many people who cannot meet standard banking requirements.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: We are discussing again the 236 program of HUD, and I think that really we should make it clear exactly as to what the 236 program is in housing.

If any of the Senators have visited Portland in the last several years, they will have noticed that Portland has become the stomping ground for public housing for the state. Actually we have over 1500 units right now of public housing. Now, what this 236 HUD program does, in a sense, is really put public housing out of business. We all know, at least I know from my dealing with public housing, that what it does is establishes sort of a ghetto within a community. When you start building 200 units or 200 dwellings of public housing, you are just creating another problem for yourselves in future years.

Now, this 236 program that HUD has, and what we are talking about this morning, eliminates that problem. What it does is that it generally is a multi-structure of 200 or 300 units, and you can integrate this by different classes of people, by the elderly, by middle income and by low income. Not only that, but it also makes available to the people, up to 40 per cent of the total occupancy, rental subsidies from the federal government, which is going to be a shot in the arm to many of these people

who cannot afford the rents that are being asked today.

When you get public housing, and as I stated we have over 1500 units in Portland, the most that municipality can derive in taxes is 10 per cent of the net total income on that development. Under the 236 program you assess that building just as you would any other building, and it pays back to that municipality or town the regular tax rate that you and I pay on our house.

If we are going to try to do something to solve the housing crisis in Maine, then I suggest that this is one of the first steps that we can take. The Maine Housing Authority doesn't have the right to go into any municipality where there is already established a housing authority unless they are invited in by that authority. However, they can put in reservation through HUD so many units of 236 and 235 housing throughout the state and allot them to those municipalities or towns that want to get into the business of building these things. So I think it is really being very, very farsighted for us today not to accept this program as it is now and, seeing that the main objections that were debated last week have been eliminated by the House Amendments, I hope that the motion to recede and concur would be sustained.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate recede and concur with the House. As many Senators as are in favor of the motion to recede and concur will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act to Authorize the Construction of a Toll Bridge across the Kennebec River between the Municipalities of Waterville

and Winslow." (H. P. 753) (L. D. 1022)

In the Senate June 7, 1971, Passed to be Engrossed as Amended by House Amendment "A" (H-395) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" and "C" (H-452), in non-concurrence.

Thereupon, on motion by Mr. Levine of Kennebec, the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

Joint Order

ORDERED, the Senate concurring, that the State Department of Health and Welfare and Bureau of Taxation be authorized and directed to review the Bill: "An Act to Relieve Certain Permanently Handicapped Persons of a Portion of the Property Tax or Rental Burdens." House Paper 242, Legislative Document 323, introduced at the regular session of the 105th Legislature to determine what the estimated cost would be to implement such legislation either in its present form or as a new draft; and be it further

ORDERED, that the said bill or new draft, along with cost estimates requested herein be presented on the part of such agencies to the Joint Standing Committee of the Legislature on Taxation at the next regular session of the Legislature; and be it further

ORDERED, upon joint passage, that copies of this Order be transmitted forthwith to said department and bureau as notice of this request.

(H. P. 1406)

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 11, 1971

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

Sir:

The House today voted to adhere to its action of June 4 whereby Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws" (H. P. 960) (L. D. 1321) was indefinitely postponed in non-concurrence.

Respectfully,

Signed:

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

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

June 11, 1971

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

Sir:

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

Bill, "An Act relating to, Definition of Theft by One Renting or Trusted with Property" (H. P. 963) (L. D. 1324)

Messrs. LEE of Albion
HEWES of Cape Elizabeth
HENLEY of Norway

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

Messrs. ROSS of Bath
BRAGDON of Perham
CYR of Madawaska

Respectfully,

Signed:

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42), the President appointed on the part of the Senate the following conferees:

Senators:

KATZ of Kennebec
FORTIER of Oxford
SHUTE of Franklin.

Committee Reports House

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

Bill, "An Act Imposing Tax on Cigars and Tobacco Products." (H. P. 863) (L. D. 1192)

Bill, "An Act Relating to Forest Land Taxation." (H. P. 1194) (L. D. 1666)

Leave to Withdraw Covered by Other Legislation

The Committee on Taxation on, Bill, "An Act Providing Rental Relief for the Elderly." (H. P. 921) (L. D. 1273)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Property Tax Relief for the Elderly." (H. P. 1132) (L. D. 1560)

Reported that the same Ought Not to Pass, covered by other legislation.

Signed:

Senators:

WYMAN of Washington
HICHENS of York

Representatives:

COTTRELL of Portland
McCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
ROSS of Bath
MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo

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

Signed:

Senator:

FORTIER of Oxford

Representative:

FINEMORE

of Bridgewater

Comes from the House, the Majority Ought Not to Pass, Covered

by Other Legislation report Read and Accepted.

Which reports were Read.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: In view of the fact that we have quite a number of bills concerning this subject here, in this particular one there are certain features which are not in any of the others, and one that I would like to mention in passing is that it is the only bill that guarantees that elderly people shall not be evicted from their homes for non-payment of taxes. In view of that fact, I would appreciate it if somebody would table this for two legislative days so that we may have an opportunity to dispose of the others before we finally put this one to rest.

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

Thereupon, on motion by Mr. Marcotte of York, tabled and specially assigned for June 16, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to Water Quality Standards." (H. P. 971) (L. D. 1331)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-413).

Signed:

Senators:

SCHULTEN of Sagadahoc
GRAHAM of Cumberland

Representatives:

KILROY of Portland
MacLEOD of Bar Harbor
CUMMINGS of Newport
BROWN of York
SMITH of Waterville
WHITSON of Portland

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

CURRAN of Bangor

HERRICK of Harmony
HARDY of Hope
AULT of Wayne

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Indefinitely Postponed.

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens." (H. P. 1193) (L. D. 1663)

Reported that the same Ought Not to Pass, Covered by Other Legislation.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

ROSS of Bath
FINEMORE

of Bridgewater

MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-447).

Signed:

Representatives:

DRIGOTAS of Auburn
DAM of Skowhegan
McCLOSKEY of Bangor
COTTRELL of Portland
CYR of Madawaska

Comes from the House, the Majority Ought Not to Pass, Covered by Other Legislation Report Read and Accepted.

Which reports were Read.

Mr. Marcotte of York moved that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

Mr. Hichens of York then requested a division on the motion.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Marcotte of York to Accept the Minority Ought to Pass as Amended Report of the Committee.

Senate

Ought to Pass in New Draft

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to a Department of Consumer Protection." (S. P. 497) (L. D. 1458)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 637) (L. D. 1830)

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This particular bill and the following two are the drafts of the reorganization of state government. There was a question raised this morning about classified service employees. These bills do not remove anyone presently under classified service.

There may be one amendment to one of the bills in the other body on a short area that we have got to delete from one of the bills but, as near as we can figure out, it answers everyone's questions. We think perhaps we will have a caucus on this later on just to inform everyone, but we would like to move these bills and get them going.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this is an extremely important and significant occasion on the introduction of the first reports of governmental reorganization from the State Government Committee. There has been a great deal of work put into these bills, they have been changed, modified, and put in what the committee feels are extremely practical forms for administration.

I think it should be pointed out that it is impossible and improper to specify word by word and item by item exactly how a reorganization proposal can be put into effect

and this cannot, as I say, and should not be done.

It has been proposed, with a great deal of justice, that the State Government, or a similar constituted committee, be kept in existence to work in the promulgation of rules, regulations and changes in the state government structure while this work is under way between now and the next special session in January. In other words, there would be a group representing the legislature which would work very closely with the executive branch and the departments in bringing about the proposals outlined in these several documents. It seems to me it is workable, it is practical, and I think that without any question it is going to result in a decrease in expense over the future of state government.

I would hope that we would be free to criticize and to make constructive suggestions on any of the several bills. They may not be perfect, and if they were it would be an accident, I am sure. But in this spirit, I hope we would move these bills forward and everybody would feel free to voice any suggestions at all that can be incorporated in them.

I think that the State Government Chairman, Senator Johnson, and all the members of his committee are to be congratulated for the outstanding work that has been done. This has been a non-partisan effort that received the cooperation of the Governor and his agencies, the departments, and the members of the legislature who have worked, in addition to Senator Johnson's Committee, and it certainly, in my opinion, is a memorable day in the history of the state to see this starting off.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Let me say that as I view these bills, and I really have not had the time to read them, there is a considerable redraft, as I can see, but let me say that I think this is a very, very good step forward in a move by our state to reorganize and restructure our state government. I think if any-

body a month ago wanted to lay some money on what would have been the prospect of enacting some legislation at this session with regards to governmental reorganization that the odds would have been fairly long. But we see here today three bills on governmental reorganization and, as I understand it, all of them will be out within the next day.

I join the Majority Leader in expressing my appreciation to the action of the Legislature, at least to this date, with regard to engaging ourselves to this vitally important task of governmental reorganization. Certainly if we are going to be able to continue giving the best services that our state can give to our people, and at the same time trying to control the expanding costs of our state government, that this reorganization is the only logical step to follow.

Of course, I think we should not kid ourselves. This is the introduction, and it is highly important, but I am hopeful that this legislation and all these bills will become enacted. If they do, then we will have launched or made a commitment to governmental reorganization. I guess like anything else, the initial step is the first step, and the hard work lies ahead. There is a tremendous amount of work which will have to be done to work out the total structures of each of these various departments, but I think that if the same degree of cooperation and the same degree of attitude of willingness on the part of all of our legislators here to move ahead in the area of reorganization, if that same attitude that is resulting in seeing these bills before us today continues after we have enacted them, then we certainly can come forward and enact meaningful legislation with regard to governmental reorganization.

Let me just say that on behalf of myself and certainly my own party that I am extremely gratified at the bipartisan approach which has been taken in this area, and I hope this will continue on to enactment of all of these bills, and then continue on toward working out the mechanics which will implement this legisla-

tion. I hope all of these reorganization bills will receive enactment.

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

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

Under suspension of the rules, the bill was then given its Second Reading and Passed to be Engrossed.

Whereupon, under further suspension of the rules, sent down forthwith for concurrence.

Mr. Johnson for the Committee on State Government on, Bill, "An Act to Create the Department of Environmental Protection." (S. P. 498) (L. D. 1459)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 638) (L. D. 1831)

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to the Department of Agriculture." (S. P. 492) (L. D. 1500)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 639) (L. D. 1832)

Which reports were Read and Accepted and the Bills in New Draft Read Once.

Under suspension of the rules, the Bills were then given their Second Reading and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court. (S. P. 392) (L. D. 1170)

Ask leave to report: That the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "A", and indefinitely postponed same; adopt Conference Committee Amendment "A" sub-

mitted herewith; and Pass the Bill to be Engrossed, as Amended by Conference Committee Amendment "A" (S-271); that the House recede and concur with the Senate.

On the part of the Senate:

TANOUS of Penobscot

HARDING of Aroostook

CLIFFORD

of Androscoggin

On the part of the House:

CARRIER of Westbrook

HENLEY of Norway

PAGE of Fryeburg

Which report was Read and Accepted.

The Senate then voted to Recede from its prior action whereby the Bill was Passed to be Engrossed and, further, to Recede from its action whereby Committee Amendment "A" was Adopted. Subsequently, Committee Amendment "A" was Indefinitely Postponed.

Thereupon, Conference Committee Amendment "A", Filing No. S-271, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 4) (L. D. 18)

Ask leave to report: that they are unable to agree.

On the part of the Senate:

KATZ of Kennebec

JOHNSON of Somerset

KELLAM of Cumberland

On the part of the House:

LEBEL of Van Buren

McNALLY of Ellsworth

DUDLEY of Enfield

Which report was Read and Accepted.

Sent down for concurrence.

Final Reports

The Joint Standing Committee on County Government submitted its Final Report.

The Joint Standing Committee on Natural Resources submitted its Final Report.

Which were 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 Amend Biennial Elections of Penobscot Tribe of Indians." (H. P. 1399) (L. D. 1816)

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

Senate

Bill, "An Act Creating the Municipal Assessment Appeals Board." (S. P. 630) (L. D. 1818)

Bill, "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)

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

Resolve, to Apportion Representatives to Congress.

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

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

Under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

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

(On motion by Mr. Harding of Aroostook, temporarily set aside.)

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

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

An Act Relating to Applicability of Workmen's Compensation to Employers of One or More Employees. (H. P. 601) (L. D. 803)

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

Which, except for the matter set aside, were Passed to be Enacted

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

The President laid before the Senate the matter previously set aside by Mr. Harding of Aroostook:

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

Pending — Enactment

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I do not rise to oppose this bill; I rise to support it. As a little background on this, I remember one of the chaplains that prayed for us here asked us to put aside paralyzing partisanship. I think has been very well done overall, and just recently one of the acting chaplains was very eloquent in asking us to be guided by love and not by hate in what we do here. Well it happened as a coincidence that I was with the sponsor of this bill at a restaurant and one of the members of the younger generation was telling us how there was a generation gap, and that the younger generation is guided more by love than by competition and hate, and she recited a poem which was very touching to me and which I think is maybe applicable to this bill here in some ways. On sitting beside my seatmate, I have recognized the very wonderful qualities in him, and one is the act of being able to memorize things, and I asked him today if he thought he could recall this very moving poem which this young lady recited. He tells me that perhaps he can. So, at this time I would yield to the good Senator from Cumberland, Senator Conley.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to congratulate the Judiciary Committee for revising the bill that we are currently discussing. I know that the original bill would have been a very, very difficult bill to have passed because of the fact that Maine has for years lacked the

facilities to properly treat alcoholics, but I found in the time before the Judiciary Committee that they are a compassionate lot. There is a strong feeling of love within them and it kind of ties in, as the good Senator from Aroostook, Senator Harding, has stated, to what the young lady said the other evening. I believe the little jewel went something like this:

There is a wonderful love of a beautiful maid for the love of a staunch true man,

And the love of a baby unafraid has existed since time began.

But the truest love, the greatest love, far greater than that of a mother,

Is the tender, passionate, infinite love of one drunken bum for another.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I certainly am not prepared to recite such poetry. I do have a question that I would like to ask of any member of the Judiciary Committee. I would like to read part of the last section, which says: "After such release the arresting officer or the officer in charge may, with the written consent of the accused, make such arrangements to transport the accused to his home or some other suitable place as may be reasonable under the circumstances." I would like to pose a question: if this would permit a person, who has been apprehended, when he is released if he could ask and receive free transportation, say, from Maine to California?

The PRESIDENT: Is the Senate ready for the question?

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

Emergency

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971. (S. P. 625) (L. D. 1807)

This being an emergency measure and having received the affirmative votes of 28 members of

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

Emergency

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)

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

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$3,090,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports and Maintenance Building at Augusta. (H. P. 176) (L. D. 234)

(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:

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

Tabled — June 11, 1971 by Senator Tanous of Penobscot.

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

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

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

Tabled — June 11, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Under suspension of the rules, sent down forthwith for concurrence.

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

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

Tabled — June 11, 1971 by Senator Hichens of York.

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

The Senate then voted to reconsider its action whereby the Bill was Passed to be Engrossed.

Mr. Johnson of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-261, was Read.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This amendment now will allow more than forty percent of cutting along the roadside, providing a state forester approves it or a private forester approves it with the approval of the State Department of Forestry.

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

Thereupon, on motion by Mr. Schulten of Sagadahoc, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

The President laid before the Senate the fourth 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 11, 1971 by Senator Berry of Cumberland.

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

The President laid before the Senate the fifth 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 11, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, I had hoped that I would have an amendment for this ready this morning, and I think we are going to meet this afternoon, so I wonder if someone might table this until that time.

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

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

The President laid before the Senate the sixth tabled and specially assigned 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 Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

Tabled — June 11, 1971 by Senator Levine of Kennebec.

Pending — Motion by Senator Katz of Kennebec to Recede from Engrossing.

On motion by Mr. Harding of Aroostook, retabled until later in today's session, pending the motion by Mr. Katz of Kennebec to Recede.

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

Bill, "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land

Acquisition." (S. P. 129) (L. D. 376)

Tabled — June 11, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Berry of Cumberland to Reconsider Action Whereby Senate Receded and Concurred.

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

Mr. SEWALL of Penobscot: Mr. President a parliamentary inquiry: Is the bill in proper position to be amended at this stage?

The PRESIDENT: The Chair would inform the Senator not until the Senate reconsiders action whereby the Senate receded and concurred with the House.

Is it now the pleasure of the Senate that the Senate reconsider its action whereby it receded and concurred with the House.

The motion prevailed.

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

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A" and subsequently Committee Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Accepted the Ought to Pass as Amended Report "B" of the Committee.

The same Senator then moved that the Senate Accept Report "A" of the Committee.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I have been looking over the amendment that the good Senator, the very powerful Chairman of the Appropriations Committee, is about to put forward. The motion that was before the Senate, as I understood it, was to reconsider our action whereby we receded and concurred with the House. Does that presently leave us with two reports?

The PRESIDENT: The motion that the Senate reconsider its

action whereby it receded and concurred with the House prevailed in the Senate. The Senator from Penobscot, Senator Sewall, offered Senate Amendment "A" to Legislative Document 802, which is Report "A", one of the three reports of the committee. Before that could be offered to the Bill, Report "A" had to be before the Senate, so the Chair put the motion from the Senator from Penobscot, Senator Sewall, that the Senate accept Report "A" on Legislative Document 376.

Mr. CONLEY: Mr. President, hasn't the other body accepted Report "A"?

The PRESIDENT: The Senator is correct.

Mr. CONLEY: Then the Senate moved to recede and concur with the other body?

The PRESIDENT: The Senator is correct.

Mr. CONLEY: Didn't we just reconsider that now?

The PRESIDENT: The Senator is still correct. We reconsidered our action whereby we receded and concurred with the House. If the Senate receded and concurred with the House, no amendment could have been offered and the bill would have been passed to be engrossed.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, at the proper time I would like to say just a couple of words of explanation on this amendment.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass in New Draft Report "A" of the Committee?

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

The PRESIDENT: Is it now the pleasure that under suspension of the rules this bill be given its second reading at this time?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, has Senate Amendment "A" been adopted?

The PRESIDENT: The Chair would answer in the negative, the Amendment may not be offered

until the bill is given its second reading and it is up for passage to be engrossed.

Mr. VIOLETTE: You have now moved for second reading?

The PRESIDENT: The Chair asked the Senate if they wanted to suspend the rules and give the bill its second reading at this time.

Mr. VIOLETTE: And then the amendment will be offered, I assume.

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mrh President and Members of the Senate: I presume that the good Senator is going to make some explanation prior to offering his amendment. I hate to see the rules be suspended for the purpose of taking this amendment that he has here and tagging it on. I would just like to have some sort of explanation as to why the change in priority listing as far as the \$1.3 million is concerned.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: If the members of the Senate would read the statement of fact, the statement of intent, on the amendment, it states quite clearly what the purpose of the amendment is. But, in a very few words, I would say that this amendment was a result of a trustee's meeting which was held only last week, and when they finally knew the amount of money that would be made available to them, or possibly available to them, in the amount of \$1.3 million, they then looked over and reviewed their priority list and this amendment is a result of this meeting.

So that it reallocates money in two areas: for a library construction, which they deem very important and that heretofore, not knowing what exact amount of money would be made available to them for construction, they had deferred action on. So, this is the purpose of the amendment, and it is the University of Maine Trustees' priorities.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be given its second reading at this time?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, a parliamentary inquiry: Did the other body accept this House Amendment, H-442?

The PRESIDENT: The amendment was offered and then withdrawn.

The chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It seems to me that we are interfering here with priorities. While I agree that the trustees have changed their priorities, it seems to me that there may be a lot more here than meets the eye. I see no reason why we are now shifting a \$125,000 from the southern part of the state to the northern part of the state. I see within the Portland-Gorham area sixty percent of the residents of the State of Maine living within commuting distance. It seems to me that unless there is a lot more cogent argument given that the rules should not be suspended.

The PRESIDENT: What time does the Senate assign for the second reading of this bill?

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(Senate in Recess)

Called to order by the President:

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

Papers From the House

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is directed to report out a bill relating to the organization of the Department of the Secretary of State.

(H. P. 1413)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports House

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Increasing Tax on Beer." (H. P. 245) (L. D. 326)

Reports that the same Ought to Pass in New Draft Under Same Title. (H. P. 1408) (L. D. 1826)

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

FINEMORE
of Bridgewater
COLLINS of Caribou
MORRELL of Brunswick
ROSS of Bath
CYR of Madawaska
TRASK of Milo

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

Signed:

Representatives:

DRIGOTAS of Auburn
DAM of Skowhegan
McCLOSKEY of Bangor
COTTRELL of Portland

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

Which reports were Read.

Mr. Hichens of York moved that the Majority Ought to Pass in New Draft Report of the Committee be Accepted.

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 the motion. I think we ought to accept the Ought Not to Pass Report. I think this is a little late in the game to be bringing out new programs and new taxes. We have been attempting to keep our state expenditures at a low level, so I hope you vote against the motion.

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

Mr. HICHENS of York: Mr.

President and Members of the Senate: A few weeks ago included, as a means of supporting the Part II Budget, a tax on beer was recommended, along with a wild-lands tax and a cigarette tax. Suddenly, it was eliminated from the Appropriations' program for this Part II Budget. With that included originally we would have had \$1½ million for personal L.D.'s. Now, with that excluded, it drops to about \$700,000 for personal L.D.'s.

In glancing over the paper I have of all these L.D.s which are on the Appropriations Table, I find that there is almost \$8 million needed. In other words, all of these L.D.'s, which are very dear to each one of us personally, almost everyone in the Senate and many members of the other body have L.D.'s which are important to them, are going down the drain. You have one chance out of 10,000 to get a dollar for your L.D.

I haven't had a chance to go down over the list because this bill came back to us very rapidly after being debated in the other body this morning, but among these L.D.'s which will be going down the drain is the rehabilitation of alcoholics, assistance to war orphans securing higher education, increasing the number of Superior Court Judges, benefit to widows of coastal wardens, the Shalom House in Portland, services for handicapped persons, rehab. centers, the regional facility up in Aroostook County, and I can go on for quite a while reading down the list. I think it is a very important issue that we have this afternoon to turn down this opportunity to raise money to take care of these L.D.'s, so I would ask you to support my motion.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This was discussed rather thoroughly in committee, and the feeling is very much as the good Senator from York, Senator Hichens, has expressed it. If we are not to have this bill there will be very little for L.D.'s, and many worthwhile L.D.'s will go down the drain as a result.

The bill originally, if I recall correctly, was written for thirty cents a gallon, and then it was reduced to ten. I felt that was too high, but the committee members seemed very strong for ten cents a gallon.

If the legislature will accept the Ought to Pass Committee Report I certainly will be glad to offer an amendment to reduce this to five cents a gallon. It does seem that beer could stand a one cent a quart increase in tax in order to take care of some of these more worthwhile L.D.'s, and I certainly hope that we will accept the Ought to Pass Committee Report. I would be very glad to offer an amendment, in that case, to reduce the proposed tax from ten cents a gallon to five cents a gallon, which is approximately one cent a quart.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Increasing Tax on Beer."

As many Senators as are in favor of accepting the Majority Ought 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. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

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

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side whereby the Senate accepted the Ought Not to Pass Report of the Committee, I move reconsideration of this item and hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Increasing Tax on Beer." 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 did not prevail.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Expanding the Coverage of the Workmen's Compensation Law." (H. P. 1161) L. D. 1607)

Reports that the same Ought to Pass in New Draft Under New Title: "An Act to Remedy Omissions in the Workmen's Compensation Law" (H. P. 1404) (L. D. 1824)

Signed:

Senators:

TANOUS of Penobscot
MARCOTTE of York
LEVINE of Kennebec

Representatives:

SIMPSON of Millinocket
GENEST of Waterville
GOOD of Westfield
McTEAGUE of Brunswick
ROLLINS of Dixfield
BUSTIN of Augusta
BEDARD of Saco

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

Signed:

Representatives:

LEE of Albion
LINCOLN of Bethel
KELLEY of Machias

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

Which reports were Read, the Majority Ought to Pass in New Draft Report of the Committee accepted in concurrence and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules, the Bill was given its second Reading and Passed to be Engrossed in concurrence.

Under further suspension of the rules sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Create the Office of

Ombudsman." (H. P. 139) (L. D. 194)

Reports that the same Ought to Pass in New Draft Under New Title: "An Act Establishing the Office Of Legislative Liaison" (H. P. 1405) (L. D. 1825)

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington

Representatives:

STILLINGS of Berwick
DONAGHY of Lubeck
GOODWIN of Bath
HANSON of Gardiner
HODGDON of Kittery
CURTIS of Orono
STARBIRD
of Old Orchard Beach
FARRINGTON
of Old Orchard Beach
COONEY of Webster
MARSTALLER
of Freeport

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

Signed:

Senator:

CLIFFORD

of Androscoggin
Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I can see from the report here that the good Senator from Androscoggin, Senator Clifford, was the only minority signer on this particular bill.

The committee put a lot of effort and time on the original bill which was to create the office of ombudsman. Apparently there is only one state which has such a bill, as near as we could figure out, and that was Hawaii, I think. But then on the other hand, we felt that as legislators down here we do have a problem. We come down

here, and we get calls from many people when we get home. They want to know what happened to their license here, or how do they get a fish and game license or a snowmobile license, or that the Highway Department ruined my well and can you have it checked out. I get home nights and there is always four or five calls when I am down here. But then when I am not here I still get the calls, and the purpose of this is to have a man down here, or a person with a girl, the way it is set up. And it has an appropriation on it, which looks kind of rough now- Senator Clifford might win this one after all - but it would set up a person down here who would handle all these little things, these little details that we have got to handle because we are elected representatives of these people. They don't know where to go or how to go, and they figure we do, and we try to do the best we can. In this case it will give us a little more time to do some of the other more important things rather than being an errand boy, and that is just what this bill does, so I would oppose the motion and ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: The thing that I dislike most about this bill is the part under Section 183, subsection 3, and that is entitled "Public Relations". It says: "He shall serve as public relations officer of the Maine Legislature by conveying information regarding activities of the legislature to the people of the state via various news media."

Now, I think we are dreaming. If some person, some staff, or some group of people is going to handle the public relations for 183 people, I am sure that whoever is going to be able to work for all of the members of the Senate and all of the various members of the House to get to the various news media the bills and the second readings of each bill that somebody is interested in, I just

think it is going to drive someone crazy. I think we are dreaming if this is going to be one of his duties. It just doesn't make much sense to me.

As far as the errands are concerned, I get an occasional call to do a favor for someone and I do it the best I can. If I can't do it, I will tell the person that I can't. I just think we are creating by this bill another agency that is going to grow like Topsy, and within four or six years from now it will probably be the biggest part of our state government. We have gotten along these many years without it, and I think probably we can go for a few more without having it.

I haven't been overburdened by my constituents getting me to be an errand boy, maybe I haven't been here long enough, but I just think we are creating a monster if we let this thing go.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rose solely in my capacity as a Senator from District 24. If I have seen a transformation of what started out to be an officer, to be a spokesman, or a go-between for the public with regards to governmental agencies, this is a complete shift around.

Everybody knows what an ombudsman is. I don't intend to give you an exact definition, but he is a man who is a trouble shooter for the public, who stands between the public and the governmental agencies, and he is, in effect, a representative of the public with regard to problems that people have with governmental agencies and the troubles that they run into, either from unreasonable actions on the part of governmental departments as they affect him, or problems he may have in getting information or action, or whatever it may be, from his government. He is, in effect, totally a representative of the public with regard to their problems with the government.

Now, as we look at this here, this fellow becomes an agent of the legislature and is tied completely to the Legislative Research

Committee. I have no objection to that if that is the way we want to put it, but I think we ought to be frank enough so that this is the way we ought to put it out.

I read one section here with regard to citizen liaison. He will receive, he will investigate, he will process, he will make appropriate recommendations regarding any citizen inquiry or complaint received by the committee — that is the Legislative Research Committee — or submitted to the liaison officer by a member of the legislature in accordance with procedures that may be established by the Legislative Research Committee, provided such activity of the officer is within the authority of the Legislative Research Committee. Now, this man is completely a servant of the Legislative Research Committee, and not a servant of the public.

As I say, if we are going to put this man out as being a representative of the public with regard to the ordinary citizen's problem with his government, and to see what this man can do to help individual citizens with their problems with their government, why this is a complete departure from any such step, and on that basis I will oppose the bill. If we want to come forward here and say that we are appointing an officer of the Legislative Research Committee to assist that committee with its work and to do some other work, well, all right. But if we are going to put this out here as this man being a representative of the public, why, I don't see the connection with what started out to be a so-called agent of the public relative to his government. This is a complete turn-around, and I don't see why I should support this bill on that basis.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This bill originally was an act to create the office of ombudsman, and there is no doubt in my mind that it would have come out unanimously Ought Not to Pass. But at the same time, and it was when we were going through those heavy

discussions of giving the legislature some help so that they could do their other work, which is probably a hundred times more important, we used this bill and put it out here in new draft, "An Act Establishing the Office of Legislative Liaison."

Now, the only objection I can see really to the bill would possibly be that public relations bit that Senator Clifford is objecting to, and if you would like to have that amended out so it would be more palatable, that would be all right. But we have tried to do something here that no one in this legislature has tried to do, except perhaps the good Senator from Kennebec, Senator Katz and Senator Harding from Aroostook, to get some more help for the legislature. This is one small area where it would take a lot off my shoulders, as one person. Of course, Senator Clifford has only been here for one term, but after he is down here for his tenth term everybody in Lewiston is going to know he is here and everyone is going to be calling him up, and he will wish he had this particular gentleman to follow through on these little dibs and dabs that take so much time.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Like Senator Violette, I will speak as a Senator from good old District 8, and not from my position as Floor Leader. I don't exactly go along with taking a vehicle and turning it completely around and using it for another purpose, however, I would be less than fair if I did not support any bill which is going to increase the effectiveness of the legislature, which this one will.

I see several things in here that I too don't like, but I would support the bill, at least to the point where it could be amended, and if this can be straightened out I would support the bill. If not, I would oppose it.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I will have to go along

with the Senator from Androscoggin, Senator Clifford. This is just creating another bureau, and I know very well that it will snowball. You want to realize that there will be costly office space and costly furniture, and it certainly will snowball in personnel in a few years, so I am definitely opposed to it.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel that if we have any extra money to spend that we can put this additional personnel within the office of the Director of Legislative Research.

It appears from reading portions of this bill that these two people, or these people who would have these duties to perform, would have to be very supernatural, perhaps like Lamont Cranston and Margo Lane. They are the only two that I know who could be everywhere doing everything such as this bill calls for. So I would think that perhaps if we have the extra money we should put it within the Legislative Research Office.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It is awfully difficult on one of those rare occasions when a colleague says something nice about me to stand up and oppose the bill. But I don't like No. 3 and No. 4 of the duties for public relations and assigning office space. And we did earlier this month pass a joint order which is directing Legislative Research to look at the entire thing, to look at our staff, our functions, our rules and our procedures, and I think this is probably an area they will get into. I hope they will get into it so they can come back at the special session and tell us specially, in a thoughtful, provocative manner, what we can do to make ourselves more effective. So for the time being I am going to vote against this.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act to Create the Office of Ombudsman." A division has been requested.

As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

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

(On motion by Mr. Hoffses of Knox, Tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement. (S. P. 616) (L. D. 1801)

(On motion by Mr. Harding of Aroostook, temporarily set aside.)

An Act to Revise the Environmental Improvement Commission Laws. (S. P. 623) (L. D. 1806)

An act Revising the Air Pollution Laws. (H. P. 1127) (L. D. 1557)

An Act to Authorize Food Stamp Program. (H. P. 1210) (L. D. 1657)

An Act to Make Municipal Planning Legislation Consistent with Home Rule. (H. P. 1338) (L. D. 1754)

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

An Act Relating to Municipal Regulation of Land Subdivisions. (H. P. 1380) (L. D. 1800)

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

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

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

The President laid before the Senate the matter set aside by Mr. Harding of Aroostook:

An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement. (S. P. 616) (L. D. 1801)

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There was an amendment which by agreement with the banking industry was supposed to have been put on in the other branch, but the bill slipped through without this being attended to, so I was asked to put it on here. The Filing Number is S-269.

The purpose of the amendment is to make a day certain when this bill will go into effect so the banking industry can make their plans accordingly. They pointed out to us that there would be a great deal of difficulty in making the plans if this bill became effective like others, only ninety days after the legislative session. So this seemed a small enough accommodation to them, and it was on this basis that I move that the Senate reconsider its action whereby it passed this bill to be engrossed.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate suspend the rules for the purpose of reconsideration of the Senate's past action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-269 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act to Create the Maine Historic Preservation Commission, (S. P. 159) (L. D. 428).

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

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

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

Senate Amendment "A", Filing No. S-275, was Read and Adopted and the Bill, as Amended, passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Relating to the Regulation of Private Detectives, (S. P. 344) (L. D. 984).

The same Senator then moved that the bill be Passed to be Enacted.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with some reluctance that I oppose the enactment of this bill. I think what this does is remove from the confirmation by the Governor and Council the appointment of detectives and private investigators. I think this is a departure from a sound principle.

I don't have any real objection, I suppose, in the sense that somebody else make the appointments, and in this bill here the Secretary of State would make the appointments, but I think the matter of appointing and confirming by some body certain. Officials in our state

has a great degree of merit. I know that presently private detectives or investigators are nominated by the Governor and have to be confirmed by the Council, and this is some degree of study or consideration which is made to insure that properly qualified people are appointed.

I think under this bill here there is no provision for review. It is on an application, a first-come first-served basis. There is no provision in here for the Secretary of State or somebody else in addition to the Secretary of State to pass on the merits of the people who will be applying.

As I say, I think if there were in this bill some body or other that would pass on these investigations on these applicants and make determinations as to their competence, as to whether they really should be appointed, I personally would not feel that bad about removing the appointive power from the Governor with confirmation by the Council. I do think there should be some check on that by somebody else other than just somebody filing an application and being licensed as a private detective, which is quite a delicate area. So on that basis, I would oppose the enactment of this bill, Mr. President, and request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I rise in opposition to the motion made by Senator Violette. This is a bill that was heard by the Legal Affairs Committee and was reported out of that committee some time ago with a twelve to one vote.

It is fairly comprehensive bill. It has undergone some changes, but I think most of the changes are fair. It was the thinking generally of the committee, and I think in its present form it is a reasonably good bill. It certainly is a vast improvement over the system we have now of appointing detectives within the state.

I think what the purpose of this bill was originally to take it out of politics and put some professionalism into the field of detectives, and I think this is what we have reasonably done. Maybe it is not perfect, but it certainly is a vast improvement over what the law is right now.

If I am not mistaken, I think there are fifty detective licenses which may be issued by the Governor, and I think either four or five of these are presently in use. The rest of them that do have detectives, they are not being used by the people that do have these licenses.

There is nothing in the present law which prevents any person, if they want to become a detective, if they want to hang a shingle outside their house and hold themselves out as detectives, there is nothing to prevent this. This merely puts some regulation into this field which is badly needed and, hopefully, it will put some professionalism into the field so I hope you would vote against the motion made by Senator Violette.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Under this bill that we are discussing here today, it does remove the number of fifty as a limitation on detectives, which is the bill that was written back in 1885, I believe, and it hasn't been changed since. I felt it was time that some reorganization on this should be done.

I was quite interested in what Senator Violette of Aroostook mentioned, that the Governor doesn't want to give up his prerogative on appointing these detectives. In fact, he has informed me of this quite emphatically. But under these reorganization plans that we are passing here and that are coming before us - whether this one has come before us yet or not, I am not sure, but it will be out within a day or so - and this is where the private detectives will go, under the Secretary of State's Office.

I know that when I served on the Executive Council that this was the biggest headache that we had.

Everyone wanted a private detective, but because they wanted to be able to carry a badge that said they were a private detective.

Of course, under the present law, you can have a detective's license for four years for ten dollars. Under this bill, if it should become law, it would cost \$100 a year to be a detective. I think this would take away a lot of the glamour for some of these people who want a detective's license but do not use it.

Within the last few years another service industry has presented itself here in the state, which is a large industry, and that is the Watchguard Service in the stores and whatever. It employs hundreds of people, and most of them are serviced by people from out of the state, from Massachusetts. If you go to Massachusetts in any of these guard services, you pay a fee of \$500. They come down here and they don't pay anything. We don't even know who they are. Under this bill we will know who they are, and they will pay \$500, or whoever the employer is that sends them down. I think it is a good bill and I hope you will support the motion to enact it.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I rise to speak in opposition to this bill. And I would like to assure the good Senator from Cumberland, Senator Moore, that I have no personal animosity toward him, but back in the 102nd Legislature I too shared the same position Senator Moore does because I sponsored a bill very, very similar to this document that we are considering. The remarkable thing was that the Legislature enacted the bill, and the wisdom of the gentleman who sat in the corner office at that time, Governor Reed, put a veto on the bill. I was a little bit upset at the time but, after reading his veto message, and also looking in a little more depth into the situation, I think that the Governor at the time used good judgement.

I think we have got enough wild men running around without licensing them, particularly individuals

who have absolutely no training whatsoever in the field.

I remember at the time that I sponsored the bill back in the 102nd that there was only one particular person who was interested in this legislation, and I am not hardly surprised to find out today that it is the same individual today who is really hoping to see this bill passed.

I think just by the fact that we increase the amount of money from ten dollars a year to a hundred dollars a year doesn't mean that we are going to limit the field to a particular client who can afford a hundred dollars. And this by no means guarantees the citizens of the state that he is going to be an amply qualified individual.

The good Senator from Androscoggin, Senator Clifford, has stated that there are presently fifty, and he feels that only four of these licenses are in use. I would feel really much better today if even those four weren't being used, because I become a little bit leery of these boogiemens who like to be running through hotels and every other thing just to exercise a little power. So, I move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the bill be indefinitely postponed. Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President, I would ask for a division on Senator Conley's motion.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was quite surprised at some of the remarks that the good Senator from Cumberland, Senator Conley, made because one of his closest friends, Sheriff Sharp, the High Sheriff of Cumberland County, I believe he has one of these licenses.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, 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. Six Senators having voted in the affirmative, and twenty-three Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

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

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

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 11, 1971 by Senator Berry of Cumberland.

Pending — Passage.

Which was Passed in concurrence.

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

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

Tabled — June 11, 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 matter tabled earlier in today's session by Mr. Harding of Aroostook:

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

Tabled — June 11, 1971 by Senator Levine of Kennebec.

Pending — Motion by Senator Katz of Kennebec to Recede from Engrossing.

The Senate then voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, there is a House Amendment on here. Has the Senate adopted this House Amendment already?

The PRESIDENT: Committee Amendment "A", Filing H-312, has been adopted in concurrence. House Amendment "B" has been adopted in the House and in the Senate, Filing H-391. House Amendment "A" has been adopted in the Senate, and indefinitely postponed in the House, Filing No. H-329. House Amendment "C" has been adopted in the House, and has not been adopted by the Senate.

House Amendment "C" was then Read and Adopted in concurrence.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-268, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: To refresh the memory of the Senate, this deletes provisions for housing at two of the institutions in the most populated area of the state, Lewiston-Auburn and Bangor. I don't want to belabor the Senate's time with rehashing the debate, but I want to strike down a couple of criticisms made by the opposition.

First, that the removal of the beds discriminates against the students attending the VTI's; not

true. Earlier this session we knocked down by a vote of twenty-three to nothing an attempt to create additional dormitory facilities for the University of Maine. I think that is a record for this or any other session for a committee report.

Second, if this amendment is adopted, all VTI's will still have housing. Not as much housing as those traditionalists would like us to have, but adequate housing to fill the basic needs of the institution.

We presently have eight divisions of the University of Maine, five VTI's, plus the one in Kennebec in Waterville, which Senator Levine holds in such high esteem, and I share his esteem, and the Maine Maritime Academy. All these campuses will end up with housing with two exceptions: one, the VTI at Waterville, which isn't asking for any, doesn't want any, and is perfectly satisfied to continue as they are. Second, the University of Maine at Augusta, don't have any, don't want any, we are doing fine, we are the third busiest institution and growing like mad. I hope that this clears up any mistake that we are treating VTI students like second-class citizens, because it isn't true.

I will support any meaningful appropriation to expand the educational opportunities for our children, but I will not support legislation, and I hope that you will agree with me, not support legislation which, in effect, is going to end up with thirteen institutions operated by the State of Maine, spotted around the State of Maine, heavily orientated towards expansion of resident opportunities. I say that it is not fair to the taxpayers, there is not enough money in Maine to do it, and let's put our dollars where they are important, for the education of the kids.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move the indefinite postponement of this amendment, and I would like to speak on my motion.

I think perhaps it is true, as the good Senator from Kennebec, Senator Katz, suggests, that there has not been any dormitory space for the University voted this year. However, we have been voting dormitory space for the University for a great many years. So, the university is far, far ahead of the Vocational Technical Institutes as far as dormitory space is concerned.

I think that it is true that each of these Technical Institutes offers different courses. We have people from my own county who want to come down to southern Maine or central Maine to take the courses which are there offered. It they don't have the dormitory space many of them will not be able to take advantage of the courses there offered. I know personally the problems that some of our people have had in finding satisfactory dormitory space, particularly I mention, for example, in the Portland area.

You must bear in mind that these students when they leave home, many of them are young and much of the housing which would be available to them is very unsatisfactory. Many of them do need the guidance and the supervision of the dormitory life.

This is a real bad blow to our Vocational Technical Institutes and their expansion, and this is one area in the State of Maine that I think we have made a good start, and a good start only, and I would hate very much to see this roadblock thrown in its path at this point. So, I hope that you will vote for my motion for indefinite postponement of this Senate Amendment "A", which is Filing No. S-268.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President, for a time for clarifying this matter, I would request that this bill be tabled for one legislative day.

The PRESIDENT: The Chair would inform the Senator that he

is out of order. A tabling motion is not debatable.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I don't too, too often disagree on educational matters with my good friend from Kennebec, Senator Katz. However, I cannot agree with him on deleting the housing for these two Vocational Technical Schools, and I would hope that the motion of the Senator from Aroostook to indefinitely postpone his amendment would prevail.

I think this is a higher education system where we have made a good effort in starting out in our state. I think for too long we neglected the Vocational Technical School approach in our higher education. I think for a long, long time we concentrated our efforts on the bachelor degree-granting institutions in the university, and of course there is nothing wrong with that. But I think we are missing the boat in giving alternatives to many of our students who by orientation or by choice would have preferred going into the Vocational Technical Institutions but had no opportunities to do so.

I think today we have established a pretty good framework of Vocational Technical Institutions. We have located them in pretty well all of the geographical areas of our state, and I think henceforth they will render a tremendous service to our young people.

I am sure that this is also what Senator Katz from Kennebec wants to do, but I think I have to disagree with him in the thinking that we do not need additional housing at these institutions. Maine is a rural state and undoubtedly in certain areas perhaps these schools can provide services to a reasonable degree of students without having dormitory facilities but, nevertheless, even those institutions in areas being served by the Eastern Maine Vocational School or the Central Maine of necessity must serve students that come from many, many miles from their homes, many rural areas, and who do not have the opportunity to commute.

I do happen to feel very much like the Senator from Aroostook, Senator Harding, in that certainly we have to provide housing for many of these people. I am sure that there is a reasonable number who can find housing in private homes or in boarding homes but, personally, if I would send my son or my daughter to one of these schools I would certainly feel a lot more comfortable if they were residing in a dormitory which is owned by the school, supervised by the school, and where I would feel that they have a reasonable degree of supervision.

Maybe this is wishful thinking in this day and age, but I still like to think that even some of our younger people who are in our higher education institutions do need this kind of supervision over them in their housing locations. I think these housing provisions of these institutions are needed and I think they will be needed. Where we don't need them, I think we ought to scrutinize the situation closely, and if we do reach the saturation point where it becomes evident that we are overhousing these institutions, well, then we ought to be willing to look at that and reduce the growth of the housing facilities. But most of these institutions are in their early stages, I think that they do require additional housing, and I hope we will provide it for them. So, I hope you will support the motion to indefinitely postpone this amendment.

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

Mr. TANOUS of Penobscot: Mr. President, a point of inquiry: I understand that this bill was reported out of the Appropriations Committee. Is that correct?

The PRESIDENT: The Senator is correct.

Mr. TANOUS: I wonder if the Senate might have the committee report on this, Mr. President.

The PRESIDENT: It was a unanimous Ought to Pass Report.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to compliment the

Senator from Aroostook, Senator Violette, for presenting a very clear traditional plea for housing for these youngsters, because it was a traditional plea. And it is the kind of thinking that we have pursued in the State of Maine, except we not only have pursued a resident type of education but a resident baccalaureate type of education, and in the process completely ignored the needs of most of our children. So, to that extent I agree with him.

But I call to your attention that our clients are different and our needs are different, and before I get to that I wanted to say that since I have been involved with responsibilities in education I have opposed every bond issue for the University of Maine involving dormitory construction, and I have previously supported housing for VTI's.

But let's take a look at these schools. Presently in the Lewiston-Auburn area there are fifty-seven beds, presently in the Bangor area there are ninety beds. So we are not stripping these kids completely. But what I point out to you is that there is no bill in education that is more capable of building in fixed costs for the future than those which establish residential facilities, because call themselves liquidating or not, a residential institution, a residential type of education, is the most expensive kind of education for the youngster, for his family, and heaven knows for the taxpayer. And this is the course that you are pursuing.

The attitude as expressed by the proponents of this motion to indefinitely postpone goes back to the notion that the State must act in loco parentis, which means, I guess, that we at the state level have got to be mothers and fathers to the kids. We have got to give them housing. We have got to tell them what time to get in at night. We have got to tell them that they can't smoke pot. We have to supervise their activities. And ladies and gentlemen, with the burden of education of so many emerging youngsters, the traditional way no longer applies, believe me. We just don't have enough money to continue doing things the way we did it. And if you ask me what I would

call this bill, I would call it operation overspend, because that is exactly what you are doing, you are overspending tax dollars when we should be putting the dollars in the education of the children.

At this session alone, you have heard it before, we are turning away lots and lots and lots of Maine youngsters who want education, and we don't have enough money for it. Well, we will have a little less money in the future if you continue with your pre-occupation of building resident facilities all over the state.

I can tell you from my personal recollection that when you and I, those of us who were here, authorized five VTI's strategically located around the state, the reason for locating five around the state was very clear, to avoid the Orono concept of a big residential facility, to put the education where the kids are and let them get to it.

As a taxpayer I am not certain that I have the responsibility for providing a pleasant, traditional, resident kind of life for every student who wants to leave home and get away from mama and papa. And if you don't believe that is basic to it, you take a look at how many kids from your area are going to a state institution in another part of the state to get away from resident education, away from mama and papa, and the taxpayer really has no real responsibilities for this. Give the kids the opportunity, but let's not try to act as parents for them. Let them get there and do the best job they can. I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I concur with my good friend, Senator Katz from Kennebec, that once a child leaves home I don't think he ought to be coddled. He leaves home to get away from, perhaps, the strings of his parents to form his own character in this life. And this gives added reason why we ought to provide housing for him to wherever he seeks to go to if he

seeks to desire an education in this field.

I talked with Sam Hines about this Bangor structure specifically, and Sam informed me that kids are denied admission to the structure in Bangor because they don't have any rooms, not only they don't have rooms at the present dormitory system, they don't have rooms in the City of Bangor as well. So that they are being denied twice the ability to have an education in the vocation that they desire.

Now, I agree with Senator Katz, he has some good logical arguments but, nevertheless, and I agree that he feels that we should provide an education for these kids, but I don't agree that they must commute. There are some of these children in Penobscot County alone that would have to commute seventy-five and eighty miles a day if they are to get the services of the Vocational Institute in the Bangor area, and some I imagine much farther away. They don't only have any space for them at the dormitory, they don't have any space for them at the homes in Bangor. There are no rooms available, there are no rooms at the Inn in Bangor, so to speak. So that we are depriving these kids, not only by depriving them of additional dormitory space, we are depriving them of an education as well. The school is not filled to capacity over there in the Bangor area, so that this certainly would give them added beds, added rooms, so that the kids will have a place to stay. I certainly hope that you will support the motion of Senator Harding for indefinite postponement. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Senate Amendment "A" be indefinitely postponed.

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I can think of no expenditure of educational dollars that will face us this time that has more implications than this one, which is why I ask for indulgence. But I ask each of you who have listened to the arguments to apply the arguments of those who would indefinitely postpone this amendment and then ask yourself why is UMA working? Why is UMA, which is drawing students from all over the state, why is it working so well? We have got seventeen percent of our undergraduate body who are veterans, we have about an equal amount who come from something over fifty miles away, we are going to have the only registered nurse program in the State of Maine starting in September, so anybody from Aroostook who wants to come to take advantage of it is going to have to find housing. If your arguments are correct, gentlemen, why aren't we up here demanding dormitories for the University of Maine in Augusta? It is working without dormitories. It is cheaper, it is better for the taxpayers, and it is no great hardship on the kids.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Senate Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Dunn, Fortier, Graham, Harding, Martin, Peabody, Sewall, Tanous, Violette, Wyman, and President MacLeod.

NAYS: Senators Anderson, Berry, Chick, Greeley, Hichens, Hoffses, Johnson, Katz, Marcotte, Minkowsky, Moore, Schulten, and Shute.

ABSENT: Senators Kellam, Levine, and Quinn.

A roll call was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone Senate Amendment "A" prevailed.

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

Senate Amendment "B", Filing No. S-274, was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: Very reluctantly I rise to oppose the adoption of this amendment. Your Appropriations Committee was originally confronted with costs in this bill to build a dormitory at the VTI in Presque Isle, and it was learned, however, that they still have a dormitory there under construction, and it will be ready in the fall of 1972, a year from next fall. So, we felt that at this time it was a little extravagant to appropriate funds for this dormitory in Presque Isle when they presently have funds and are working on the construction of a new dormitory. They also have barracks available on the air base up there in which they can house students, and we felt that in the interest of cutting the size of these bond issues down that this was one item that we could forego at this time, see how they come with the dormitory they now have under construction, and in the future possibly will build another one, if it is needed. I oppose the adoption of the amendment.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The only dormitories which are now available, the only beds which are now available for the students who attend the Northern Maine Vocational Institute are the barracks which were left over from World War II. They are a fire hazard, and if they belonged to anybody else but the State of Maine they would be condemned and students would not be able to

stay in there. They are also very expensive, very, very expensive to maintain. Over a forty year period by building the new dormitories the state actually would save money.

One of the real problems that we have is to convince these students who attend there and stay in these barn like places why they should pay the same housing cost per year that a student who stays in a modern dormitory does, and this is exactly what they do. It is a very difficult thing to explain.

These old barracks-style dormitories, most of them have been condemned and torn down. There are a few left that the students are staying in and, as I understand it from the State Board, this is in their program, it was in their program, and that is why it was presented to the Appropriations Committee. I think, with all due respect that the Appropriations Committee got the wrong slant on that from the report which was brought back because the report back was that if they all stayed in these old barracks-styled dormitories that there would be sufficient space. I think probably that is true, there probably would be more than sufficient space, but these kids that are there are cold because it is difficult to heat them, and it is also a very serious fire hazard. So, these dormitories are very much needed in this area, and I would hope that you would support this amendment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Sorry to create so much disturbance, Mr. President. This comes rather quickly on the heels of the other amendment and points out very clearly some of the facts that I was suggesting to you. Here again, you have an amendment for somebody to bring home some bacon for an expensive kind of education. I call to the Senate's attention that this is a bond issue, and there is very serious doubt in my mind, with so many of us feeling as strongly as we do, that anybody is going to get a two-thirds vote, whether it is for Aroostook or Washington County.

I certainly oppose the proposed amendment, and if there hasn't been a motion for indefinite postponement I certain will make it at this time.

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

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senator 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 Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I would just once more like to emphasize the fact that I didn't hear the good Senator from Aroostook, Senator Harding, bring out that there are presently monies to build a dormitory in Presque Isle and, as I understand it, this dormitory will be under construction soon and will be ready for occupancy in the fall of 1972. This is the reason that I oppose this amendment.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In answer to the point which the good Senator from Penobscot, Senator Sewall, has raised, it is true that one dormitory is in the process of construction, and the purpose of that is the very same purpose that this one is, and that is to remove these children from the fire hazard and from the cold of these old World War II barracks. Even if both of them were built, it still would not be sufficient dormitory space for the

students there now attending who do not commute.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There has been quite a lot of common sense spoken here this afternoon, and I think that spoken by Senator Katz perhaps might have escaped many of us here. We are not going to stand up here debating this issue on the floor of the Senate and pass any kind of a bill unless there is some attempt made of accommodation. Now, if we are going to pass an amendment here by just a vote or two, and we defeated another amendment by a few votes, we are not going to get anywhere. I think that people should accommodate themselves or we are going to be wasting a lot of time.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Senate Amendment "B" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postpone-

ment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Danton, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Marcotte, Minkowsky, Moore, Schulten, Sewall, Shute, Wyman and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Fortier, Graham, Harding, Martin, Peabody, Tanous, and Violette.

ABSENT: Senators Kellam, Levine, and Quinn.

A roll call was had. Eighteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone Senate Amendment "B" prevailed.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.