

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, June 16, 1971

Senate called to order by the President.

Prayer by the Rev. Lawrence E. Merckens of Hallowell.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Certain Laws Relative to Great Ponds." (H. P. 1374) (L. D. 1791)

In the House June 1, 1971, Passed to be Engrossed.

In the Senate June 7, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "C" (H-458) as Amended by House Amendment "A" Thereto (H-464), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Creating the Municipal Assessment Appeals Board." (S. P. 493) (L. D. 1441)

In the Senate June 11, 1971, the Minority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft (S. P. 630) (L. D. 1818), was Passed to be Engrossed.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur.

(See action later in today's session.)

Non-concurrent Matter

Bill, "An Act Relating to Service Retirement of Teachers under State Retirement System." (H. P. 1329) (L. D. 1743)

In the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-246) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-467) in non-concurrence.

On motion by Mr. Anderson, the Senate voted to Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Restricting Use of Certain Campsites." (H. P. 996) (L. D. 1358)

(H. P. 1420)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, Wayne Nelson, son of Mr. and Mrs. Freeland R. Nelson of Gardiner, has acquired the more stringent disciplines required for championship golf; and

WHEREAS, as captain of the University of Maine golf team at Farmington, this 22-year-old junior has demonstrated repeatedly his outstanding ability; and

WHEREAS, on the basis of such performances he has been chosen to compete in the NCAA's ninth annual College Division National Tournament on June 15-18 at Chico, California; and

WHEREAS, he is the second Maine collegian ever to be selected to compete in a national golf tournament sponsored by the National Association of Interscholastic Athletics; now, therefore, be it

ORDERED, the Senate concurring, that Wayne Nelson is hereby commended for his outstanding achievements in the field of sports and his exceptional display of professional talent and dedication which should serve as an inspiration to the young citizens of Maine; and be it further

ORDERED, that Wayne Nelson is extended the best wishes of this Legislature in the forthcoming National Association of Interscholastic Athletic competition; and be it further

ORDERED, that a copy of this Joint Order, signed by the Speaker of the House and President of the Senate, with the great seal of the State of Maine attached, be

presented to Mr. Nelson in token of our admiration and support.

(H. P. 1421)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

Maine State Commission on
the Arts and Humanities
146 State Street
Augusta, Maine

June 15, 1971

To the Honorable
Members of the Senate
and House of Representatives
Of the 105th Legislature

Transmitted herewith is the third biennial report of the Maine State Commission on the Arts and the Humanities. This report is submitted pursuant to Chapter 15, Title 27 of the Revised Statutes. It covers fiscal years 1970 and 1971 with projection through June 30, 1971.

The document is more than a report to the government of the state. In effect, it is a summary of the status of the arts and humanities in Maine. We hope it will be indicated by its content and its appearance that the arts and humanities are an integral part of life in the state of Maine.

Respectfully submitted

Leonard M. Nelson
Chairman

Richard D. Collins
Executive Director

Maine State Commission on the
Arts and the Humanities
(S. P. 652)

Which was Read and with
accompanying papers Ordered
Placed on File.

Sent down for concurrence.

State of Maine
Office of the Governor
Augusta, Maine

June 16, 1971

Members of the Senate and
House of Representatives
of the 105th Legislature

After careful consideration, I have decided to return Senate Paper 344, Legislative Document 984, AN ACT Relating to the Regulation of Private Detectives,

to the Legislature without my signature.

I do not quarrel with the basic intention of this bill, and in fact I compliment its sponsor and supporters for their efforts to improve the present inadequate law. Our present system for appointing private detectives is clearly imperfect. However, I see no virtue in removing this appointive authority from the Governor and Executive Council to the Secretary of State when that removal simply reduces the visibility of the appointment process and removes all limits on the numbers of private detectives that can be appointed.

It should be clearly understood that these private detectives or private investigators have extensive authority. The very definitions in the bill indicate that individuals so licensed may make investigations into the "identity, habit, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person." In short, private detectives and investigators are empowered to delve deeply into the private affairs of our citizens. I do not question that such investigative activities may, on occasion, be important and justified. I simply feel that such investigative activities should be carefully regulated, both in terms of numbers and the capabilities of the people licensed.

I do not feel that this bill provides for such regulation. I therefore suggest that this entire question of the appointment of private detectives be carefully studied during the coming months, perhaps as part of the preparation of implementing legislation for government reorganization. Reform proposals could then be considered at a special session. By giving more concentrated study to this private detective issue, we could cooperatively develop a measure that meets the defects of the present system without creating new problems. The present bill does contain some good features, but it still raises the problems I have suggested. We can do better, and I pledge to work with the supporters of this legislation to reach a mutually acceptable solution. I regret, however, that the present

bill is not acceptable, and I urge that my action disapproving L.D. 984 be sustained.

Sincerely,
Kenneth M. Curtis
Governor

KMC:lh

Which was Read and Ordered Placed on File.

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

Orders

On motion by Mrs. Carswell of Cumberland,

WHEREAS, an audit of accounts of the Augusta State Hospital made for the fiscal year ending June 30, 1970, and completed by the State Department of Audit under the supervision of the State Auditor, dated May 28, 1971, shows serious errors and omissions in the accounts of the Augusta State Hospital; and

WHEREAS, a review of patients' accounts revealed that the detail cards were not in balance with the control card at any time from June 30, 1970 to date of audit; and

WHEREAS, the variance was \$1.10 at June 30, 1970; \$2,207.56 at November 30, 1970 and \$308.16 at April 28, 1971; and

WHEREAS, a review of the equipment records revealed that they could not be reconciled at June 30, 1970, as the hospital went on computer system on April 1, 1970 and the control run did not reflect adequate information, since subtotals were by activities within various buildings, but there were no subtotals for all equipment contained in any given building; and

WHEREAS, runs on adjustments in or out, purchases and transfers could not be tied into the control run and no detail run to support the June 30, 1970 control total as available at the date of audit; and

WHEREAS, the assistant auditor could not explain such discrepancies; and

WHEREAS, as late as September 30, 1970 the hospital had not received any equipment runs; and

WHEREAS, patients' accounts, social security accounts and volunteer gifts are a matter of concern; and

WHEREAS, this manner of handling taxpayers funds is of deep concern to the elected Members of the Legislature; and

WHEREAS, a new hospital administrator will be expected to do a satisfactory job of meeting demands of such a position; now, therefore, be it

ORDERED, the House concurring, that the State Department of Audit is directed to conduct an in-depth audit to bring accounts of the Augusta State Hospital up-to-date and in balance before the present hospital superintendent leaves his post in order that a new superintendent will get off to a start with clean and clear records which will enable more efficient standards of performance in the administration of the Augusta State Hospital; and be it further

ORDERED, that said State Auditor report his findings and recommendations forthwith pursuant to the Revised Statutes, Title 5, section 244.

(S. P. 653)

Which was Read and Passed.

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

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session, be the Executive Officer of the Senate and have custody of all Senate property and materials, purchase necessary supplies and equipment, not to exceed \$500 for any one item, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit State Departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements, with the approval of the President of the Senate, and approve accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50.00 and make an ac-

counting to the Senate upon request.

(S. P. 654)

Which was Read and Passed.

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

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of 50 calls of reasonable duration, and that each member of the Senate and House be provided with a credit card, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

(S. P. 655)

Which was Read and Passed.

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

On motion by Mr. Hichens of York,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate and House, respectively or to invite clergymen from other areas of the State as requested by any member of the Senate or House, respectively, and be it further

ORDERED, that all clergymen acting as chaplains during the session shall receive \$10 for each officiation.

(S. P. 656)

Which was Read and Passed.

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

On motion by Mr. Hoffses of Knox,

ORDERED, that the following subordinate officers and employees of the Senate, who were appointed to serve for the present biennium, a Secretary to the President, a Secretary to the Secretary, a

Secretary to the Assistant Secretary, an Index Secretary, a Recording Secretary and 2 Senate stenographers, be granted retirement benefits for the biennium or to the date of a resignation or separation for any reason; and be it further

ORDERED, that the appropriate appointing authority is authorized to accept resignations and fill any vacancies of said personnel during the biennium.

Which was Read.

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

Committee Reports House

Ought to Pass - As Amended

The Committee on State Government on, Bill, "An Act Relating to Indian Representatives at the Legislature, Tribal Governors, Lieutenant Governors and Council Members," (H. P. 308) (L. D. 408)

Reported that the same Ought to Pass as Amended by Committee Amendment (H-434).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-454) Thereto.

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

Under suspension of the rules, the Bill as Amended, was then given its Second Reading and Passed to be Engrossed in concurrence.

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act Revising the Laws Relating to Baxter State Park," (H. P. 160) (L. D. 226)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1402) (L. D. 1820)

The Committee on State Government on, Bill, "An Act Relating to the Parks and Recreation Department." (H. P. 1102) (L. D. 1508)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1415) (L. D. 1838)

The Committee on State Government on, Bill, "An Act Relating to a Department of Community and Economic Development." (H. P. 1187) (L. D. 1638)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to a Department of Commerce and Industry" (H. P. 1416) (L. D. 1839)

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

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

Under suspension of the rules, the Bills in New Draft were then given their Second Reading.

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

The Committee on Natural Resources on,

Bill, "An Act to Revise the Site Location of Development Law." (H. P. 537) (L. D. 710)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1373) (L. D. 1790)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "A" (H-421) and "C" (H-449).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence. House Amendment "C" was Read and Adopted in concurrence and under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act

Providing for the Taxation and Preservation of Farm, Forest and Open Space Land." (H. P. 14) (L. D. 14)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1418) (L. D. 1834)

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

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

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

Signed:

Representative:

FINEMORE

of Bridgewater

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

Under suspension of the rules the Bill in New Draft was then given its second Reading.

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

Divided Report

The Majority of the Committee on Taxation on, Resolve, to Reimburse Ripley & Fletcher Co. of South Paris for Gasoline Shrinkage. (H. P. 369) (L. D. 476)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York
WYMAN of Washington
FORTIER of Oxford

Representatives:

MORRELL of Brunswick
TRASK of Milo

FINEMORE

of Bridgewater
 ROSS of Bath
 COTTRELL of Portland
 COLLINS of Brunswick
 DAM of Skowhegan
 McCLOSKEY of Bangor

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

Signed:

Representatives:

CYR of Madawaska
 DRIGOTAS of Auburn

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Resolve Passed to be Engrossed as Amended by House Amendment "A" (H 469).

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence and the Resolve Read Once. House Amendment "A" was Read and Adopted in concurrence and, under suspension of the rules, the Resolve, as Amended, given its Second Reading.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Fair Minimum Rate of Wages for Construction of Public Improvements by the State of Maine." (H. P. 1122) (L. D. 1541)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TANOUS of Penobscot
 LEVINE of Kennebec

Representatives:

ROLLINS of Dixfield
 LINCOLN of Bethel
 KELLEY of Machias
 LEE of Albion
 GOOD of Westfield
 SIMPSON

of Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1398) (L. D. 1815)

Signed:

Sensor:

MARCOTTE of York

Representatives:

BUSTIN of Augusta
 McTEAGUE of Brunswick
 BEDARD of Saco
 GENEST of Waterville

Comes from the House, the Minority Ought to Pass in New Draft Report Read and Accepted and the Bill in New Draft Indefinitely Postponed.

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Marcotte of York, a division was had. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Provide a Minimum Wage for Students Employed at Summer Camps." (H. P. 569) (L. D. 745)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-455).

Signed:

Sensors:

TANOUS of Penobscot
 LEVINE of Kennebec
 MARCOTTE of York

Representatives:

GENEST of Waterville
 McTEAGUE of Brunswick
 BUSTIN of Augusta
 BEDARD of Saco

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

Signed:

Representatives:

GOOD of Westfield
 LEE of Albion
 ROLLINS of East Dixfield
 LINCOLN of Bethel
 KELLEY of Machias

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-549).

Which reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass as

Amended Report of the Committee?

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 when the vote is taken, and I would speak briefly.

The Senate will recall that earlier in the session we killed L.D. 695, An Act Amending the Minimum Wage Law, and I would invite your attention to the fact that L.D. 745 has had everything removed after the title, and House Amendment 459 has been added, which is an exact reproduction of L.D. 695, which we killed. I suppose I should ask the presiding officer to rule that the amendment is not germane because I think our rules provide that such action as this is prohibited, however, I would merely request a division and hope that you would not vote to accept the Majority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator.

Senator: Mr. President and Members of the Senate: This particular bill, as perhaps you are aware, was very favorably received by the other body. The bill was amended and the amendment which is before us, I guess, somewhat watered down the original bill and it seems to be acceptable to the vast majority of the people interested in this bill. It removes an inequity in the law. I have debated this before, and I feel that enough people have studied the particular issue since I debated this the last time that they now feel that perhaps there is an inequity in the present law and it ought to be corrected. I certainly hope you will vote with the majority of the committee and pass this bill along. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President, I would ask that the vote be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and

voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

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

The pending question before the Senate is whether the Senate will accept the Majority Ought to Pass as Amended Report of the Committee on Bill, "An Act to Provide a Minimum Wage for Students Employed at Summer Camps." A "Yes" vote will be in favor of accepting the Majority Ought to Pass as Amended Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Conley, Danton, Graham, Harding, Kellam, Levine, Marcotte, Martin, Tanous, Violette, and Wyman.

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

ABSENT: Senators Clifford and Katz.

A roll call was had. Thirteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with two Senators absent, the Majority Ought to Pass as Amended Report of the Committee was not Accepted.

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I now move reconsideration and I hope you vote against me.

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.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. Tanous of Penobscot then moved that the matter be tabled

until later in today's session, pending the motion by Mr. Berry of Cumberland to Reconsider.

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

Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to table did not prevail.

Thereupon, a viva voce vote being taken, the motion to Reconsider did not prevail.

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

Senate Ought to Pass in New Draft

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 240) (L. D. 701)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys." (S. P. 657) (L. D. 1845)

Which report was Read and Accepted and the Bill in New Draft Read Once.

Under suspension of the rules, the Bill in New Draft was then given its Second Reading and Passed to be Engrossed.

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

Divided Report

The Committee on Constitutional State Reapportionment and Congressional Redistricting on, Resolve, to Apportion One Hundred and Fifty-One Representatives Among the Several Counties, Cities, Towns, Plantations and Unorganized Territory of the State. (S. P. 642) (L. D. 1843)

Acting by Authority of Joint Order (S. P. 106) reported in Report "A" that the same Ought to Pass.

Signed:
Senators:

BERRY of Cumberland
MOORE of Cumberland
Representatives:
LUND of Augusta

FINEMORE

of Bridgewater
BIRT of East Millinocket
PRATT of Parsonsfield
EMERY of Rockland
CURTIS of Orono

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass. (S. P. 643) (L. D. 1846)

Signed:

Senators:

CONLEY of Cumberland
CLIFFORD
of Androscoggin

Representatives:

COTE of Lewiston
McTEAGUE of Brunswick

The same Committee on the same subject matter reported in Report "C" that the same Ought to Pass. (S. P. 644) (L. D. 1844)

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

MARTIN of Eagle Lake
KELLEHER of Bangor
STARBIRD

of Kingman Township

The same Committee on the same subject matter reported in Report "D" that the same Ought to Pass. (S. P. 645) (L. D. 1842)

Signed:

Senators:

WYMAN of Washington
TANOUS of Penobscot

Representative:

MORRELL of Brunswick

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled pending Acceptance of Either Report.

Final Report

The Joint Standing Committee on Education submitted its Final Report.

Which report was Read and Accepted.

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

Second Readers

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

Senate

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 641) (L. D. 1835)

Which was Read a Second Time.

On motion by Mr. Harding of Aroostook, tabled until later in today's session pending Passage to be Engrossed.

Enactors

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

An Act Revising the Laws Relating to Real Estate Brokers and Salesmen. (H. P. 838) (L. D. 1161)

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

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

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

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

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

An Act Relating to the Board of Registration of Medicine. (H. P. 1378) (L. D. 1798)

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

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

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

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

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

Mr. VIOLETTE of Aroostook: Mr. President, with regard to An Act Revising the Maine Land Use Regulation Commission Law, (S. P.

610) (L. D. 1788), I move that the Senate reconsider its action whereby it passed this bill to be enacted, and I hope you will all vote against my motion.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate reconsider its action whereby An Act Revising the Maine Land Use Regulation Law was passed to be enacted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed, "No".

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

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

Mr. VIOLETTE: Mr. President and Members of the Senate: I want to make reference to L.D. 1788, An Act Revising the Maine Land Use Regulation Commission Law, and its enactment.

I want to congratulate this Legislature and the Senate for enacting what I consider to be far-sighted legislation. There has been a lot of discussion in this Legislature with regard to this bill, there has been a lot of heated debate for and against it, and I suppose that the truth of the matter lies somewhere in between the two. This law has been cast as the salvation of our unorganized areas on the one hand, and it has been cast as the removal of property rights and the oppression of property owners in unorganized areas on the other hand.

As sponsor of this legislation, Mr. President and Members of the Senate, I want to say that I think this is legislation which addresses itself, and addresses itself very directly to one of the most important matters which faces our state today and what is going to happen in the future with regard to the unorganized areas of our state, relatively 42 percent of the land mass area of our state, which today in large proportion lies relatively untouched and unspoiled. Certainly the credit for this, to some extent, I think, lies with our landowners as directly or indirectly they are responsible for that, and for that they are to be congratulated.

I think the significance of this law is that as we look today at our own state and all the organized parts of our state, and then as we look at our nation and what we have done to despoil our environment, I am hopeful we have enacted into law legislation which is going to have a strong hand in making sure that what we have done in despoiling our natural resources in the organized parts of our state will not happen in this large mass of land that is still to be developed.

I think I am safe in saying that in the next ten years we, the taxpayers, industry, and the public are going to have to spend, conservatively, a billion dollars in trying to repair the tragic waste of our natural resources, the tragic waste of our waters and our land that we have made in the past in our unorganized areas. This legislation seeks to be able to prevent this in our unorganized areas.

There is today, and there will be in the coming years, a tremendous pressure building up as to what is going to happen in these areas. We have major recreational developments, major requests for second homes, major consideration of strip mining for low grade ores in all these vast areas, and there are tremendous pressures building up to move into these unorganized areas and to make developments.

This law takes into consideration the fact that a major segment of our industry is based on our forest-producing wildlands, because it leaves unregulated the harvesting of our forest products to support our timber and our lumber-based industries. But it does this: it says that if these lands are going to be removed from these uses, then the State of Maine and the public will be able to say how they are going to be used so that we will be sure that we do not repeat the mistakes and the errors that we have made in the past with regard to our developed areas.

I think this is forward looking legislation. This is not legislation which looks to today and looks to tomorrow as much as it looks to five years from now, ten years from now, twenty-five years and a hundred years from now, because the first polluters or the first

people that placed polluting elements into our rivers of our state and into the river and onto the land mass areas of our state were not polluters and were not recognized as polluters, because one does not accomplish it by himself, but by collection, one after another, we ourselves and our municipalities, by dumping our sewage and by doing everything with regard to the use of our land and our waters, collectively we have despoiled our natural resources, and the same thing would happen in these beautiful areas unless we bring some sound land use planning to these areas. This is what this legislation will do.

I am hopeful that history will record that today this Legislature took a major step in preserving for itself and for its people for generations to come this beautiful land mass area which I think in the future will come to mean so much to our own people.

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

MR. BERRY: Mr. President and Members of the Senate: Amongst his many admirable qualities, our good friend, the Senator from Aroostook, has the very happy quality of modesty, and nowhere in his very appropriate remarks did he refer to his own roll in this legislation. I am sure that history will record that, and the State of Maine owes him a great deal for what he has done.

This is truly landmark legislation, initiated at the last session of the legislature and, as most good legislation comes about, it was put forth as a rather modest effort. And as a result of the experience of the intervening year or so, we see the legislation which we have enacted here today. This has come about as the need developed for proper utilization of our unorganized territory and the realization, as Senator Violette has so properly put it, that we are not talking in terms of today or tomorrow, but hundreds of years from now.

This has been an effort which I think we all realize has been a tremendously successful one be-

cause of the joint work that has gone into it. There has been no word of partisanship, I have resisted, as has Senator Violette, in our leadership posts, efforts to weaken the law, and we have both fought for the support of every member of the legislature, I think, in attempting to bring about good law which will serve the purposes.

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

Mr. VIOLETTE: Mr. President and Members of the Senate: I did forget a very important part of what I did want to say and that is that I did want to express my very, very sincere thanks for the bipartisan support which this legislation received, certainly from the leadership in the Senate here, as well as from the major part of the leadership in the other body. Without this bipartisan support this legislation would not have come into being. For this I am very grateful personally, and I think it also points out that cooperation on a bipartisan basis can accomplish major achievements, and perhaps sometimes far greater than division and opposition. For this I also am extremely grateful and thankful.

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

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

The PRESIDENT: Upon advice from the Attorney General's Office, and there being no objection on the part of the Senate, we will group the emergencies the same as we group regular enactors and enact them at once. Any Senator who wants an emergency measure set aside may do so for debate or any other purpose; otherwise, we will act on them in unison.

Emergency

An Act Relating to Testing of Private Water Supplies by Depart-

ment of Health and Welfare. (H. P. 1264) (L. D. 1668)

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

These being emergency measures and having received the affirmative votes of 27 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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

On motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Enactment.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Property Tax Relief for the Elderly." (H. P. 1132) (L. D. 1560) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — June 14, 1971 by Senator Marcotte of York.

Pending — Acceptance of Either Report.

Mr. Fortier of Oxford moved the Bill be tabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I had hoped that by tabling this bill we could possibly compare the bills on this subject which are about to come before this Senate at a later date. In view of the fact that this does not seem possible, I think that I should make a few references to some of the

advantages of this bill as compared possibly with some of the disadvantages of some other bills that will eventually come before us.

In the first place, let us not kid ourselves that the bill which will come before us at some future date is not really a relief of the tax to the elderly, but is a supplemental income bill. In other words, it is a miniature social security bill for the State of Maine. I would like to call to your attention the fact that under our federal social security bill, which has been in force some thirty-four years, actuaries do not yet agree as to whether this is properly funded. They have not agreed where we are going and who is going to pay the bill eventually. Under some of the bills presented under the guise of relief of the tax to the elderly that is where the State of Maine is going, and let us remember that the State of Maine does not have the opportunity or the capacity to print money the same as the federal government does.

One of the reasons that I would like to bring out to you is the fact that no other bill, except this one, guarantees that an elderly person would not lose his home for non-payment of taxes.

I would further bring to your attention that under most of these other bills such things as alimony, support money, strike benefits, railroad and social security benefits, unemployment insurance, veterans disability, workmens' compensation, public assistance, all would be included in the amount to eliminate the recipient from having any help under this bill.

I would further call to your attention that under some of these bills capital gains has been excluded, which means that an individual could make a million dollars profit in one year and still be eligible for aid. Under this bill which we are now considering this would be impossible.

It would also be possible if a wife reached sixty-two years of age, while her husband was only sixty, that she would be barred on the basis that she did not earn thirty-five percent of the income under some of these bills.

The original bill as presented in

a good many cases would deduct from any relief obtained by these persons from the welfare department on account of this help contributed under this bill.

I would like to have you think very seriously of the fact that the only tax relief implied in some of these bills is the title. Beyond the title there is no tax relief. Beyond the title there is no help to these people that are looking forward to it. Let us realize if a few elderly, let me repeat, a few elderly, would profit by this bill, who is going to pay for it? The young man trying to pay a mortgage on his home? The young man trying to educate his family? The people that are already paying the larger part of the taxes? The people that are working under a heavy burden, not knowing just how solid their jobs are, not knowing just exactly where they are going from now on? These are some of the drawbacks in this bill.

I am not against relief of the tax to the elderly, but I am against a farce, I am against a joke, using the elderly as an argument, as a token, that we can probably go out and boast about it. I may not make myself popular with some of these positions, but when I go back home I may not have gathered any votes, but I will have kept a clear conscience. And I would hope that you would go along with this bill long enough so that we can keep it before this Senate, and that we can finally dispose of it after we have had occasion to discuss some of our other bills on this subject.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending Acceptance of Either Report.

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

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

Tabled — June 15, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed.

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

(See Action Later in Today's Session)

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

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)

Tabled — June 15, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-278, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

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

The President laid before the Senate the fourth 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 15, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Reconsidered Matter

On motion by Mr. Fortier of Oxford, the Senate voted to reconsider its action whereby on Bill, "An Act Creating the Municipal Assessment Appeals Board," (S. P. 493) (L. D. 1441), the Senate voted to Recede and Concur.

Thereupon, on motion by Mr. Violette of Aroostook, the Senate voted to Insist.

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

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 Non-concurrent Matter

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

In the House June 11, 1971, Passed to be Enacted.

In the Senate June 15, 1971, Failed of Final Passage, in non-concurrence.

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

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

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

Senators:

HICHENS of York

PEABODY of Aroostook

CLIFFORD

of Androscoggin

House Paper

Bill, "An Act to Create the Winterport Sewerage District." (H. P. 1409) (L. D. 1851)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

On motion by Mr. Berry of Cumberland, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Communications

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine

June 16, 1971

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

Sir:

The House today voted to adhere to its action of June 11 whereby

Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331) was indefinitely postponed.

Respectfully,

Signed:

BERTA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the affairs of the Legislature require the unrelenting services of many talented and dedicated persons; and

WHEREAS, foremost among these are the officers, employees and committee clerks of the Senate and House of Representatives; and

WHEREAS, the force of their labor has been discharged competently reflecting that sense of personal pride of having served and accomplished; and

WHEREAS, such service and devotion to duty despite long hours and frequent stress is appreciated by this Legislature and worthy of our recognition; now, therefore, be it

ORDERED, the House concurring, that we the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature take this moment, individually and collectively, to spread upon the pages of our respective journals merited recognition sealed with earned applause for the outstanding service of our supporting staffs; and be it further

ORDERED, that suitable copies of this Order signed by the President of the Senate and the Speaker of the House of Representatives, with the great seal of the State of Maine attached, be presented with appropriate ceremony to said officers and employees in full audience of the respective chambers as a tangible token of our appreciation and thanks. (S. P. 658)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It is extremely difficult to put on paper and to express orally the appreciation of the Senate for

the work that our staff and all the people who have worked with the Legislature have done over the past six months. They have worked long hours unselfishly and uncomplainingly, and it seems the least we can do is to pass this order. I would ask that the members of the Senate express their support when the President puts the question by rising.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I wholeheartedly concur with the comments made on this order by my friend, Senator Berry from Cumberland. I think that the services which are rendered to the Senate as a whole, and to its members individually, are indispensable. I think they have worked very, very hard and are dedicated people. Actually, they have become very dedicated friends. I hope that the Senate would concur with the request of Senator Berry that we extend to them our very, very heartfelt thanks and appreciation for their very generous services and assistance during the past session.

The PRESIDENT: Would the Senate please express their wish to have this order receive passage by rising.

Thereupon, the Joint Order received Passage amid the applause of the Senate, the members rising.

Sent down for concurrence.

Committee Reports House

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

Bill, "An Act Creating the Nonpublic Elementary Education Assistance Act." (H. P. 294) (L. D. 394)

Leave to Withdraw — Covered by Other Legislation

The Committee on Constitutional State Reapportionment and Congressional Redistricting on, Resolve, Dividing the State of

Maine into Councillor Districts. (H. P. 205) (L. D. 271)

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.

Refer to the 106th Legislature

The Committee on Judiciary on, Bill, "An Act Limiting Prejudgment Attachments and Prejudgment Trustee Process." (H. P. 1159) (L. D. 1614)

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

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

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act Relating to Establishment of a State Building Code by the State Housing Authority." (H. P. 826) (L. D. 1116)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Establishment of a State Building Code." (H. P. 1417) (L. D. 1836)

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

Which report was Read.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have read this bill and paid some attention to it. It was killed first in the other body and then reconsidered and amended, but I don't like the bill and I don't think it is necessary.

We are creating a State Building Code under the Maine Housing Authority, and what it would do, of course, where there are any building inspectors, they have a building code, and where there aren't any building inspectors, eventually, probably after the special session, we would be asked to implement this with some men

for state inspectors. I would move indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Relating to Establishment of a State Building Code by the State Housing Authority", be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

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 Definition of Theft by One Renting or Trusted with Property." (H. P. 963) (L. D. 1324) ask leave to report: that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House in accepting the Minority "Ought to pass" Report, Adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

LEE of Albion

HEWES

of Cape Elizabeth

HENLEY of Norway

On the part of the Senate:

TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-466) in non-concurrence.

Which report was Read and Accepted in concurrence.

The Senate then voted to Recede and Concur in Accepting the Minority Ought to Pass Report of the Committee.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Fees for Inspection of Motor Vehicles." (H. P. 1256) (L. D. 1576) 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 Senate Amendment "A", and indefinitely postpone same; recede from its action whereby it accepted the Ought to Pass in New Draft report of the Committee; substitute the Bill (H. P. 281 - L. D. 370) for the report; adopt Conference Committee Amendment "A" submitted herewith; and Pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (S-281), that the House recede and concur with the Senate.

On the part of the Senate:

JOHNSON of Somerset
BERNARD

of Androscoggin

On the part of the House:

STILLINGS of Berwick
CROSBY of Kennebunk
NORRIS of Brewer

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, subsequently, voted to Recede from its prior action whereby Senate Amendment "A" was Adopted. Senate Amendment "A" was then Indefinitely Postponed.

The Senate further voted to Recede from its prior action whereby the Ought to Pass in New Draft Report of the Committee was Accepted and then substituted the Bill for the Report. Conference Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Final Report

The Joint Standing Committee on Taxation submits its Final Report.

Which report was Read and Accepted.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly

engrossed the following:

An Act Increasing Salaries of Justices of the Supreme Court and the Superior Court. (S. P. 392) (L. D. 1170)

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

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

(On motion by Mr. Hoffses of Knox temporarily set aside.)

An Act to Remedy Omissions in the Workmen's Compensation Law. (H. P. 1404) (L. D. 1824)

An Act to Amend Biennial Elections of Penobscot Tribe of Indians. (H. P. 1399) (L. D. 1816)

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. Hoffses of Knox:

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

The same Senator then moved that the Senate Reconsider its prior action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. HOFFSES: Mr. President and Members of the Senate: As you will recall, I had serious reservations about this bill as initially reported, as did many of you. After the other body amended it by restricting these loans to federally insured or guaranteed loans I felt less concerned.

Upon reflection, however, I realized that this restriction does not do what I thought that it did. It does not restrict these loans to people of low income.

Now, I have always been under the impression that the purposes for which the State Housing Authority was created was to assist those people in this state who, because of their economic circumstances, required assistance. As I have already mentioned, this bill in its present form does not assure us that these loans by the

Housing Authority will be restricted to the lower income families of this state. I feel that these are the people that we want to assist; not the middle or the upper income people. Therefore, I would hope that the members of this body would support my motion for reconsideration so that I may offer an amendment which would make it clear that these loans will be made to persons of lower income. The amendment would also require that a person applying for such a loan would have been refused funds by three banks in the preceding twelve months. This addition of the twelve months provision seems only sensible; otherwise, there is no time limit involved here whatsoever.

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

Mr. CONLEY of Cumberland: Mr. President, I would ask for a division on the suspension of the rules.

The PRESIDENT: As many Senators as are in favor of the Senate suspending its rules for the purpose of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and eleven Senators having voted in the negative, and seventeen being less than two-thirds of those Senators present and voting, the motion to suspend the rules did not prevail.

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

Mr. HOFFSES of Knox: Mr. President, in the light of this action by this body, I would now move that L. D. 1810 and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, now moves that Bill, An Act Relating to Power to Loan under State Housing Authority's Law, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the

Senate: This bill has been debated at least on three occasions by the Senate, and each time they have voted to keep this bill alive. It seems to me that the good Senator from Knox, Senator Hoffses, has had his guns zeroed in on this particular piece of legislation on each occasion.

Now, if we intend to try to solve the housing problem within the state, this is the bill that is certainly going to help along those lines. As I stated the other day, the 236 program under the Federal Housing Act is not primarily necessarily for low income people per se. It is to really attack the problem of what we have inherited, at least in my area, as public housing. If there is anything that can demean a person it is to put him into an area where you have got 250 to 400 units, separate units, for public housing.

Now, if the 236 program gets under way, as I stated the other day, it can be a high multi-structure of 200 or 250 units, or 100 or 150 units, as such and can be integrated by medium income people as well as low income people. It can take care of the elderly. It opens up all sorts of rent subsidies from the Federal Government, where up to as high as a 40 percent subsidy can be received.

If you don't start getting into some of these 235's, which is private ownership under the HUD program, and the 236, which is not, if we don't start getting into these programs we are going to really fall right into the core of public housing which, as I have stated, is very demeaning to the individuals themselves.

I hate to see this bill being attacked every time it appears on our calendar, but I think it is the best legislation we have to attack the housing shortage in the state, and it is certainly my hope that the bill will not be indefinitely postponed. And when the vote is taken, Mr. President, I would ask that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires

the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

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

The pending question before the Senate is the motion of the Senator from Knox, Senator Hoffses, that Bill, An Act Relating to Power to Loan under State Housing Authority's Law, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I have been reluctant about speaking on this bill the second time. The first time around I did speak on it. But I take objection to the statement of Senator Conley from Cumberland about public housing being demeaning. I just can't see this. I think a more demeaning thing to an individual would be to over-extend them in their credit so that when it comes time to pay the heat bills, the light bills, the water bills, insurance bills and so forth, that these same people who could not get loans from financial institutions get them from this outfit, and they find themselves without the money to keep these places up. And what do they end up as when there is no money to put another roof on the house, to paint the place, for the upkeep? It just seems to me that you are getting people into something that they don't really know what they are getting into.

You and I know that money management is a problem for some people, so I just see that you certainly will be starting tar paper shacks and other things, because when the shingles fall off and these people don't have the money, I don't know where they are going to get it. I know I find it kind of hard to make both ends meet, and my husband has a good job, so we paint the place ourselves. It takes a lot of money to paint some of these houses, pay the heating bill, shingle them and so forth. I feel that we manage our

money very well, and perhaps this is why we are able to get the loan, but I just feel that it is a crime to put these people in this kind of a circumstance.

Now, getting back to public housing, as I said, many years back I fought for decent housing for the people in the City of Portland. I was in this battle in the beginning when we had our slum clearance and urban renewal programs, and we have housed many people in public housing units, and we are proud of them. We don't think we have demeaned these people, and I take objection to this second statement that we have demeaned these people by putting them in public housing, if that is the way I understand the statement to have been made. We have low income housing for the elderly, called Franklin Towers. These people have very nice apartments, they are living comfortably, and there are many programs whereby these people are all brought together. They are taken on bus trips and they have programs in the community hall there. We are building another unit up on Danforth Street that people are just screaming to get into. These people will not have to worry about where they are going to get the money for the upkeep on these places. Now, this is all I have got to say, and I think that my statement is sensible, if anybody's is.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I hate to take issue with the good Senator from Cumberland, Senator Carswell, but I don't really interpret her statement as being too sensible.

The PRESIDENT: The Chair would ask the Senator to be careful in his comments about another member of this body.

Mr. CONLEY: I will, Mr. President. First of all, in public housing within any municipality, the money that is collected is turned over to the Federal Government, with the exception of 10 percent of the net income, and that is paid to any municipality that has public housing in lieu of taxes.

When we get into the 235 housing, which the Good Senator from Cumberland, Senator Carswell, speaks of, that is private ownership, one has to qualify to receive loans from these banks to be able to obtain the loan. One doesn't just walk into a bank and say that they would like to build a 235 under the Federal Government and then the bank just gives them the go-ahead and allows them to do it. First of all, they are judged by the amount of income that they make. If they make too much, then they have to go to the private market. If they fall within the category of the middle income class, then they generally fall within the guidelines of being able to obtain a 3 percent federal loan. Now, when you get below that, no one is going to qualify for a loan from the State Housing Authority or from the Federal Housing Authority to be able to build a private ownership 235 unit.

Then we get into the other category of 236 units, where generally private enterprise comes in and builds a multi-dwelling unit, as I have stated, anywhere between 50 or 200 units, and they integrate those units with different classes of people: low income and middle income. The low income people are eligible to receive up to 40 percent of the rent supplement from the Federal Government. Now, I think this is a very meaningful program and it makes a lot of sense to me. I would certainly rather see a hundred of these things around any city than see 200 to 1500 units of public housing. On top of that, the 235's and 236's that we speak of pay to the municipalities or the towns the normal rate of tax that you and I would pay in respect to our own privately owned homes, rather than the ten percent net income under public housing.

Now, public housing served a very good purpose years ago, but today it is not anything that we would really like to fall back on. The Federal Government realizes that what we are doing around the country is establishing ghettos upon ghettos upon ghettos by continually building public housing. We have to approach this problem

in a different way, and that way is through these 235 and 236 programs to be able to eliminate, and not to really segregate people by economy, but to try to build in an integrated system whereas every kid can live and grow up together within a class structure that isn't just a blanket thing of poverty.

I am sure that the good Senator from Cumberland, Senator Carswell, is well aware of our Sagamore Village, which is certainly segregated by economy, and certainly John Kennedy Park in Bayside is another example of how we have segregated by economy the classes of individuals. Although these are very good homes, and I certainly have nothing to say against them, but they have served their purpose, and we cannot continue to build this type of project throughout the state. The only way to attack it really is through a program such as this one before us today, and I certainly would hope that the bill would be passed to be enacted.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I don't feel that I learned anything that I hadn't learned as a result of the speech just made by the good Senator from Cumberland, Senator Conley. I would advise the Senator that the law which is on the books now which provides for all types of housing was placed there by my legislation. As I said before, I have been in this battle for many, many years, and I have been very concerned about the low income and the medium income families so that I fought very hard to get the law on the books. And I do realize that we need to take this housing out of the inner city and put it out among other housing units in the better areas, and this is what my legislation has done.

As I said two days ago when we debated this bill, Robert Hayden, who is very, very community minded, who is very humane, appeared before the Business Legislation Committee a couple of months ago and told us

how he was able to put up decent housing outside of the city and integrate it with other people other than low income people. It is a very, very fine group of houses that we have out there, they are very well kept, and I see no need for anything extra on the books that we don't have now.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: We debated this thing at length two days ago and I won't repeat everything I said then. I do want to say, however, that I cannot agree with the statements made that because people have been refused or have not been able to work out loans with our banking institutions, that because of that factor they cannot buy homes and that they cannot own homes and maintain them. This has been disproven by the fact that in most areas of the state, with regard to veterans, veterans have secured loans through the Veterans Administration because they were veterans, and they were also refused loans by our local banks who were not interested in financing those homes. They received loans at 100 percent of the appraised valuation of the property. Some of these veterans have owned their homes for five, ten and fifteen years, have maintained their homes, properly taken care of them, paid their taxes, and adequately kept their properties. The same thing has happened with regard to home financing under basically the same terms by the Farmers Home Administration.

Now, unfortunately, the Farmers Home Administration or the Veterans Administration cannot make loans to anyone who may be interested in getting these loans, because under our law the Farmers Home Administration cannot make loans in areas or municipalities with populations in excess of 5,000 people, and the Veterans Administration can only make loans to veterans. But I think that history has proved that these people, who are ordinary working people, and who did not secure financing for the purchase or

construction of their homes, have been able to do so under these agencies, have taken care of them, lived in them, and have properly provided for them.

I think the same thing will happen here. These people will be screened and they will be tested.

So I am sorry to have to disagree with the amendment which was offered by my friend, the Senator from Knox County, Senator Hoffses, with regard to the matter of restricting this to what you call low personal income or family income. What is the amount that we are talking about? Are we talking about \$3,000, \$4,000, \$5,000, \$6,000 or \$7,000 of annual income by this family? Now, certainly people who work for a living, who work in some of our factories, who work in some of our plants, earn a salary in excess of what we call a low family income, and certainly these people ought to qualify under these loans. I sincerely hope that the motion to indefinitely postpone this bill does not prevail, and that we go ahead and enact this law and allow it to help some of our people to secure housing.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In answer to the distinguished Senator from Aroostook, I think perhaps the record will show that the Federal Government clearly defines the meaning of a "low income family". Now, we are concerned about the low income people. We are not concerned about the medium and the high income people. Why should the people who today are living on menial incomes have to directly or indirectly help to finance residences for people in the upper income brackets?

Now, this amendment of mine, if it would be allowed, would pertain to the low income people who I believe we are trying to help. Now, if we are sincerely trying to help the low income people, who should object to this amendment that would be offered to this bill?

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: To further clarify something, I would like to say, as I stated the other day, that this bill here we are considering would have no bearing at all on the City of Portland or any other municipality throughout the state where there is a housing authority unless they were invited in, but it is primarily geared for rural communities of this state. And if there is any place around the state that is desperately in need of housing, all we had to do was to follow the articles that were written a short time ago in the Sunday Telegram by one of the Gannett reporters who did a study on housing, particularly along the coast and up through the area where the good Senator from Knox comes from.

When you start talking about low income people, to me all this is is just a cloud being tossed over it, because low income people couldn't qualify for a loan if the good Lord was going to make it for them. They have to have a certain amount of assets to be able to be eligible. Now, if they are eligible for the loan they can qualify under the 235, which is the private ownership program of HUD, where they can get a 3 per cent loan and the rest of the interest is guaranteed by HUD. But when we start saying that all we are trying to do is gear this thing for low income people, that is ludicrous. People today can't build housing in this state because of the cost of building private housing. And it isn't because of the fact that they are \$12,000 and \$15,000; it is because they are \$18,000 and \$20,000 and so forth, right up the line. All we have to do is look at the economic statistics of the state to see what the average income is in the state, and many of the people who are residents in this state would qualify under this program because they are not making enough to get by on.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Knox, Senator Hoffses, that Bill, An Act Relating to Power to Loan under State Housing Authority Law, be

indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Chick, Dunn, Hichens, Hoffses, Johnson, Minkowsky, Moore, Peabody, Quinn, Schulten, and Wyman.

NAYS: Senators Bernard, Conley, Fortier, Graham, Greeley, Harding, Kellam, Levine, Marcotte, Martin, Sewall, Shute, Tanous, Violette and President MacLeod.

ABSENT: Senators Clifford, Danton and Katz.

Mr. Greeley of Waldo was granted permission to change his vote from "Yea" to "Nay".

A roll call was had. Fourteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion 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: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby it passed this Bill to be enacted, and I hope you vote against my motion.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed, "No".

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

Emergency

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

This being an emergency measure and having received the affirmative vote 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.

Sent down for concurrence.

Bond Issue

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, Washington County Vocational Technical Institute, and the Maine Maritime Academy, Water Front Engineering Complex (Phase I) at 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 Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations. (H. P. 175) (L. D. 233)

This being a Bond Issue and having received the affirmative vote of 21 members of the Senate with 8 members voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Bond Issue

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)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Table.)

Reconsidered Matter

On motion by Mr. Johnson of Somerset, and under suspension of the rules, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Regulating Roadside Clear Cutting Practices," (H. P. 1354) (L. D. 1770), was Passed to be Engrossed and subsequently sent forthwith to the Engrossing Department.

Senate Amendment "A", Filing No. S-261, was then Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Orders of the Day

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

Bill, "An Act Relating to Certain Laws Relative to Great Ponds". (H. P. 1374) (L. D. 1791)

Pending — Further Consideration.

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

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

An Act Relating to the Regulation of Private Detectives. (S. P. 344) (L. D. 984)

Pending — Consideration.

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

The President laid before the Senate the Senate Order Relative to Retirement Benefits for Senate Staff, tabled earlier in today's session by Mr. Berry of Cumberland.

Pending — Passage.

Thereupon, the Order Received Passage.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 641) (L. D. 1835)

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, 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. Berry of Cumberland:

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

Pending — Enactment.

On motion by Mr. Hoffses of Knox, 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-284, was Read.

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

Mr. SCHULTEN of Sagadahoc: Mr. President, may I ask the number of that amendment again please?

The PRESIDENT: S-284.

Mr. SCHULTEN: Mr. President, I don't seem to have that amendment sir, and I would like to speak in opposition to it when it does appear. Frankly, sir, I have read it rather hurriedly and I am not a very fast reader, so I must say I don't understand it. I do remember in the bill though there was mention of a one hundred foot frontage which has been reduced to seventy-five feet, and I feel that any legitimate developer of land could certainly live with and rather applaud the fact that there is a curb on indiscriminate use of land to the extent that there is no control over frontage. For that purpose I would oppose this amendment, and hope that the Senate would go along in voting down Senate Amendment "A".

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In regards to L. D. 1425, under Section 3, Subsection 4801, it says: "A lot containing less than 20,000 square feet may be used for single family residential purposes if approved by the Department of Health and Welfare." Now this particular matter does permit the Department of Health and Welfare to make exceptions to the 20,000 square foot clause.

The purpose of this amendment would be to allow the department, if they are permitted to make exceptions in one section of this law, why should they not be permitted to make other exceptions in the law, providing that it does

meet with all of the percolation tests, the soil types, soil observations, and so forth. I would like to use, if you will, an example. Let us assume that we have a development, and many times today when a development is being proposed and laid out, you put in a winding road, and I might say that one of the principal purposes of it is to prevent hotrodding. Now, on a straight street you know and I know, we all know, that there is hotrodding going on. A winding road will prevent the hotrodding, as you and I know it today, of the cars and motorcycles and so forth. Now, when you are subdividing this lot, and you come to one of these sharp curves, the frontage many times could be less than the amended version, or less than the seventy-five feet yet, as soon as you get back from the right-of-way, that lot will expand like the shape of a piece of pie; it widens out considerably.

I am in housing development and I know I want to abide by all of the regulations set down by the Health and Welfare Department relative to percolation tests and all of those things of that nature, so I say if the department is permitted to make exceptions in one section of this bill then why should they not be permitted to make other exceptions providing, and I repeat, providing they do not go contrary to the regulations set down by the department relative to the Health and Welfare restrictions about percolation, distance of drainage fields in relation to wells, and things of that nature. This amendment would do simply that.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I just want to point out one or two things, not to influence anyone on how they are going to vote, but I think the matter of the width of the lot and the matter of the waiver by Health and Welfare with regards to the size of the lot addresses itself to two entirely different situations. You agree that a lot is going to be no less than 20,000 feet and it is

going to be also one hundred feet in width on the street. Now, this is zoning or this is shall we say planning. The question of the waiver of 20,000 feet does not address itself to the question of zoning or planning; it addresses itself to whether or not the lot which is less than 20,000 feet, no matter how you cut it, will allow the percolation test or will allow the soil to handle the sewage disposal that is going to be made on the lot, so, I think you want to make sure.

The Health and Welfare should not be required or requested to make decisions on either zoning or planning shape of lots. I think it is rightfully a good provision to say that in the area, or if a lot of less than 20,000 feet is going to meet the soil test question, then they should go ahead and grant the permit. But I think the width of the lot here addresses itself not to the percolation matter, but to whether or not you are willing to allow the shaping of a lot of less than one hundred feet, and this addresses itself to planning and zoning. I am not telling anybody what to do here, but I think they address themselves to two entirely different matters and they should not be mixed up.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to pose a question to the good Senator from Knox, Senator Hoffses, if I might. The question is this: Is this amendment being offered because of a broad need across the state or is this amendment being offered to perhaps suit the particular problem of a particular developer in a particular area?

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

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In answer to the good Senator's question, this is not intended for any one particular

individual or any one particular subdivision.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: There is an old saw that goes somewhat to the effect that "never under-estimate the power," and so on, and I would add to that "never underestimate the power of the lobby," because this bill came into the Senate on June 8, and this bill has been with us for one reason or another ever since June 8, and this is now the 16th. The only reason for this delaying tactic has been the effort of the lobbyists to change this hundred foot, which has already been revised down to seventy-five feet, because they feel their own selfish interest is imperiled here.

Now actually I think the greatest danger, and I admire the example that the good Senator from Knox, Senator Hoffses, offered to us because it makes a great deal of sense, but he didn't particularly dwell on the fact that if you eliminate some sort of regulation on your lakes in the State of Maine you are going to have a very disastrous lake frontage system wherein you will be absolutely unable to control the sewage problems, the width problems, or anything else that pertains to property on the lake shore itself. I think this is the great danger in this area.

I would feel also that since the lobbyists through valiant efforts in the House, where this thing has been debated in great length, that in good faith it was reduced from one hundred feet to seventy-five, in an honest effort to compromise the situation which might have been considered harmful to all concerned, if the Senate feels that this perhaps should be something that could be regulated by the Department of Health and Welfare, even though I question their ability to do this, then I feel that it would only be justice to the sponsor of the bill that we re-amend the bill to go back to the one hundred foot original requirement. Then if you want to leave it up to the Health and Welfare to determine whether

or not they want to make exceptions, that is something else again, but just to have the power of the lobby exhibited in such a strong and brutal fashion, here, I think it is going too far and I definitely oppose it.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I would like to support the good Senator from Sagadahoc, Senator Schulten. It seems to me that a seventy-five foot frontage is small enough.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think perhaps I should rise in defense of the lobbyists. Now, I am going to be brutally frank with you; it was a lobbyist who brought this matter to my attention. And I think that everyone of us can honestly say that it is a lobbyist who somewhere in some of these bills has brought to our individual attention some matters which we did not know existed.

We have got over eighteen hundred L.D.'s in this book, and I am going to say that if it wasn't for the lobbyists a great many of us would not know what we were passing in a great many of these pieces of legislation, and I wonder what the net result would be. Now the lobbyist did bring my attention to this here on this matter. When I read it over and I saw what this thing does do, I was more than happy and willing to put this amendment on. I will stand behind the amendment that I proposed, and will not hide behind the shadow of any lobbyist.

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

Mr. HARDING of Aroostook: Mr. President, if a division has not already been asked for, I would ask for a division when the vote is taken. I support the position which the good Senator from Sagadahoc, Senator Schulten, takes on this. What he mentioned which

convinced me is that you have got to be careful of these lakes or we will destroy them. This enables you to have a very, very small frontage with your lakes, and this means that the soil near the lake will not be able to absorb the sewage and, as a result, you get algae in the lake and you will destroy your lakes. And I know whereof I speak because in the County we had a situation like that, and a lake that was once beautiful is now destroyed.

I think this is a very, very bad precedent. I suspect what happened is that the lobbyist was concerned with a particular development, and probably with this particular development this bill would have been all right, but I think it poses great perils to our lake frontages particularly. So, I hope that you would vote against this amendment.

The PRESIDENT: Senator Hoffses of Knox requests permission to speak a fourth time. Is this the pleasure of the Senate?

Thereupon, there being no objection, Mr. Hoffses of Knox was granted permission to speak a fourth time.

Mr. HOFFSES: Mr. President and Members of the Senate: If you will permit me to get a little parochial in this matter, I would like to point out a situation which I had just very, very recently in regards to the building of a house, the installation of a septic tank and a drainage field. I dug the necessary holes for the plumbing inspector to make the percolation tests. The plumbing inspector made the percolation tests, and when we were discussing the matter, he frankly admitted that he could not pour water in one of the holes that he had designed or pointed out for me to dig where the drainage field was to be installed, he could not pour water into the hole as fast as it would seep away into the ground. Yet this same plumbing inspector informed me that it would be necessary for me to have eighty-three feet, I emphasize, eighty-three feet of drainage field to take care of this house which had but two bedrooms. So, now we have amended this bill down on frontage

from one hundred to seventy-five feet.

Now, I raise the question to you, ladies and gentlemen, how are you going to get a drainage field of eighty-three feet into a lot that is seventy-five feet wide? You are going to have to do some fancy finagling in order to get a drainage field that will pass a percolation test. And I might add that if your percolation test was not the same as what I had just experienced, that plumbing inspector could very well say well, sir, you are going to have to have a hundred and five feet, or you are going to have to have a hundred and fifteen feet of drainage field in order for me to pass this.

So, I believe that this seventy-five feet is not restrictive in that we should have that amount as a frontage for a lot. If the lot is shaped suitable so that it will meet all of the requirements, all of the tests, it could very well be pie-shaped. A lot of us who might have a house on the lot which would have maybe seventy feet frontage on the street would have more land in the back than we would care to weed a garden if we had a rainy season and the weeds were really growing.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I wonder if this is not like comparing apples and pears. We are talking about one lot affecting lake front and the same lot that would affect land away from the lake. I have got to agree with everything the good Senator from Aroostook, Senator Harding, says because I have seen some of these lake fronts that have been ruined by not having enough frontage. But then when you get away from the lake it is a different situation, and I would agree with Senator Hoffes. I wonder if this bill shouldn't be tabled and an amendment drawn so that it would treat lake fronts differently from other areas.

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

Mr. BERRY of Cumberland: Mr.

President and Members of the Senate: Unfortunately the longer a debate goes on the more some of us have to pay attention to what we are talking about, and I have just read the bill. I must say that, while I agree wholeheartedly, of course, with Senator Schulten and his associates, that there is a problem with the bill. The bill does permit the authorities to waive for area requirements, and yet it does not permit them to waive for frontage requirements, nor is the word "frontage" defined here. It doesn't say we are talking about frontage on a lake or frontage on a road.

I noticed that there was a charge here of ten dollars per lot for servicing the application, but not more than fifty dollars for a development. Well, you could have a development like several of the things that we have seen here in the State that give us a great deal cause for concern that would take \$5,000 to process. I am in a little bit of agreement with Senator Wyman and perhaps, even at this late date, the bill has merits and problems both, so it should be tabled.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Relating to the Board of Registration in Medicine." (H. P. 1378) (L. D. 1798)

Pending — Enactment.

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

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

An Act Relating to the Possession and Sale of Certain

Hallucinogenic Drugs. (H. P. 1391) (L. D. 1813)

Pending — Enactment.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act Relating to Property Tax Relief for the Elderly." (H. P. 1132) (L. D. 1560)

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

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

Pending — Passage to be Engrossed.

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

Senate Amendment "B", Filing No. S-279, was Read.

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

Mr. TANOUS of Penobscot: Mr. President, I haven't had an opportunity to examine the amendment. I have just found out that it was ready, and I would appreciate it if someone might table this until tomorrow and give me another chance to look at it.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

Reconsidered Matter

On motion by Mr. Johnson of Somerset, the Senate voted to reconsider its action of earlier in today's session whereby An Act to Amend Biennial Elections of

Penobscot Tribe of Indians, (H. P. 1399) (L. D. 1816), was Enacted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JOHNSON: Mr. President and Members of the Senate: There is a problem with this bill and I have just been informed of it. It has got to be amended. Now what is my next motion?

The PRESIDENT: The Chair would inform the Senator that he may not make a tabling motion.

Mr. JOHNSON: I move we suspend the rules and reconsider engrossing of this bill.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the Senate suspend its rules and reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, could we have some explanation for the reason for suspending the rules?

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have just been informed by one of the members of the committee who worked out this bill, Representative Starbird, that he thought he had it worked out right, but the Legislative Research Office says there is something wrong with the amendment that he put on it, and he would like to have it held so that we could put on the proper amendment.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending the motion of the Senator from Somerset, Senator Johnson, to Reconsider.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriation Table, An Act to Establish a Maine Library Advisory Committee. (S. P. 263) (L. D. 769)

The same Senator then moved the pending 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriation Table, An Act to Authorize Bond Issue in the Amount of \$5,215,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions, (H. P. 177) (L. D. 235).

On further motion by the same Senator, 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-277, was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This amendment to this

Bond Issue would simply allow the construction of a recreational and all-purpose facility to be built between the Bangor State Hospital and the Eastern Maine Vocational Technical School, which is quite close to the Eastern Maine General Hospital, as I am sure many of you are aware. The language in the Bond Issue would restrict the location of this building to the grounds of the Bangor State Hospital, and the Department of Mental Health and Corrections has worked out this language so that this building could be built somewhere in between these two state operated institutions, and this building would then be available for the Eastern Maine Vocational Technical Institute as well as the Bangor State Hospital.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.