

# 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**

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Thursday, June 17, 1971

Senate called to order by the President.

Prayer by the Rev. Linwood Welch of Hallowell.

Reading of the Journal of yesterday.

### Papers from the House

#### Non-concurrent Matter

Bill, "An Act to Regulate Surface Mining Under the Maine Mining Commission." (S. P. 133) (L. D. 345)

In the Senate June 10, 1971, the Majority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, In New Draft, (S. P. 631) (L. D. 1819), was Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

On motion by Mr. Violette of Aroostook, the Senate voted to Recede from its former 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-288, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

#### Non-concurrent Matter

Bill, "An Act to Establish Step-parents' Responsibility to Support Stepchildren." (S. P. 429) (L. D. 1243)

In the Senate June 15, 1971, the Majority Ought Not to Pass report Read and Accepted.

Comes from the House, the Minority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft, (S. P. 640) (L. D. 1833) Passed to be Engrossed, in non-concurrence.

Mr. Tanous of Penobscot moved that the Senate Insist and ask for a Committee of Conference.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Mr. President, I move that the Senate Recede and Concur, and would speak briefly to my motion. And I would request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate Recede and Concur. A roll call has been requested.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: This bill had an extensive debate, it was heavily lobbied, and there have been fears thrown up in the minds of many people that deserving children are going to suffer if this bill is passed. I think we may be assured that such is not the case and no one in the legislature would support a measure if this were to be the issue.

I think the principle involved here is this: that through the years we have developed welfare programs, the regulations, the requirements, the qualifications involved here become so fuzzy that inequities and abuse have crept in. I think the people of the State of Maine are demanding of the legislature that it carefully scrutinize the welfare programs, that the guiding principle be that no one in need be penalized in any manner, and that the programs be administered in the most efficient and the most productive manner which will produce social justice for those who really need it.

We are not even involved here with issues such as you have got to work to get money or any of the dramatic things we see happening in other parts of the United States. We are just talking about a simple little procedure: shall the stepfathers in families who can afford it share the financial responsibilities involved. There have been many glaring examples cited both before the committee and in the debate on stepfathers who have adequate income, some to figures that astonish us, who are not contributing to the support of the family. This is a waste of welfare money, and this is what is

involved and this is what we are voting on. I hope you will vote "Yes" on my motion to recede and concur.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: Perhaps I should ask to be excused from voting on this question because of a conflict of interest. You see, I have a stepdaughter. Not that I am worried about supporting her, but she is an adult and under this bill she would have to support me.

With this bill we are throwing the baby out with the stepfather. We won't be tossing 1,800 stepfathers off the AFDC rolls; we will be hurting some 4,000 children. This bill disqualifies all 1,800 families. No matter how low the combined incomes of these families are, they will be off AFDC.

I can understand the frustration of legislators who have watched the welfare rolls soar, but we are in a recession, unemployment is high, people are in trouble, times are hard, now should we be distracted by the relatively few cases of fraud? These cases, I agree, should be prosecuted to the full extent of the law, and under new laws, if necessary. But let us not take out our fears and our frustrations on the children of the poor by depriving these innocent victims of food, of clothing and medical care. And remember that Medicaid is part of the AFDC program. We are not only being un-Christian; we are being inhuman. We are laying out problems for society in the years to come, health problems, education problems, crime problems.

The horrors of this bill as a legal document I will leave to the lawyers. As social legislation, it is short-sighted, it is confused, it is inhuman.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Two or three days ago we discussed this bill at considerable length, and I thought it was pointed out quite graphically to all of us that there were very serious tech-

nical difficulties with the bill. And whether this Senate wishes to bear down, so to speak, on stepfathers or not, that is quite apart from the way this legislation is written.

It does, in fact, change the definition which is covered by a great number of laws, one of them being, as Senator Graham has pointed out, the liability of children for their parents. We could have a great number of stepchildren responsible for many parents, which might be a considerable difficulty in later years. But that is not the most serious aspect of it, of course.

I really feel we covered the ground very, very well last time, and if it is the attitude of some of us here that we have just got to have some legislation in this field at this session, then I think it would be very well to go along with the motion to insist made by good Senator Tanous, and ask for a committee of conference and see if these things could not be ironed out. I don't feel that those who are adamant in this matter would be losing any ground by going along with that motion, and we would be making law, if we do go all the way with this bill, which is at least covering only the field which we wish to cover. Therefore, I hope you will vote against the recede and concur motion.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have listened to the debate on this bill and I will wholeheartedly agree with the remarks that were made by our good Senator from Cumberland, Senator Berry. However, his remarks were directed toward the passage of this bill, and the remarks should have been directed toward the department that creates these fuzzy areas and these inequities, because someone has not given it the proper scrutiny. I think that there is where the problem lies; not in this particular bill.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think the picture here

that is being made to pass this legislation is aimed at the welfare problem. It may be that there are some problems with regard to the welfare recipients and with regard to stepparents, but if there are then they ought to be corrected.

This bill goes far beyond that, and that is the reason I can't accept it. The legal quagmire that this bill is going to produce with regard to the legal relationship of all of our adoptions, all of our stepparents, all of our divorce laws in our state, our marriage laws and second marriages, and the relationship of stepchildren, as I say, this bill is going to create a legal quagmire, and I think there must be some way of getting at the inequities we talk about here, if there are those inequities, without such a broad bill which affects the legality and legal effects of our adoptions, divorces, our laws and our second marriages. I don't know, as well intended as I am sure the objectives of this bill are, I question whether the legal implications beyond the matter of welfare recipients have been considered sufficiently, and I would hope for those reasons that this would not become law.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: As I understood it, there was going to be a bill presented at this session of the legislature from the Health and Welfare Department pertaining to stepfathers. I would like to ask the question of anybody who cares to answer, whether this bill originated in the Health and Welfare Department.

The PRESIDENT: The Senator from Waldo, Senator Greeley, has posed a question through the Chair to any Senator who may answer.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill originated — well, probably if one individual were to be pinpointed it would be Senator Dunn from Oxford — however, it grew from that little acorn in the special committee investigating the Health and Welfare program, and

that is the group that really is pushing it.

I would point out that Senator Johnson, of course, is correct too, that we are looking into the administration of the department, but this is another parallel thrust that is being made.

Finally, I would say that the passage of this bill would put the laws of the state back where they were three or four years ago, prior to which I think everything worked extremely satisfactorily.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I would like to make just one or two comments. I got at least the implication from the remarks made by the good Senator from Cumberland, Senator Graham, that this was aimed at people who need support. This is far from the truth. All this bill does is make the stepparents responsible for paying bills which they can well afford to do.

Now, if there is a poor family, if the stepfather's income happens to be low enough so that family needs help then they still will get help under some other program, either in the Health and Welfare, depending on the situation, or at the local level. So there will be no poor children that will be deprived by the action we take here today.

Furthermore, if a widow with a few children marries a second time and he is a stepfather if the stepfather later on gets a divorce or there is a separation, even without a divorce, then they will come back on the rolls as the law does provide, just like any natural parent.

So, I think there has been quite a bill of study, this bill has been drawn up by the Attorney General's office, and I know they feel there is no legal problem, at least to the extent that has been presented to us here by some of the attorneys.

In reply to some remarks by the good Senator from Aroostook, Senator Violette, in regard to the legal questions that may be involved here, I might say that I too am concerned that this bill perhaps does not meet the approval of many of the attorneys here, but

this bill was worked on in the Judiciary Committee at least two months — I don't know but what it was longer — and it seemed to me that with the good attorneys we have on that committee, and as bad as some make it out to be, that they should have been able to straighten it out long before this.

So I hope that the Senate will go along and pass this bill this morning. It may be that they will find some things that need to be amended later on, and it can be done at the special session or the next regular session. So, I hope you will vote to pass this at this time.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: First of all, in reference to the sponsor of this bill, Senator Dunn from Oxford, I want to mention that Senator Dunn is indeed concerned with the high rising costs of welfare in the State of Maine, and he is certainly sincere in his proposition here with this stepparent bill. And I have always recognized his sincerity, as he always has been sincere on any vote or any bill that he has ever presented to this legislature.

I think that Senator Dunn is also somewhat concerned about the legal implications of this bill. Now, there have been some statements had here this morning; some are correct, and some perhaps haven't been based on research.

With reference to the statement of Senator Chick from Kennebec, I want to thank him for the faith he has placed in the Judiciary Committee and the attorneys on that committee. I should also add that the lay people on the Judiciary Committee should receive equal recognition, especially in the area of a bill of this nature because a lay person can well recognize the social aspects of a particular bill and not only the legal implications of it. I agree with him that we have very good legal counsel on that committee, and we did try to work out a bill in that committee. Sincerely, we did.

Now, we asked the assistance of the Attorney General's office, as

Senator Chick from Kennebec is well aware of, because he and his committee met with the Judiciary Committee, and I understand he is the Chairman of the Committee on Health and Welfare. So he did meet with the Judiciary Committee, and we explained to that committee the legal problems which we had facing us in the attempt we were making to come out with a bill that would be constitutional.

We had received some information from other states, and so forth, and I submitted my whole file to the Attorney General's office. As you are well aware, we have twenty some odd lawyers who are all capable in the Attorney General's office, and do you know that it took them three drafts? They had to prepare three drafts before they could come up with this one. Every draft that they came out with, some other assistant attorney general would pick it up and find fault with it. Finally they came up with this final draft. And I don't know yet, as I said a couple of days ago, whether this particular draft meets the requirements of the law, whether it is constitutional or not.

Certainly, there is one definite part of this particular bill that concerns me, and this is the ex post facto law which has not been discussed. You are all aware that you can enact legislation today which would not affect an act that occurred yesterday. This is what you refer to as the ex post facto law. I am sure that Senator Quinn of Penobscot is aware of this particular phase of the law, the ex post facto law. You cannot enact legislation today which would have an effect on people that have already entered a particular stage or a particular position. You cannot pass legislation which would be retroactive. This bill does not explain this. There is no opinion rendered to us on this facet of the law, so it does concern me in this area.

Now, statements were made by my good friend, Senator Berry of Cumberland, and again he is doing what he feels is proper and correct. But I think he is misled in the fact that he said it will not cut off children of stepparents if this

law is enacted. This is wrong. I am sure Senator Berry, who is not an attorney, perhaps has not obtained an opinion on this, and I have. I did obtain an opinion on this matter through the Attorney General's office and the Health and Welfare, and there is no question whatsoever that anyone receiving welfare today, any children — and I am not talking about a stepparent who is receiving welfare — mind you, this is the misconception I have heard when you talk about a stepparent — it is not the stepparent that is receiving welfare, or food, clothes or medical care; it is the children who are receiving this. So when we refer to this as stepparents we should remove that word from our minds, and talk about the children who have stepparents. It is certainly not by their volition that they have a stepparent. They haven't asked for a stepparent, and we are going to punish them because of the acts of their mother or father, because they have remarried? This is what we are doing when we are talking about this bill.

Any child who has a stepparent will be cut off if this bill is enacted. They definitely will be cut off. And I have a memo from the Health and Welfare department that says so. I have enough copies for this group and I would be pleased to get a number of copies and distribute them.

In reference to help being retained in the stepparent's home, yes, it could be if the stepfather is disabled, if the stepfather is blind, if the stepfather is elderly. Now, in these particular cases they would come under a different phase of Health and Welfare; you would not cut these out. But all stepparents who are physically able to work would definitely be cut off. And again I say it is not the stepparent you are cutting off; it is the stepchildren. This is what concerns me. Especially a child who has not had an opportunity to decide his own fate. This is important when you think about this. I have seen, and I am sure you have, hungry children, children needing medical care, children needing clothes. I have seen it, and I am sure that you have. And I am not appealing to your emotions,

but let us not punish children for the acts of their parents.

I recognize the fact that we want to reduce our welfare load. I fully agree with you. I think that we should work in this area but, as has been mentioned by my good friend, Senator Johnson from Somerset, he hit the nail right on the head when he said that if there are inequities in our welfare law that this bill before us is not the one that is going to answer the problems.

Senator Berry from Cumberland last week mentioned that we should perhaps investigate the Health and Welfare Department. Perhaps we ought to look into what is going on over there in an attempt to reduce the welfare rolls. And perhaps he is correct. If it is necessary for this legislature to sit down and write rules and regulations for the Welfare Department, then let's do it. Let's hit at the heart of the problem. Let us not in anger just strike out by enacting a law of this type affecting a segment of our population, and along with it doing away with the abuses, but yet harming, and we would be harming, the vast majority of the children of this state that are under this program who are not guilty of any abuse. This is important. This is important because this is one thing that we always should keep in mind: let us not lash out in our anger and our ire in an attempt to straighten out a situation and hurt the innocent as well as the guilty. This is important. So I hope you will vote against Senator Berry's motion to recede and concur, and join me in my subsequent motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Of course, we have talked too much on this issue already, but when my good friend, Senator Tanous from Penobscot, talks about anger and ire on the part of the proponents of this legislation I must, of course, rise. And when he forgets that I said that no needy children would suffer by the passage of this legislation, I must rise. No needy children will suffer as

a result of the passage of this legislation.

As I pointed out, I not only said last week that the department should be investigated, I said it months ago. As a result of that we have the special investigating committee.

I think the issue before us today is: does the legislature have the gumption to take a close look at the welfare program and problems in the State of Maine? And does it have the gumption to act? That is the issue.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am for this legislation, and I feel it is very good legislation and humane legislation. By passing this legislation, some people who marry just for the sake of getting money from the state take the money — and I can prove it to a lot of you — they take the money and go out Sunday night and have a good time and drink it up, and the children are left without food and without shoes.

If we don't pass this legislation, and if some woman doesn't get married, when she gets a check from the state she will take care of her children. But there are a lot of them that marry — I have the proof and will show any of you who don't believe me — they collect their check, they drink up the money and they let their children go hungry. If we pass this legislation, if somebody marries a woman who has children, if he loves the children and he loves that woman then he will take care of them. That is why it is a very good piece of legislation.

What we are doing now, with the system that we have now, we are abusing the small children. We are letting people marry women with children just for the sake of getting some of the money. The children six or eight years old don't get the money. If the parents who get the money waste it and drink it up then the children don't benefit by it. So, in my estimation, if a woman who has children, and she doesn't marry a man just for the sake of getting

the check, I think she is better off not to be married and she will take care of the children better than under this system now. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: From what the good Senator from Kennebec, Senator Levine, is saying, I think what he would probably like to do probably then is just amend the bill to take care of all the AFDC children. We shouldn't discriminate just because of the stepchildren.

I have a question I would like to pose through the Chair to the good Senator from Cumberland, Senator Berry, on the investigative committee that we had on welfare. I would like to know if his committee was able to come up with any recommendations, or if they possibly came up with any findings as to fraud being committed?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Cumberland, Senator Berry, who may answer if he wishes.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, the committee is distributing an interim report today, which should be on our desks, which I think will cover this point.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Since I sponsored this bill, I would like to say one or two words. The bill originated in thought in the Appropriations Committee when we came back, as I said the other day, when we came back and found ourselves behind the eight ball to the tune of \$5 million.

The Health and Welfare did draw up the first draft and it was presumably being considered as being attached to an appropriations bill. But this draft here came out of the Committee on Judiciary. It was drawn, and I was at a



meeting the other day when the Deputy Attorney General, George West, said that he had something to do with the wording of this bill, and he assured us that there were no legal problems that would arise from this bill.

One other thing: last fall, and the other Senator from Oxford County, Senator Fortier, was present at a meeting in Mexico, when the town manager of one of our towns in northern Oxford County made the statement that he had fourteen cases where the step-father was present, and twelve of them could be self-supporting. I can't believe that it is right for the public, for the taxpayer, to be supporting or paying money into twelve cases out of fourteen. Probably this percentage is larger than it is in other areas, but I don't think that we should be subsidizing these cases, and I hope you will go along with the motion to recede and concur.

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

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

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House on Bill, "An Act to Establish Stepparents' Responsibility to Support Stepchildren." A "Yes" vote will be in favor of the motion to recede and concur; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Levine, Moore, Peabody, Quinn, Schulten, Sewall, and President MacLeod.

NAYS: Senators Carswell, Clifford, Conley, Danton, Fortier, Graham, Johnson, Kellam, Marcotte, Martin, Minkowsky, Shute, Tanous, Violette, and Wyman.

ABSENT: Senators Harding and Katz.

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators absent, the motion to Recede and Concur did not prevail.

Mr. Tanous of Penobscot then moved that the Senate Adhere.

Mr. Berry of Penobscot requested a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I ask for a roll call.

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

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I wish to withdraw my motion and move that we insist and ask for a committee of conference.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, withdraws his motion that the Senate adhere. The same Senator now moves that the Senate insist and ask for a committee of conference. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. Berry of Cumberland requested a division.

Mr. Tanous of Penobscot then requested a roll call.

On motion by Mr. Berry of Cumberland, Senate in Recess, pending the sound of the bell.

#### (After Recess)

Called to order by the President.

The PRESIDENT: A roll call has been requested on the motion of the Senator from Penobscot, Senator Tanous, that the Senate insist and ask for a committee of conference. In order for the Chair to order a roll call, under the Constitution, it

requires the affirmative vote of at least one-fifth of those 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.

Again, the pending question before the Senate is the motion of the Senator from Penobscot, Tanous, that the Senate insist and ask for a committee of conference on Bill, "An Act to Establish Step-parents' Responsibility to Support Stepchildren." A "Yes" vote will be in favor of insisting and asking for a committee of conference; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Johnson, Kellam, Marcotte, Martin, Minkowsky, Shute, Tanous, Violette, and Wyman.

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

ABSENT: Senators Harding and Katz.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, the motion prevailed.

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

Senators TANOUS of Penobscot  
WYMAN of Washington  
CLIFFORD  
of Androscoggin.

#### Non-concurrent Matter

Bill, "An Act to Provide a Minimum Wage for Students Employed at Summer Camps." (H. P. 569) (L. D. 745)

In the House June 14, 1971, the Majority Ought to Pass as Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "A" (H-459).

In the Senate June 16, 1971, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Tanous of Penobscot moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would be opposed to the motion. The bill, once again, like the previous one has been very thoroughly debated. We have a vital Maine industry here that we are talking about, which employs probably some 900 students who, if this bill were to go through, would be out of a job and full-time adults would be used to get the most for their money. So I hope we would maintain our position, and I would ask for a division and hope you vote against the motion.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate insist and join in a committee of conference will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

#### 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) Passed to be Engrossed.

In the House June 15, 1971, the Reports and Bill Indefinitely Postponed, in non-concurrence.

In the Senate June 16, 1971, the Senate Voted to Insist.

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

On motion by Mr. Fortier of Oxford, 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 MOORE of Cumberland  
HICHENS of York  
FORTIER of Oxford

#### Non-Concurrent Matter

Joint Order (S. P. 653) relative to Department of Audit conduct audit audit of Augusta State Hospital.

In the Senate June 16, 1971, Read and Passed.

Comes from the House, Indefinitely Postponed, in Non-Concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### Non-Concurrent Matter

Joint Order (S. P. 648) relative to National Legislative Conference.

In the Senate June 15, 1971, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-470) in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

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

Senators MacLEOD of Penobscot  
BERRY of Cumberland  
VIOLETTE of Aroostook

#### Communications

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330  
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 8 whereby on Bill "An Act to Encourage Aquaculture in Maine's Marine Waters" (S. P. 408) (L. D. 1242) Reports and Bill were indefinitely postponed in non-concurrence.

Respectfully,  
BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Orders

On motion by Mr. Kellam of Cumberland,

WHEREAS, it appears to the members of the Senate of the 105th Legislature that the following is an important question of law and that the occasion is a solemn one; and

WHEREAS, S. P. 635, L. D. 1823, RESOLVE, Dividing the State of Maine into Councillor Districts, which document is hereto annexed as Exhibit "A", is now pending before the Senate; and

WHEREAS, the Legislature has ascertained the population of the various counties of the State to be as follows:

Androscoggin	91,279
Aroostook	94,078
Cumberland	192,528
Franklin	22,444
Hancock	34,590
Kennebec	95,247
Knox	29,013
Lincoln	20,537
Oxford	43,457
Penobscot	125,393
Piscataquis	16,285
Sagadahoc	23,452
Somerset	40,597
Waldo	23,328
Washington	29,859
York	111,576; and

WHEREAS, questions have been raised concerning whether the method of apportioning representation on the Executive Council contemplated by said document is conformable as to the Equal Protection Clause of the 14th Amendment to the Constitution of the United States; and it is important that the Legislature be informed with respect thereto so that it may act thereon; now, therefore, be it

ORDERED, that in accordance with the provisions of Article VI, Section 3 of the Constitution of Maine, the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate their opinion on the following questions of law, viz: —

Whether the method of apportioning representation on the Executive Council contemplated by S. P. 635, L. D. 1823 is conformable to the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

### Which was Read and Passed.

On motion by Mr. Berry of Cumberland,

WHEREAS, it appears to the members of the Senate of the 105th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, in accordance with Article IV, Part 1, Section 2 of the Constitution of Maine, the 105th Legislature is considering reapportionment of the House of Representatives; and

WHEREAS, four separate plans for such reapportionment have been reported from the Joint Select Committee on Constitutional State Reapportionment and Congressional Redistricting, viz: S. P. 642, L. D. 1843, Report "A"; S. P. 643, L. D. 1846, Report "B"; S. P. 644, L. D. 1844, Report "C"; and S. P. 645, L. D. 1842, Report "D"; all of which reports are now pending before the Senate; and

WHEREAS, the Senate has annexed copies of said reports hereto, which copies are marked Exhibits "A" through "D," respectively; and has caused the provisions of said reports to be graphically illustrated upon maps of the State, which maps, annexed hereto, are marked Exhibits "A-1" through "D-1," respectively, all of such exhibits being prepared and submitted for the assistance of the Justices of the Supreme Judicial Court; and

WHEREAS, Senate Amendment "A" to S. P. 645, L. D. 1842, Report "D," which amendment is hereto annexed as Exhibit "E", has been reproduced and distributed, whereby cities and towns in Penobscot County having numbers of inhabitants greater than the unit base number of said county, computed in accordance with the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine, have such number of their inhabitants, as exceed the unit base number of so computed, combined with other cities and towns in said county to form single-member districts; and

WHEREAS, questions have been raised concerning whether the method of reapportionment contemplated by Reports "C" and

"D", insofar as cities and towns, having a number of inhabitants greater than the unit base number computed according to the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine, are combined with cities, towns, plantations and unorganized territory, having inhabitants less than the unit base number so computed, into multi-member districts, is conformable to the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine; and

WHEREAS, questions have also been raised concerning whether the method of reapportionment contemplated by Senate Amendment "A" to S. P. 645, L. D. 1842, if applied through the State, would be conformable to the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine, and consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States; and

WHEREAS, questions have also been raised concerning whether the method of reapportionment of the House of Representatives contemplated by the provisions of Article IV, Part 1, Sections 2 and 3 of the Constitution of Maine, is conformable to the Equal Protection Clause of the 14th Amendment to the Constitution of the United States and whether any plan for reapportionment of the House founded on such provisions is valid; and it is important that the Legislature be informed with respect thereto so that it may act upon the proposed reports and amendment; now, therefore, be it

ORDERED, that in accordance with the provisions of Article VI Section 3 of the Constitution of Maine, the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate their opinion on the following questions of law, viz:—

### QUESTION NO. 1

Whether the methods of reapportionment contemplated by Reports "C" and "D" (Exhibits C and D hereto annexed), insofar as cities and towns, having a number of inhabitants greater than the unit base number computed according to the provisions of Arti-

cle IV, Part 1, Section 3 of the Constitution of Maine, are combined therein with cities, towns, plantations and unorganized territory having inhabitants less than the unit base number so computed, into multi-member districts, is conformable to the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine?

#### QUESTION NO. 2

Whether the method of reapportionment, contemplated by the provisions of Article IV, Part 1, Sections 2 and 3 of the Constitution of Maine, is conformable to the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

#### QUESTION NO. 3

Whether the proposed plan for reapportionment of the House of Representatives, S. P. 642, L. D. 1843, Report "A" hereto annexed as Exhibit "A", is consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

#### QUESTION NO. 4

Whether the proposed plan for reapportionment of the House of Representatives, S. P. 643, L. D. 1846, Report "B", hereto annexed as Exhibit "B", is consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

#### QUESTION NO. 5

Whether the proposed plan for reapportionment of the House of Representatives, S. P. 644, L. D. 1844, Report "C", hereto annexed as Exhibit "C", is consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

#### QUESTION NO. 6

Whether the proposed plan for reapportionment of the House of Representatives, S. P. 645, L. D. 1842, Report "D", hereto annexed as Exhibit "D", is consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

#### QUESTION NO. 7

Whether a proposed plan for reapportionment of the House of Representatives using the method

of reapportionment contemplated by Senate Amendment "A" to S. P. 645, L. D. 1842, which amendment is hereto annexed as Exhibit "E", would be conformable to the provisions of Article IV, Part 1, Section 3 of the Constitution of Maine and consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States?

Which was Read and Passed.

On motion by Mr. Chick of Kennebec,

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture is directed to report out a bill relating to broadening the scope of the Uniform Agricultural Cooperative Association Act.

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: We have had a cooperative law on our books for a good many years and I don't believe there has been an amendment to it for quite some time. Yesterday there was a ruling by the Superior Court in regard to the co-op law, and it appears that we do need an amendment to cover all of our farm producers, and that is the purpose of this amendment. The way it is now, producers who are raising and selling their own products are covered under the co-op law, but the ruling has been that if all farmers are to be included that there must be an amendment to the co-op law, and that is the purpose of this order.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: At this late hour I would object to this order. I don't think the Agriculture Committee could come out with any bill or any amendment, or whatever, maybe for a month or two, and I don't think we want to stay here in session until September. I think this order should be left to the next special session instead of rushing into it and passing poor

legislation. I think we passed some poor legislation and now we are trying to correct it, but I don't think this will correct it, and I would urge this body to vote against this order so we are able to go home in a week or two instead of staying here until September.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think this order, hopefully, would be passed. I think it is needed. As it was explained to me yesterday by members of the agricultural and farming community, under the co-operative law farmers are covered with regard to contracts that they have with producers.

Now, the system of farming, and particularly with regard to many of the people in the poultry industry, the system of contracting, as it was explained to me, has changed from where the farmer used to own his birds and then, when it came time to deliver them to the processor, they were his birds and he sold them. Now the birds and many of the materials are furnished by the processor, and during the process the birds remain the property of the processor.

Now, under a ruling delivered yesterday in regard to an injunction, the Court ruled that because the product was the property of the processor the law did not apply and did not protect those farmers. I think this is a very, very serious matter for those hundreds of farmers who are involved in those contractual relationships.

What this order would do is report out a bill to include those farmers who have contracts with processors. I think it is needed by our farmers if they are going to continue having the protection of this law that they thought they had all along.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I should have pointed out

probably when I stood up last time that this is really just a technicality, as the good Senator from Aroostook has pointed out. It is my understanding that the bill has already been drawn up and, if the order is passed, I see no reason why the committee couldn't meet sometime today, and this could be on the calendar tomorrow. So I don't think there is any question of delaying the session of the legislature.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage and, under suspension of the rules, was sent down forthwith for concurrence.

Under suspension of the rules, the Senate voted that any non-concurrent matters taken up previously in today's session, should be sent down forthwith for concurrence.

#### **Committee Reports House Ought to Pass**

The Committee on State Government on, Bill, "An Act Relating to Terms of Department Heads." (H. P. 1101) (L. D. 1507)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-445).

Which report was Read.

On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Acceptance of the Committee Report.

#### **Ought to Pass in New Draft**

The Committee on State Government on, Bill, "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials." (H. P. 1184) (L. D. 1642)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1427) (L. D. 1853)

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

Which report was Read.

On motion by Mr. Johnson of Somerset, tabled until later in

today's session, pending Acceptance of the Committee Report.

### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide One Property Tax Rate for the Unorganized Territory," (H. P. 1317) (L. D. 1732)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

HICHENS of York

Representatives:

MORRELL of Brunswick

COLLINS of Caribou

TRASK of Milo

ROSS of Bath

FINEMORE

of Bridgewater

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

McCLOSKEY of Bangor

CYR of Madawaska

DAM of Skowhegan

DRIGOTAS of Auburn

COTTRELL of Portland

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

Which reports were Read.

Mr. Martin of Piscataquis moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to oppose this motion. I think we have been through this very thoroughly and indicated in which direction we are going. The other body has indefinitely postponed it, and I want to oppose the motion to accept the Minority Report, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I would like to ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Senator has the floor.

Mr. MARTIN: Mr. President and Members of the Senate: I will not belabor this bill much longer. I don't think there is any chance that it is going to survive. I feel, however, it is the best approach to placing a tax rate on the unorganized territory.

This bill would use the median rate of the median rate of the organized towns, the 494 organized towns, to be effective in the unorganized territory. As I mentioned, I will not belabor this bill because I do not think it has a chance.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I concur wholeheartedly with Senator Martin, I know that there is no use spending a great deal of time on this. But I would like to bring out the fact that under the present system the wild-land tax in the unorganized territory is paying anywhere from twenty-three and one-half cents to one dollar per acre. I think this is something that should be kept in mind, hoping that future legislatures may be able to solve that problem.

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

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

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I personally would like to have more information on this bill before I vote on it. Yesterday I had occasion to go to the Taxation Department on another matter, and I was talking to the lady who handles the computations for wild-land taxation and she was com-

plaining to me, wondering whether the legislature was going to do anything about standardizing the wildlands taxation program. I didn't have sufficient time to discuss it with her, but her complaint was that it takes her a good part of the summer, with other girls working with computers, trying to figure out a tax rate for the many unorganized, unincorporated places we have in the state.

My question is: will this bill help to alleviate this problem and make state government more efficient? If anyone on the Taxation Committee can answer this question for me I would be very happy.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: This bill would make one tax rate for all the unorganized territories. It would, in other words, make one large municipality of the 419 unorganized townships we have in the state. It would make one uniform tax rate. The tax rate for the public services, for the roads, for the schools, for the forest district, where we have nine different tax rates, this would make one tax rate and, in short, as I mentioned before, would make one large municipality out of the unorganized territories.

We have a very large discrepancy. I can go through the IBM or computer records here that I have prepared and prove my point, although, as I mentioned a while ago, based on the five mill increase that went through a few days ago on the wildlands, I feel that there is no point in belaboring this bill. I will say, however, that if this legislature does not take its responsibility to heart and bring the rate to where it is equitable with the other organized municipalities within the state that I am greatly tempted to take this to referendum and let the people decide it. It appears that the legislature is not ready to make a decision on this very important issue, and it appears that this might be the only other step that is possible.

In studying these computer sheets, we have rates on the un-

organized based on 100 percent value that run from a lot of 12.8 mills, and we have many of those. If you want to see wallpaper, here it is. We have about thirty towns in the unorganized that have a rate from 26.4 mills to 50.1 mills. This bill would equalize the tax rate among the 419 townships. It would make a uniform rate based on the median of the organized.

I would like to explain what the median is, although I know you all know about it. The median is placing the high rate at the top, the next high rate next to it, and down the line to the low, and taking the rate in the middle.

I also have the average tax rate, which is adding them all up together and dividing by the number of townships. The average tax rate is 27 mills, based on a 100 per cent value. The median tax rate is 25.2, based on 100 per cent value. I have used the median because it gives the benefit of the doubt to the owners of these lands. I do not attempt to discriminate against them; my only purpose is to attempt to bring their taxes to a fair and equitable figure as compared to the owners of the property in the organized. Thank you, Mr. President.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It would seem to me to make just as much sense to say that all the organized towns in the state should have one median tax rates.

Now, the wildlands have various areas, some which have no public services and some which do require roads or schools. In those areas certainly it seems to me that the rate should be higher. And I can't see any difference between having an average rate for all the wildlands or all the lands in unorganized territories than having an average rate for all the towns.

Now, further, the proponents of this bill agree that it doesn't have a chance, so why do we belabor it any further? Why don't we dispose of it now?

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Pisca-



taquis, Senator Martin, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Provide One Property Tax Rate for the Unorganized Territory." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Kellam, Levine, Marcotte, Martin, Minkowsky, Quinn, Shute, and Violette.

NAYS: Senators Berry, Dunn, Greeley, Hichens, Hoffses, Johnson, Moore, Peabody, Schulten, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Harding, Katz and Sewall.

Mr. Bernard of Androscoggin was granted permission to change his vote from "Nay" to "Yea."

A roll call was had. Seventeen Senators having voted in the affirmative, and twelve Senators voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

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

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

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Closed Season and Minimum Size of Coho Salmon." (H. P. 1328) (L. D. 1742)

Ask leave to report: that the Senate recede from passage to be engrossed; recede from adoption of Senate Amendment "A" and indefinitely postpone same; and pass the Bill to be engrossed in concurrence.

On the part of the House:

HODGDON of Kittery

KELLEY of Machias

BUNKER of Gouldsboro

On the part of the Senate:

HOFFSES of Knox

GRAHAM of Cumberland

ANDERSON of Hancock

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Senate then voted to Recede from its action whereby the Bill was Passed to be Engrossed and, subsequently, voted to Recede from its action whereby Senate Amendment "A" was Adopted. Senate Amendment "A" was Indefinitely Postponed and the Bill then 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 Legislative Service under the State Retirement System." (H. P. 633) (L. D. 863)

Ask leave to report: that the Senate recede and concur with the House in accepting the Majority Report reporting "Ought to pass" as Amended by Committee Amendment "A", adopt Committee Amendment "A" and pass the Bill to be engrossed as Amended by Committee Amendment "A" in concurrence.

On the part of the House:

LINCOLN of Bethel

THERIAULT of Rumford

PRATT of Parsonsfield

On the part of the Senate:

BERNARD

of Androscoggin

ANDERSON of Hancock

Comes from the House, the report Read and Accepted.

Which report was Read.

On motion by Mrs. Carswell of Cumberland, the Senate voted to reject the report of the Committee of Conference.

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

Mrs. CARSWELL of Cumberland: Mr. President, I now move that we reconsider our action, and I hope that you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, moves that the Senate reconsider its action whereby it rejected the report of the Committee of Conference. 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.

**Senate  
Ought to Pass in New Draft**

Mr. Greeley for the Committee on Transportation on, Bill, An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1972 and June 30, 1973. (S. P. 92) (L. D. 256)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 661) (L. D. 1856)

Mr. Greeley for the Committee on Transportation on, Bill, An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 137) (L. D. 349)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Three Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 662) (L. D. 1857)

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

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

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

Mr. Tanous for the Committee on Labor on, Bill, "An Act to Amend the Employment Security Law to Conform to Federal Requirements." (S. P. 480) (L. D. 1595)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 663) (L. D. 1858)

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

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I am a little bit confused about this bill. I wonder if we might have some explanation as to just what this bill does to the employer in this matter, if some member of the committee would care to answer.

The PRESIDENT: The Senator from Knox, Senator Hoffses, has posed a question through the Chair which any Senator on the Labor Committee may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Not jokingly, I mean this very seriously, if this body has enough time to wait and let me explain this particular bill to you, I would be pleased to, but it is a massive instrument, and it would take me approximately two hours to go through it thoroughly. I am sure you don't want me to do this.

Basically this bill lines us up with the Federal Government. Apparently under the Maine Employment Security Law we have to pass legislation to conform with the Federal Government, and this bill, just about in its entirety, does just about exactly this. Now, basically, the changes in the particular bill, presently under the Maine Employment Security the employers pay for their employees into the fund up to \$3,000. Under the federal, and in order for the state to conform to the federal, this amount will be raised to \$4,200. But in doing so, the Federal Government contributes a greater portion towards the fund in the State of Maine.

In other areas of change we had to reduce coverage to one employee, although presently those who employ four or more employees must pay unemployment insurance to the kitty, so to speak, to the fund. This will be reduced to one employee and this, again must be done to conform to the Federal Government.

We have also adopted a new rate schedule, and may I add that the rate schedule initially had in there a schedule which would have built the fund up to some \$80 million. We have been able to compromise this particular amount, and we got an agreement between the representation from industry and the Employment Security Commission, I knocked a few heads together, so to speak, and they did come out with a compromise

on the rate schedule which would build it up to somewhere around the area of \$35 to \$40 million.

The rate of pay by employers, rather than retaining a high premium rate of payment into the fund, under the compromise will go for three years rather than six years. The rate of payment will remain substantially the same as it was in the original draft.

Pretty well the bill has, as I say, concepts of trying to comply with the concepts of the Federal Government. I wasn't prepared to go through the bill item by item, but these are the highlights of the particular bill itself. If there are any specific questions, I would be most pleased to attempt to answer them. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I have no quarrel whatsoever with the State of Maine complying with the federal regulations, but to quote the distinguished Senator from Penobscot, the two words that bother me are "just about" complies with the federal. That does seem to cause a little disturbance in my mind. Now, if we will comply just exactly according to the federal, that is one thing, but when we do it "just about", the thought in my mind is what is this "just about" in relation to the employer?

Now, there is one other question I have here. On Page 13 of this document, as I understand it, it reduces the employer contribution from 2.7 percent to 2 percent. For example, let us assume that the distinguished Senator from Penobscot is an employer and he is now under the 2.7 percent employer contribution. Now, I am a new employer just coming in and, if I interpret this thing correctly, I could come in under the 2 percent contribution. In other words, I would be getting an advantage of .7 of 1 percent on the contribution. Is this a correct interpretation, or have I read the matter wrongly?

The PRESIDENT: The Senator from Knox, Senator Hoffses, has posed a question through the Chair.

The Chair recognizes the Sena-

tor from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill, in respect to the question that the Senator from Knox, Senator Hoffses, raises, was an agreement. The original bill provided that a new employer would have 1 percent as his initial charge, and it was finally agreed that half way between 1 percent and 2.7 was approximately 2, so that was a matter of arbitration in this particular instance, which is so frequently what we do here.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In answering in defense to the question raised by my good friend, Senator Hoffses, I would like to reiterate that I spent a lot of time on this bill. I have studied the bill thoroughly, and I am completely familiar with every single item in this particular bill from the first section to the last section.

I repeat, that I have briefed this entire bill right down to one-line explanations for every single facet of this bill, but if the good Senator from Knox, Senator Hoffses, wants to table this bill, I will be most pleased to get this information from my file and go through it item by item in explanation of what this has done. Incidentally, we spent many, many hours on this bill. Believe me, this is probably the most far-reaching bill that the Labor Committee has had in the last two sessions in the sense of changes in the Maine Employment Security Law. The whole committee spent a lot of time on this. In fact, at our annual dinner we had last Monday night, I had to interrupt the dinner to go through this bill once more with the committee. So the entire committee has studied this bill very thoroughly. This is one of the few bills perhaps of this massive size that has been studied thoroughly, and the committee was unanimous in its report.

We wanted a unanimous report on this particular bill, and we compromised some areas of it with the industry end of it, the employment security part of it, so we would not end up on a floor debate on the

bill, principally because it is an important bill for us to conform with the Federal Government.

Now, as to the words "just about", the bill in its entirety is not required to conform with the Federal Government. I would say perhaps that 99 percent of the material in this bill is necessary to conform with the federal requirements. Now, there are a few areas that have been amended in order to make them more workable because of the necessity to conform with the federal standards. If there are questions to be raised in this area. I don't feel that we ought to take up the entire Senate's time, but I would be pleased to meet with any of you. In fact, I extended an invitation to most of you to come to a meeting that we had early in the session regarding this particular bill. We had a man here from Washington to speak to us on the bill, and I do have all of the information, which is reduced to layman's language. If you desire it, if you will see me I will be glad to furnish you with the same. Thank you.

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

Mr. ANDERSON of Hancock: Mr. President, I would like to ask Senator Tanous through the Chair how this will affect our seasonal workers in Hancock County?

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

The chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: The seasonal employment does not change in any manner whatsoever. It stays at the status quo.

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 the good Senator from Penobscot may not have gotten my question that I asked because he did not answer it. My question was: does this

mean that the new employer, that his contribution is reduced to 2 percent, and those employers who are now under the 2.7 remain there? Or would this bill permit everyone, in fairness — and this would be discriminatory, I assure you, if some employer has gone in business and is paying 2.7, and yet a new employer can come in at 2 percent — I think perhaps would be only fair that all of the other employers would be reduced automatically likewise to the 2 percent. I would have no objection to that.

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

Mr. TANOUS of Penobscot: Mr. President, in reference to the question of the Senator from Knox, Senator Hoffses, I was under the impression that Senator Berry from Cumberland had answered that question in his remarks. If I recall, Senator Berry stood up and answered that the 2 percent for new employers was a compromise that was arrived at between a vast segment of our employers with the Employment Security Commission. The original bill called for new employers to start at 1 percent. Under the old law the new employers started at the maximum of 2.7 percent.

In both segments of the representation of the Employment Security Commission and the advisory board as well, and the group of employers who were around the legislature that had a great interest in this bill, got together and compromised this at 2 percent for new employers. This is what has happened.

Now, on Page 13, where you have your schedule of payments and the level of the fund — incidentally, we are now in the "E" column, this is the column that all of your employers are presently paying because of the amount of the fund. Now, if your fund is between \$25 million and \$30 million, all of your employers shift in this area. Now, if it should reduce below that amount or over that amount, then they shift to another column. This is how that particular schedule works. Depending upon their rating, they pay a percentage based upon their rating.

The Employment Security Commission has rated each employer in the state.

Now, the fund two years ago was in the area of \$44 million. Because of the heavy unemployment which we have had in the State of Maine in the past year the fund was reduced to \$23 million, which was a danger point and it kicked into a higher level of payment, and we are now back to around \$29 million. The way that this fund works, if it gets below a certain point it kicks into a different payment bracket for the employers. And I had been assured that under this particular program, under this schedule, that the fund would never get any lower than perhaps \$15 million when it would kick in into more payments. In other words, the fund, I am told from reliable sources, from the Employment Security Commission, from the employers who have delved into this at great length and computed the income into the fund at the worst possible stage, that the fund would never be depleted, that there would always be emergency clauses to kick in when necessary to keep the fund at a certain level.

As I said, there are many other aspects of this bill, but these are the prime aspects. If there are other questions, I will be pleased to answer them.

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

Mr. DUNN of Oxford: Mr. President, I would like to direct a question to the Senator from Penobscot, Senator Tanous. Are the new sections under Section 12, the new paragraph on Pages 5 and 6, and Section 16, dealing with schools, hospitals, churches and colleges, are those part of the federal requirements?

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

Mr. TANOUS of Penobscot: Mr. President, in answer to the question of Senator Dunn from Oxford, that is correct. That is required under the federal requirements.

The PRESIDENT: Is it now the pleasure of the Senate, under

suspension of the rules, that this be given its second reading at this time by title only?

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

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

### Divided Report

The Majority of the Committee on State Government on,

Bill, "An Act to Create the Department of Manpower Affairs." (S. P. 494) (L. D. 1421)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 659) (L. D. 1854)

Signed:

Senators:

WYMAN of Washington

JOHNSON of Somerset

Representatives:

HANSON of Gardiner

DONAGHY of Lubec

CURTIS of Orono

GOODWIN of Bath

FARRINGTON

of Old Orchard Beach

MARSTALLER

of Freeport

HODGDON of Kittery

STILLINGS of Berwick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title (S. P. 660) (L. D. 1855)

Signed:

Representatives:

COONEY of Webster

STARBIRD

of Kingman Township

Which reports were Read.

On motion by Mr. Violette of Aroostook, tabled until later in today's session, pending Acceptance of Either Report.

### Final Reports

The Joint Standing Committee on Labor submitted its Final Report.

The Joint Standing Committee on Judiciary submitted its Final Report.

Which reports were Read and Accepted.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Two years ago when we submitted our final reports we stood up and commended our various committees for the wonderful work that they had done, and I certainly wanted to take this opportunity to do this.

Both the Judiciary Committee and the Labor Committee, and I am sure every other committee in the legislature has certainly given of their time and energy and knowledge to working for the interest of the people, the citizens, of the State of Maine. We have had a hard task and we met the task and carried out our duties which we were charged with.

In the Labor area, incidentally, I want to report that we heard a total of 84 bills, and a total of either 29 or 30 bills were reported out either unanimous Ought Not to Pass, were withdrawn or referred to the 106th Legislature, so that out of 84 there were approximately 30 bills that perhaps were never even debated. There were only 33 bills out of 84 that reached the enactment stage, and three of them are on the Appropriations Table and two are in committees of conference.

In the Judiciary Committee we heard a total of 201 bills. There are still some on the table, but we have enacted over 90 of 201 bills. And we had over 40 reports that were either unanimous Ought Not to Pass or were withdrawn. Thank you very much.

The PRESIDENT: Is it now the pleasure of the Senate to accept the reports of the Committee on Labor and the Committee on Judiciary?

Thereupon, the reports were Accepted.

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to — and I know the Senate joins me in this — congratulate and commend the Senator from Penobscot, Senator Tanous, who had the heaviest workload of any Senator as far as chairing a committee went this session. Approximately one-sixth of the entire amount of legislation went to his two committees. To have to be chairman of both of those very

important and very busy committees, I know, required a lot of hard work all winter long, and the Chair commends him. (Applause, the Members rising.)

### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Clerk of the House, when the House is not in session, be and hereby is authorized to employ whatever members of her staff as may be necessary to complete the records of the House and conduct the business of the House office and payment for same to be approved by the Clerk and the Speaker; and be it further

ORDERED, the House concurring, that the Secretary of the Senate, when the Senate is not in session, be and hereby is authorized to employ whatever members of his staff as may be necessary to complete the records of the Senate and conduct the business of the Senate office and payment for same to be approved by the Secretary and the President. (S. P. 665)

Which was Read and Passed.

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

### Enactors

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

An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County, York, County, Oxford County and Washington County. (H. P. 1143) (L. D. 1584)

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

### Orders of the Day

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

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

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

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Again, we are waiting for a major bill which includes this particular bill, and this bill would have to be indefinitely postponed, so I would ask someone to table this again for a day or so.

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

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

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

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

Tabled — June 16, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

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

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

Tabled — June 16, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

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

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

Tabled — June 16, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion of Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 16, 1971 by Senator Wyman of Washington.

Pending — Adoption of Senate Amendment "A" Filing S-284.

On motion by Mr. Hoffses of Knox, retabled until later in today's session, pending Adoption of Senate Amendment "A".

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

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

Tabled — June 16, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

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

Tabled — June 16, 1971 by Senator Tanous of Penobscot.

Pending — Enactment.

On motion by Mr. Tanous of Penobscot, 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-287, was Read.

The PRESIDENT. The Senator has the floor.

Mr. TANOUS: Mr. President, in explanation of the proposed amendment which I have just submitted, I received a memo from the Attorney General's office that had raised some legal technicalities with bill. This amendment is intended only to clarify these technicalities.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as

Amended, Passed to be Engrossed in non-concurrence.

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

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

**HOUSE REPORT** — 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 16, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

The President laid before the Senate the ninth 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 16, 1971 by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "B" Filing S-279.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Adoption of Senate Amendment "B."

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

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

Tabled — June 16, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Johnson of Somerset to Suspend Rules.

On motion by Mr. Johnson of Somerset, retabled until later in today's session, pending the motion by the same Senator to Suspend the Rules.

#### Reconsidered Matter

Mr. Johnson of Somerset moved that the Senate Reconsider its prior action whereby Bill, "An Act Relating to Establishment of a State Building Code" (H. P. 1417) (L. D. 1836).

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

Mr. HOFFSES of Knox: Mr. President, I would like to pose a question through the Chair to the good Senator from Somerset, Senator Johnson, as to whether he would care to explain the purpose of this reconsideration?

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

Mr. JOHNSON of Somerset: Mr. President, the reason for the reconsideration is the fact that there are two amendments to be presented. They have not been reproduced, and they would make the bill a much better bill than it is at the present time, so I would now ask someone if they would table this until later in today's session.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled until later in today's session, pending the motion by Mr. Johnson of Somerset to Reconsider Indefinite Postponement.

#### Reconsidered Matter

On motion by Mr. Moore of Cumberland, the Senate voted to reconsider its prior action whereby Bill, "An Act to Create the Winterport Sewerage District" (L. D. 1851), was Indefinitely Postponed.

Thereupon, the Bill was Referred to the Committee on Public Utilities and Ordered Printed in concurrence.

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

Mr. TANOUS: Mr. President and Members of the Senate: A moment ago when I thanked my committees I inadvertently omitted to mention my very capable clerks, Marie Savage and Pat Clark, who worked late hours for the benefit of the committee. I also want to take a moment out to thank Richard Schade, the attorney who served as our law clerk on the Judiciary Committee. As I said, in the 201 bills there were over 140 that needed amendments and, believe me, this is



quite a lot of work. I want to thank the lobbyists also who helped us in amending much of our work, and I certainly feel that they should not be excluded from merit of service to the state. Thank you.

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(Senate in Recess)

Called to order by the President.

Under suspension of the rules, the Senate voted to take up the following Papers from the House:

#### Communications

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

June 17, 1971

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

Sir:

The House today voted to adhere to its action of April 23, whereby Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 1256) (L. D. 1576) was indefinitely postponed in non-concurrence.

Respectfully,  
/s/ BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine  
105th Legislature  
Interim Report

June 11, 1971

Of the Special Joint Select  
Committee of Inquiry

Department of Health and Welfare  
To the Members of the 105th  
Legislature:

Under the provisions of a Joint Legislative Order (S. P. 107) approved on January 26 and 27, 1971, the President of the Senate appointed three Senators and the Speaker of the House of Representatives of the 105th Legislature to serve as a Special Joint Select Committee of Inquiry to "study, review and analyze the operations,

rules, regulations, procedures and programs" of the Department of Health and Welfare and report to the 105th Legislature.

In view of the magnitude of the task, the Committee has concentrated its research on certain phases of welfare programs which it believed could result in the saving of State tax dollars. It was also the opinion of the Committee that a progress report should be submitted to the 105th Legislature before adjournment.

The areas of research and the Committee's recommendations pertaining thereto are set forth in the following:

1. **The Responsibility of Stepparents to Support Stepchildren**
  - a. Federal regulations do not prevent the passage of satisfactory legislation making a stepparent responsible for the support of stepchildren.
  - b. L. D. 1243, in redraft form, if enacted, could result in a saving of State tax money of approximately \$2,500,000 each biennium.
  - c. **The Committee voted 8 to 2 in support of the enactment of this legislation.**
2. **The Unemployed Father re: Aid to Families with Dependent Children Program**
  - a. This program is not mandatory under Federal regulations.
  - b. It was never funded by the Legislature, but has been fostered by the Department of Health and Welfare for several years.
  - c. It is costing approximately \$50,000 each month in State tax dollars — \$1,200,000 each biennium.
  - d. The Supplemental Appropriation Bill (L. D. 1811) makes provision for the abolishment of the Unemployed Father grant. If enacted, the monthly saving could begin shortly after July 1, 1971.
  - e. **The Committee voted 8 to 2 in support of the Unemployed Father provision of L. D. 1811.**
3. **Prescription Vendor Programs For Public Assistance Recipients**

- a. The Committee recommends greater effort be expended by the Department to have doctors prescribe generic drugs.
  - b. The Committee recommends doctors be required to prepare prescriptions, in duplicate, for welfare recipients. One copy to accompany the pharmacist's invoice submitted to the Department of Health and Welfare for payment.
  - c. The Committee recommends a thorough review of the listing of drugs a doctor may prescribe for welfare recipients to determine further exclusions.
4. **Fraud, Misrepresentation and Ineligibility**
- a. No recipient has ever been prosecuted for fraud in the State of Maine in connection with a welfare grant.
  - b. Although the Department claims it very difficult to prove willful misrepresentation in connection with a welfare grant, the Committee is not cognizant of any past requests, by the Department, for more stringent laws pertaining to fraud and willful misrepresentation.
  - c. It has come to the attention of the Committee that, in the past, ineligibility reports by caseworkers have been ignored to the extent that very few such reports now are being submitted.
  - d. The Committee recommends a review of current statutes to determine if it is possible to strengthen provisions pertaining to fraud and misrepresentation.
  - e. The Committee recommends immediate administrative action be taken to guarantee that all casework reports of ineligibility findings are no longer ignored by supervisory personnel responsible for their adjudication.
5. **Free Clinics**
- The Committee recommends greater effort be expended by the Department in directing welfare recipients in need of medical services to free clinics where available.
6. **Greater Use of the State's Diagnostic Laboratory**
- The Committee recommends further study of the extent to which laboratory tests needed by welfare recipients may be performed at the State's Diagnostic Laboratory and the tax dollar savings accruing therefrom.
7. **Administration**
- a. There appears to be a lack of program evaluation and determination of priorities thereof as witnessed by the lack of any recommendations by the Department in connection with the Unemployed Father program and Stepparent Responsibility program.
  - b. There appears to be minimal enforcement, in some areas, of welfare regulations.
  - c. The Committee recommends a further study of the rules and regulations pertaining to other phases of the Department's Medical and Welfare programs to ascertain the extent to which rules and regulations are adhered to or are ineffective.
8. **Testing of Private Water Supplies**
- The Chairman of this Committee introduced legislation (L. D. 1688) intended to provide funds for increasing the capabilities of the Department's water testing laboratory to cope with the backlog of untested water samples. The Committee was in unanimous accord with the intent and purpose of the measure.
9. **General**
- The Committee recommends that the Commissioner of Health and Welfare be required to prepare a list of problems resulting from inadequate statutory provisions and submit it to this Committee for further review and action.
- Respectfully submitted,
- H. Sawin Millett, Jr., Chairman  
Special Joint Select  
Committee of Inquiry

Department of Health and Welfare  
(S. P. 666)

Which was Read and Ordered  
Placed on File.

### Senate Orders

On motion by Mr. Berry of Cumberland,

**ORDERED**, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

**ORDERED**, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L. D. 1519, "An ACT Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State"; and be it further

**ORDERED**, that the Committee shall report the results of its study and any findings it may make to a special session of the 105th Legislature or the 106th Legislature; and be it further

**ORDERED**, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

**ORDERED**, that the Committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

**ORDERED**, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purposes of this Order; and be it further

**ORDERED**, that Joint Senate Order (S. P. 566) relating to the same subject matter is repealed. (S. P. 667)

Which was Read and Passed.

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

### Committee Reports House

#### 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 Black Bass Fishing in Lakes, Ponds and Rivers." (H. P. 673) (L. D. 910) ask leave to report: that they are unable to agree.

On the part of the House:

PORTER of Lincoln  
KELLEY of Southport  
HANCOCK of Casco

On the part of the Senate:

HOFFSES of Knox  
BERNARD

of Androscoggin

MOORE of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in Concurrence.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams." (H. P. 672) (L. D. 909) ask leave to report: that they are unable to agree.

On part of the House:

PORTER of Lincoln  
KELLEY of Southport  
HANCOCK of Casco

On the part of the Senate:

HOFFSES of Knox  
BERNARD

of Androscoggin

MOORE of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in Concurrence.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

Bill, "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Department." (H. P. 1063) (L. D. 1454) 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 Confer-

ence Committee Amendment "A"; that the Senate recede and concur in acceptance of 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:

BARNES of Alton

LEE of Albion

McNALLY of Ellsworth

On the part of the Senate:

MARTIN of Piscataquis

JOHNSON of Somerset

ANDERSON of Hancock

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-482) in non-concurrence.

Which report was Read.

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

Subsequently the report was Accepted in concurrence.

Whereupon, the Senate voted to Recede and Concur in Accepting the Minority Ought to Pass Report of the Committee. Conference Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

#### Senate

The Joint Standing Committee on Transportation submits its Final Report.

Which report was Read and Accepted.

Sent down for concurrence.

#### Enactors

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

An Act to Create the Maine Historic Preservation Commission. (S. P. 159) (L. D. 428)

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

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

An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Ex-

pansion and Land Acquisition. (S. P. 617) (L. D. 1802)

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

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

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

An Act Relating to Public Utility Transmission Lines. (H. P. 918) (L. D. 1264)

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.

An Act Restricting Use of Certain Campsites. (H. P. 996) (L. D. 1358)

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

On motion by Mr. Tanous of Penobscot, the Bill was Indefinitely Postponed in concurrence.

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

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

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

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This matter deals with defining the councillor districts, and we have earlier today sent a request to the Law Court for instructions relative to this matter, so it would appear to me to be pertinent that the matter should not be enacted by us prior to that information being returned. So I would suggest that this bill might be placed on the table until such event takes place.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The response from the Court is certainly a time element here. I wouldn't object to tabling this perhaps for one day, but I certainly would object to the tabling of this item indefinitely. So, I think with that understanding, I certainly wouldn't object to a tabling until the next legislative day.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Final Passage.

### Emergency

An Act to Correct Errors and Inconsistencies in the Education Laws. (S. P. 277) (L. D. 860)

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There was something in this bill which disturbed me when I saw it, and perhaps everyone else will think it is all right, but on Page 3 in L. D. 860 the Method A has been changed to write in a 20 mill effort, 20 mills on the state valuation. Now, I don't think that belongs in Errors and Inconsistencies, and for that reason I would vote against the bill on enactment.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Is there anyone here who has dealt with this bill, who put it together, who can answer the question about the 20 mills, if there is this provision in it? I recall we had a bill earlier in the session which was either withdrawn or unanimously reported out Ought Not to Pass. Now, if there is this provision in there, I think it is a little bit of a sneaky way of getting some very, very major legislation passed here. If there is that provision in it I would hope that

this matter would not go beyond this stage unless it is removed or unless we further discuss it.

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

On motion by Mr. Chick of Kennebec, tabled and Tomorrow Assigned, pending Enactment.

### Orders of the Day

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

House Report — Ought to Pass from the Committee on State Government on Bill, "An Act Relating to Terms of Department Heads." (H. P. 1101) (L. D. 1507)

Tabled — Earlier in the day by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With reference to this bill, I would like to say this: in view of the fact that these governmental reform bills will be coming along and will take care of this in the ultimate end, I would move now that this bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Johnson moves that Bill, "An Act Relating to Terms of Department Heads" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

House Report — Ought to Pass in New Draft (H. P. 1427) (L. D. 1853) from the Committee on State Government on Bill, "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials." (H. P. 1184) (L. D. 1642)

Tabled — Earlier in the day by Senator Johnson of Somerset.

Pending — Acceptance of Report.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have an amendment to present which kind of straightens a little the nomenclature out here, that amounts to really nothing, but I present the amendment and move its adoption.

The PRESIDENT: The Chair would ask the Senator to defer the amendment until the report has been accepted and the bill has been given its first and second reading.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I may be batting the breeze this afternoon in opposition to this bill, but it galls me to see these increasing salaries for not only the Commission chairmen but also directors of different organizations and departments in the State of Maine.

We have been talking about keeping costs down, and yet as I go over this L. D. and will see \$2,500 increases and \$4,000 increases in salaries, and a total of \$161,000 paying out for increase in salaries for these commissioners and directors, it certainly turns my blood a little sour. We voted against an increase or a raise in our own legislative salaries. We have tried to talk our state employees in keeping their raises down, and yet we turn around and give these commissioners and these directors these huge increases.

A couple of weeks ago I went to one of our state institutions, and we had to take towels because our handkerchiefs got so wet crying in sympathy for this man who took a \$9,000 cut to come from another state in order to work here in the State of Maine for \$26,000 a year. One of the directors of our departments gets over \$30,000 a year. Perhaps I am in the wrong job, because that money is far beyond my realm of thinking as far as salaries is concerned, but I think this afternoon we ought to take a close look on how we keep spending taxpayers' money for the directors and commissioners of these groups.

The PRESIDENT: The Chair

recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: In view of the fact that we have given the state employees a raise, and it runs from 11 per cent at the bottom to 6 per cent at the top, or thereabouts, it seems only fitting that we give the unclassified people a similar raise, which amounts to about 11 per cent. We have adjusted these areas so that we reduced some and raised some in proportion to the responsibility of their jobs. If you don't want to give them a raise, I think we would be making a mistake. I think everyone else has gotten it and these people should have it also.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I agree with the Senator from York, Senator Hichens. I really and truly don't feel that this is priority item. I think if any item is a priority item it is one making our state legislature more effective. We all know how effective and how ineffective some of these bureaucrats are. I hate to use that term, but I like to speak honestly. I do feel that our first order of business is to make our legislature more responsive to the public, and give the legislature the tools with which to work. I don't think this is the year to give the legislature a raise or the department heads.

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

Mr. ANDERSON of Hancock: Mr. President, I move this legislative document 1853 be indefinitely postponed.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Bill, "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials," be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President: I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President, I move for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I wonder if it might be appropriate at this time perhaps to rely on the committee report on this bill somewhat, and permit this bill to move along in the legislative process. I think we are all aware that this bill will end up on the Appropriations Table before final enactment, and perhaps after a complete study by the Appropriations Committee, and I am sure they will be looking at this bill as closely as the Committee on State Government did, and perhaps at that time the Appropriations Committee might be in a better position to tell us where we stand financially, and maybe we would be in a better position to vote on it. So I would ask that you vote against the motion for indefinite postponement, and permit the bill to move along on that basis. Thank you.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I support the motion to indefinitely postpone this bill. I don't think we should put these department heads on the Appropriations Table with the elderly, the mentally retarded, the state employees, and many others who really are in dire need of money. I think just this morning we heard a great deal about some of the inefficiencies, even though it wasn't said in as many words. I think if some of the department heads can't run their departments any better than they have then I think that we should give the money to the people who need it, and not to the department heads. I hope that this bill is indefinitely postponed. I do not think it is a priority item, and I do not think that the department heads should be on the Appropria-

tions Table with the rest of the bills when there are many, many more needy causes.

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

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must reluctantly oppose the motion. I think we have a responsibility here to see that our state government is properly and efficiently staffed. I think it is unfair to compare items on the Appropriations Table on the basis that they have been. Actually these salaries should have been attached to the pay bill when it went through. It is only fair and justice that it be done.

If we have a quarrel with the output of our department heads, the proper procedure is to analyze the situation and correct it, if possible. We are not going to attract competent people by having a low pay scale, whether it be the top of the department or the bottom of the department. While, as I say, I reluctantly oppose the motion, I only do so because of my respect for Senator Hichens and Senator Carswell. I do feel that we should move this bill along, and I hope you vote against the motion.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: For years people have been telling us how hard it is to get efficient people to work in state government. This no longer is the case. People are screaming and crying for jobs and the salaries are pretty high now.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Proposing a Salary Ad-

justment for Certain Unclassified State Officials", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Dunn, Fortier, Hichens, Levine, Martin, Minkowsky, Moore, and Quinn.

NAYS: Senators Berry, Chick, Clifford, Conley, Danton, Graham, Greeley, Hoffses, Johnson, Kellam, Marcotte, Peabody, Schulten, Sewall, Shute, Tanous, Violette, Wyman, and President MacLeod.

ABSENT: Senators Harding and Katz.

A roll call was had. Eleven Senators having voted in the affirmative and nineteen Senators having voted in the negative, with two Senators absent, the motion to indefinitely postpone the Bill did not prevail.

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

Under suspension of the rules, the Bill was then given its Second Reading.

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

Senate Amendment "A", Filing No. S-292, was Read and Adopted and the Bill, as Amended, passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Senate Reports — from the Committee on State Government on Bill, "An Act to Create the Department of Manpower Affairs." (S. P. 491) (L. D. 1421)

Majority Report, Ought to Pass in New Draft (S. P. 659) (L. D. 1854);

Minority Report, Ought to Pass in New Draft (S. P. 660) (L. D. 1855).

Tabled — Earlier in the day by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

Mr. Wyman of Washington moved that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I note that this is the only government reorganization bill that has come out with a divided report. I guess the division happens to be upon the Employment Security Commission either being wholly or partially within the organization of the Manpower Affairs Department. It would seem to me that the Employment Security Commission, as a whole, would be the heart of such a department, because it is so vitally concerned with every aspect of our labor situation in Maine.

I would like to have some explanation as to why the Majority Report splits up this very, very important agency and really, in essence, only leaves what I consider the unessential and less important parts of the commission within that Department of Manpower Affairs. What happens to the remainder of the commission? It does seem to me that if you are going to have an efficient Manpower Department that the entire commission ought to be undoubtedly the most important part of any such department.

I don't want to start throwing problems in the direction of governmental reorganization, but I certainly would like to hear some explanation before we go ahead and adopt the Majority Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The committee, insofar as I know, tried to leave the quasi-judicial boards out of these departments and there were quite a number of them which we did leave out separately. As I say, as far as I know, there aren't any included under these new departments. This was the reason for leaving the manpower section or the employment section in the bill and separating the judicial part.



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

Mr. VIOLETTE of Aroostook: Mr. President, I would like to pose a question to the good Senator from Washington, Senator Wyman. What do you consider the judicial part of the commission? Is this the part that you leave in the department now? And what part of that do you consider the judicial part?

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to the Senator from Washington, which he may answer if he so desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It is the part that passes on employment security claims, to leave it as it is.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: In answer to the good Senator's question: maybe we have some thin ground here to stand on, but the fact does remain that this section of the Employment Security Commission is the one that determines whether a person is qualified and whether he is entitled to get this money, or if he is not entitled to it. The feeling was that we have got some of this department in this reorganization, and we felt that it was better to have some of it in here than to leave it all out and actually wind up with nothing.

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

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

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

Sent down for concurrence.

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

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

Tabled — Earlier in the day by Senator Greeley of Waldo.

Pending — Consideration.

On motion by Mr. Greeley of Waldo, retabled and Tomorrow Assigned, pending Further Consideration.

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

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

Tabled — Earlier in the day by Senator Berry of Cumberland.

Pending — Consideration.

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

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

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

Tabled — Earlier in the day by Senator Hoffses of Knox.

Pending — Adoption of Senate Amendment "A" Filing S-284.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This bill was debated to some extent yesterday. It was felt that there were some aspects of the bill which were not entirely acceptable. The Chairman of the Natural Resources Committee had some reservations about it, the other members also and, thanks to the good Senator from Washington, the matter was tabled overnight.

We have met and we have, I think, ironed out the differences. And I think I can say with certainty that the Senator from Sagadahoc, Senator Schulten, agrees with the proposed amendments which we have here. I would beg the indulgence of the Senate so that we could accept these amendments and move this bill on its way. I would, therefore, Mr. Presi-

dent, withdraw my amendment under filing S-284.

The PRESIDENT: The Chair understands that the Senator from Knox, Senator Hoffses, moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Hoffses of Knox then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B" Filing No. S-290, was Read and Adopted.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I am sure this is a bit confusing but it was felt by the Research Office that we would have to do this business in this manner in order to properly put the bill in the legal language necessary. So now, Mr. President, I move we reconsider our action whereby we adopted House Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate suspend its rules in order to reconsider its action whereby it adopted House Amendment "A". Is this the Pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-291, to House Amendment "A" was Read and Adopted and, subsequently, House Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the seventh 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 — Earlier in the day by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "B" Filing S-279.

The PRESIDENT: The Chair

recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: When this bill originally came out of the Judiciary Committee, I don't know if you recall the committee report, but I had signed an Ought Not to Pass Report on this particular bill. I had some reservations about the bill at that time. I felt that there were many problems with the bill, I was not here the day it was debated and when it came out of the committee, and then subsequently the bill was passed to be enacted.

Fortunately the problems were discovered before the Governor signed the bill. If I recall, one of the problems, by implication, was that we were repealing the crime of manslaughter. So, this is quite a serious bill. I mean it has a lot of meat to it, it is a difficult bill to understand perhaps legally, and to understand the ramifications of the results of such a bill. My good friend, Senator Berry from Cumberland, agreed and we had the bill called back from the Governor's desk. And now he had an amendment prepared for the bill.

Last evening I took time out and reviewed the proposed amendments to the bill. Now, the proposed amendments rewrite the whole bill again, they have rewritten the whole bill once more in the Attorney General's Office. But my reservations are still there on this particular bill. I still have some doubts to whether we are in fact passing law and order legislation or whether we are going to do more harm to the existing laws on our books. I have an individual in the Attorney General's Office, whom I have a lot of respect for, who is presently doing some research on this bill again for me and, rather than hold the bill up at this point, I will permit the bill to be processed, if this is the will of the Senate, and perhaps by the time it comes back to us for enactment I will have an answer on the proposed amendment of Senator Berry. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted.

Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — Earlier in the day by Senator Johnson of Somerset.

Pending — Motion by Senator Johnson of Somerset to Suspend Rules.

Mr. Johnson of Somerset moved the pending question.

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 Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-293, was Read.

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

Mrs. CARSWELL of Cumberland: Mr. President, would the Senator please explain the amendment? I have read it, but I am willing to admit I really don't understand what it does to the bill.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: If the good Senator from Cumberland would read the original bill, there is a lot of clutter in the middle of it which doesn't quite make sense, the original bill I am talking about. If the Senator would read the original bill, she will realize that there is a foul-up in the center there somewhere. This does clarify it, and it has to do with the appointment; if there is a vacancy in any of these areas it can be filled in sixty days by an election plus, if there are any problems relating to the behavior perhaps or the workings of any of these persons, then a certain percentage of the voters can petition to have them removed.

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

Thereupon, Senate Amendment

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

Sent down for concurrence.

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

Bill, "An Act Relating to Establishment of a State Building Code." (H. P. 1417) (L. D. 1836)

Tabled — Earlier in the day by Senator Clifford of Androscoggin.

Pending — Motion by Senator Johnson to Reconsider Action Whereby Bill was Indefinitely Postponed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to ask the status of this bill as it came from the committee?

The PRESIDENT: The Secretary will give the Committee Report.

The SECRETARY: The Committee Report was unanimous that the Bill Ought to Pass in New Draft and under New Title, "An Act Relating to Establishment of a State Building Code," H. P. 1417, L. D. 1836.

Mr. HOFFSES: Mr. President and Members of the Senate: I noticed that the Senate saw fit to indefinitely postpone this bill in previous actions, and now we have it back before us. I have observed these two proposed amendments which are going to be offered if we reconsider this bill. I cannot say that I am real enthusiastic over either one or both of these amendments.

I noticed that on the L. D. itself in the statement of fact it says, "There is no appropriation necessary under this bill." Now if the state is going is going to implement a building code in these various municipalities which now do not have it, I cannot for the life of me see why there is not going to be the necessity of money to implement this and to properly enforce this building code. I would oppose the motion for reconsideration and I would ask for a division on the motion.

The PRESIDENT: A division has been requested.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This bill deals with the standards for establishing these custom built houses. There are inspectors today that go around the state and they inspect boilers and just about everything there is. And I can't see where there would be any more money. In fact there might be a savings because they would be inspecting something like an assembly line, inspecting the procedures of the wiring, the plumbing, and so forth, and be in these buildings as they were constructed commercially at one spot.

I know there are going to be two amendments offered, but I can't think of why they are taking so long to be offered. I haven't got them. Maybe these gentleman don't like the bill anyway, even with the amendments and of course that is their prerogative. But the standards set by this bill may be exceeded by the local communities. In other words, the zoning standards, the housing standards, whatever they call them. If a community has no code presently the adoption of this puts this option with the local people.

I am not a builder, Mr. President and Members of the Senate, but I think it is a good bill and I think it is time we had something like this. This area is growing very rapidly and the first thing you know it will be out of hand just like some of our environmental things that have occurred in the past ten or fifteen years.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: This is a very simple bill. It simply establishes certain minimum standards in the building of residential houses. The minimum standards which must be met under this bill are set up in the Voco Code, which is sort of a standard code used widely around the country, around the United States, and I think is considered to be the best building code there is. It is constantly being revised and revamped

to keep pace with existing needs, kept up to date and modernized.

I had reservations about this bill in the beginning myself, but because of the many redrafts that went through in committee, which relieved all of my objections and all of the objections that committee members had, I finally voted that the bill should pass, and it came out of the committee unanimously.

One of my objections was that the enforcement of the building code provisions be left at the local level, left with the building inspector, and this is written into the bill. Now, in those areas, in the smaller towns, where they have no building inspector, there is no requirement that they must enforce the provisions of this code. There is also written into the bill that municipalities may enact more stringent rules, more stringent requirements, and I think this removed another objection that many of the committee members had during the hearing.

I don't think there is anything wrong with this bill. I am one of the people that have an amendment to offer, which I intend to do, but I think in its present posture I am unable to do this, until we reconsider our action whereby we indefinitely postponed the bill. If the reconsideration motion does prevail and the bill does get its first reading, then it is my intention to offer Senate Amendment "A", which is under Filing S-294. I don't think I am in order to do that until we have reconsidered our action of yesterday. So, I would hope that you would support Senator Johnson's motion to reconsider.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It was just a short time ago that this body enacted a piece of legislation which put the State of Maine in the banking business, in the building loan business, and now we are endeavoring to put them in the construction business and say how they shall be constructed under our State Housing Authority. I do not believe that this is good legislation. It was not good legislation the other day, and this body saw

fit to indefinitely postpone it. I do not believe that these amendments which are to be offered are a cure-all for the situation and the attitude which this body took the other day. I still would ask for a division on the motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that the Senate reconsider its action whereby Bill, "An Act Relating to Establishment of a State Building Code," was indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to reconsider will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to reconsider prevailed.

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

Under suspension of the rules, the Bill was given its Second Reading.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-294, was Read and Adopted.

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

Senate Amendment "B", Filing No. S-295, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Appropriations Table Resolve, Providing Minimum Retirement Benefits for Certain Teachers. (H. P. 1361) (L. D. 1776)

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.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-289, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

### Joint Order

Out of order and under suspension of the rules,

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs report out a bill that will provide funds to make effective the Acts and Resolves which have been passed to be enacted and to make corrections in Appropriation Acts as passed and make additional appropriations for the operations of State Government. (S. P. 668)

Which was Read and Passed.

Sent down for concurrence.

### (Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.