

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Friday, June 18, 1971

Senate called to order by the President.

Prayer by the Honorable Wakine G. Tanous of East Millinocket.

Reading of the Journal of yesterday.

### Papers from the House 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.

In the House June 16, 1971, the Minority Ought to Pass in New Draft (S. P. 640) (L. D. 1833) report Read and Accepted and subsequently the Bill in New Draft Passed to be Engrossed, in non-concurrence.

In the Senate June 17, 1971, the Senate Voted to Insist and Asked for a Committee of Conference.

Comes from the House, that Body having Insisted.

Mr. Tanous of Penobscot moved that the Senate Adhere.

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

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I oppose the motion of my good friend, Senator Berry from Cumberland, and I certainly hope all of you will join me in opposing his motion. Thank you.

The PRESIDENT: The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate Recede and Concur will please rise and remain standing until counted.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

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

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

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

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

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

The Secretary will call the roll.

### ROLL CALL

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

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

ABSENT: Senator Harding.

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to Recede and Concur prevailed.

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

Mrs. Carswell of Cumberland was granted unanimous consent to address the Senate.

Mrs. CARSWELL: Mr. President and Members of the Senate: Right up until this vote I have opposed this bill. This was the hardest decision I have ever had to make in the Legislature. The cities and towns which I represent called me and told me about the problems with which they are faced, and this is why I have changed my vote.

### Non-concurrent Matter

Bill, "An Act Relating to the Parks and Recreation Department." (H. P. 1415) (L. D. 1838)

In the Senate June 16, 1971, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-475) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

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

#### Communications

State of Maine  
Senate Chamber  
President's Office  
Augusta, Maine

June 17, 1971

Mr. Harry N. Starbranch  
Secretary of the Senate  
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to Senate Paper 667, I hereby appoint Senator Wakine G. Tanous and Senator Floyd L. Harding as members of a Joint Interim Committee to study the financial impact upon the State of Maine of Senate Paper 524, Legislative Document 1519, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State."

Respectfully,

Signed:

KENNETH P. MacLEOD  
President of the Senate

Which was Read and Ordered Placed on File.

Maine Annual Conference  
of  
The United Methodist Church

June 17, 1971

To the clerk of the Senate:

The Maine Annual Conference of the United Methodist Church meeting today at Colby College, Waterville in their one hundred and forty-seventh session debated and voted affirmatively the following recommendations:

1. "That we heartily commend the One Hundred and Fifth Legislature of the State of Maine for the humanitarian action in establishing a Human Rights Commission.

2. "AND further, we pledge our helpful support to the members and the work of the Human Rights Commission of the State of Maine.

3. "AND further, . . . we urge funding the Human Rights to at

least the extent specified in the enabling legislation."

The Conference respectively requests that these recommendations be brought to the attention of the legislative bodies.

Respectively,

Signed:

GEORGE E. BUBLENE

Secretary

the Maine Annual Conference

Which was Read and Ordered Placed on File.

Sent down for concurrence.

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

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

Messrs. GAGNON of Scarborough  
BUNKER of Gouldsboro

Mrs. BOUDREAU of Portland  
Respectfully,

Signed:

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair is very pleased to note the presence in the Senate Chamber this morning of a group of young people who entertained us so admirably this morning with their fine voices in the rotunda. This group calls themselves "The Young and the Free." They are made up of high schoolers from various areas of Maine, and they are guests today of the Senator from York, Senator Hichens.

The Chair would like to appoint as Honorary Pages for today out of this group: Gail Helm of Sidney, Sherry Dowling of Cundys Harbor, Lois Sturdevant of Milo, Joan Stirrer of Yarmouth, Sue Dowling of Cundys Harbor, and Debbie

Coleman of South Paris. I am not sure we have chairs for all you young ladies up here, but the Sergeant-at-Arms will escort you to the front of the Chamber where you may perform your duties.

Thereupon, the Sergeant-at-Arms escorted the above-named young ladies to the front of the Senate Chamber amid the applause of the Senate, the Members rising.

Mr. Hichens of York was granted unanimous consent to address the Senate:

MR. HICHENS: Mr. President and Members of the Senate:

"What are these 'kids' going to do next?" is a question often asked by today's adults. Too often it conveys an implication that young people certainly can't be up to something good. THE YOUNG AND FREE have exploded a notion. They are young; they are free; and they are positive. They are doing something . . . and it's something good.

Ranging in age from 15 to 18 they express the vitality of youth in laughter, in tears, in song. They are idealistic enough to be enthusiastic; realistic enough to get involved.

Freedom is not just a word to THE YOUNG AND FREE. It is a way of life. They are proud, young Americans, deeply conscious of the responsibilities that accompany liberty. They have found freedom to be an essential quality of life springing from a right relationship to God.

These young people are positive. Not academic. No theory here; they tell it like it is — life as they know it — the joyful, exuberant, abundant life in Christ. And that's worth sharing. So . . .

"LET THE WHOLE WORLD KNOW" and I would add to that that they have certainly let us know this morning, as they have sung to us, "THEY HAVE A REASON TO SING"

### Committee Reports

#### House

#### Ought to Pass

The Committee on State Government on, Bill, "An Act Providing for a Full-time Attorney General." (H. P. 1424) (L. D. 1849)

Reported pursuant to Joint Order (H. P. 1401) that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Relating to the Secretary of State." (H. P. 1425) (L. D. 1850)

Reported pursuant to Joint Order (H. P. 1413) that the same Ought to Pass.

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

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

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

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

### Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Create the Department of Cultural Resources." (H. P. 1177) (L. D. 1627)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Create the Department of Public Safety." (H. P. 1426) (L. D. 1852)

The Committee on State Government on, Bill, "An Act to Reorganize the Department of Finance and Administration." (H. P. 1181) (L. D. 1635)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1410) (L. D. 1827)

The Committee on State Government on, Bill, "An Act Relating to the Department of Veterans Services." (H. P. 1185) (L. D. 1637)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Create the Department of Military and Civil Defense." (H. P. 1422) (L. D. 1847)

The Committee on State Government on, Bill, "An Act to Create the Department of Human Services." (H. P. 1186) (L. D. 1613)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1412) (L. D. 1829)

The Committee on State Government on, Bill, "An Act to Reorganize the Department of Education." (H. P. 1188) (L. D. 1662)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1423) (L. D. 1848)

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

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

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing a State-Municipal Revenue Sharing Program." (H. P. 448) (L. D. 603)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1428) (L. D. 1859)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-490).

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

Mr. SEWALL of Penobscot: Mr. President, I would move that the Senate accept this Committee Report, and I would speak briefly to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate accept the Ought to Pass in New Draft Report of the Committee in concurrence.

The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: This report from the Appropriations Committee would establish a new concept on revenue sharing with the state's several municipalities, the 495 odd municipalities. This would give this legislature and future legislatures the opportunity to earmark funds to these communities on a no-strings-attached basis, as opposed to the present concept of funds which are specifically earmarked for education.

I think that the time has come, and we in your committee felt that the time has come, for us to give our various municipalities the

opportunity to determine how monies which they receive from the state should be spent.

There are many other critical areas in municipal and town governments which are deserving of monies as well as education.

This bill, if passed, would not diminish the present monies allocated by the state to the educational programs and educational community, but it would, as I stated earlier, give future legislatures the opportunity to make a choice as to whether or not they would continue subsidizing education to the extent that they have, or whether they want to put some monies into these towns for other necessary municipal services.

I won't go into the details of the plan unless there are questions posed through the Chair, but I would hope that the Senate would pass this bill along and establish this new concept. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: One of the basic decisions that recent legislatures have had to face each time is the distribution or redistribution of state funds back to the towns and cities. It is an important decision and it is a decision that, up until this moment, has had the benefit of a very, very substantial amount of soul-searching debate and re-evaluation.

The date on this bill is June 17. It is a complicated bill. I really don't understand all the implications of a bill dated June 17 that is presented for our consideration, and probably is going to require suspension of the rules to be engrossed forthwith. I think it is an extraordinarily poor error in judgment for this legislature to get into the area of revenue sharing with so little preparation, so little debate, and so little understanding of what it is that we are being asked to vote on.

I do not object to the concept of revenue sharing at all. As a matter of fact, we have revenue sharing in the State of Maine right now for all of our cities and for some of our towns, because the

school subsidy money that is sent to the City of Portland or the City of Augusta may be called a school subsidy, but actually it goes into the general fund of the town or the city to be divided any way that the city wishes. And if you have noticed cuts in appropriations for education in recent years you can see that the system actually works, where the City of Portland, the City of Augusta are masters of their own destiny in the distribution of this money.

My basic opposition to this bill — and Mr. President, I will move that this bill be indefinitely postponed — but my basic opposition is the fact that it is being presented at the last hour, with no emergency staring us in the face, without any opportunity for us to make an evaluation of the equity of the distribution. It is awfully hard to oppose Santa Claus when you can take a look and it tells you exactly what per capita your town and city is going to get under this bill.

The bill presumably is financed out of surplus. It is a continuing program. And I suggest to the ladies and gentlemen of the Senate that to initiate a program that is presumably going to be a continuing program, and financing it out of surplus, it is going to create a barrel of headaches for the next legislature.

It was my understanding that the Republican Party frowned on this procedure, and Lord knows the Republican Party has made enough noise over the previous years when the other party has attempted to finance continuing programs out of surplus. We are making no real provision for specific adequate financing.

We talk in terms of 4 percent of the sales tax in future years, but the bill gives the distinct impression that we are going to finance it out of the telephone tax.

I am not unfamiliar with methods of distribution of funds from the state to the cities, but I am very confused as to the long-range potential of this bill. Earlier this session we had other bills that would have distributed additional money to the towns and cities, and I submitted each of them to the

Federal Reserve Board of Boston, as I have a tremendous amount of respect for the staff of professional economists that they have down there, to evaluate the bill to give us some notion of whether it is regressive or not. I don't know whether this bill is regressive. I really don't know, and I don't think that the Senate knows this morning very much about it. I do know that it distributes money, but whether it distributes money equitably or not, I don't know.

It is going to be very difficult to get the Senate to adopt my point of view, I would presume, because you see hanging in front of you a whole bundle of money for your towns and cities. But is this the best way of distribution? I don't know. I really don't know, and I don't think the Senate does either.

I had hoped, and I had attempted to get some ground rules that any consideration of revenue sharing would be deferred to the special session of the legislature when, for the first time, we will have some additional information we have always dreamed about having, such as the median income of the various communities around the state. We are very close to having it, but we don't have it now.

This bill uses two factors: per capita, and also tax effort. Tax effort is based completely upon state valuation of property, and many of you have had real hang-ups about the equity of state valuation of property in the past. Yet the proponents of this bill are tying it in with state valuation almost exclusively in company with per capita.

I won't take much of the Senate's time this morning, except that I feel it is an error of judgment for this legislature on the 18th of June to see for the very first time a proposal to distribute not only vast sums of money for the first time, but also to get us into a brand new program, the implications of which are really not clear to us at all. I will ask for a division on my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Establishing a State-Municipal

Revenue Sharing Program", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: It is true that the good Senator from Kennebec, Senator Katz, states, It is a late hour perhaps for this bill to be coming forth to the Senate for debate. But we had two bills, which the good Senator is aware of, and he briefly touched on them. Those were the 20 percent mill effort and the revenue sharing plan that the Maine Municipal Association introduced. But of all the bills that the Appropriations Committee has considered through its deliberations, I feel that this bill is one bill that the Committee certainly spent hours of deliberations upon. We had the Department of Education before us, we had officials from the Maine Municipal Association before us, we had extremely lengthy hearings on the revenue sharing bills, both with the Department of Education before us and the Maine Municipal Association, and we didn't just arrive at an easy decision.

The implementation of the original plans of the Maine Municipal Association on revenue sharing was done away with. It was first thought to distribute the money on a per capita basis, and we all realized that on this basis the larger cities would be getting the bulk of the share of the revenue we were going to be putting into this. So we coordinated or worked into the plan a tax effort where by now, I believe, there are only forty towns in the entire state which will get less money under the distribution of the telephone tax than what they would have gotten normally.

But I think that we just can't continue to sit back and allow, as the good Senator from Kennebec states, the school subsidy distribution to continue to go on in its inequitable distribution to our towns and cities. We can't continue to have the Wiscassetts pumping more and more money into their school system when really there is no call for it. I mean, like they have the Central Maine Power

Plant down there, and they don't really have to make a tremendous tax effort to raise revenue, and they could have the best quality education in the state, yet under the school subsidy program we continue to send more and more money down to them and tell them "Look, that doesn't make any difference. Improve your standards, improve your quality of education." But this bill doesn't affect at all the school subsidy program because that would be the judgment of future legislatures. All this does is start the beginning on revenue sharing to the towns and municipalities.

In the larger cities today we hear more and more about revenue sharing tied right to the gills because of the fact of the high property tax rates. And this money goes back to the towns and municipalities with no strings attached, and allows them to use that money in a matter of keeping the local tax rate or at least trying to keep it down.

I know the problems existing in my city and in the cities surrounding me, and if anybody today is being taken over the coals, so to speak, it certainly is the property and landowners within our municipalities.

Another thing and the best thing about this is that it is based, in one sense, on per capita and, contrary to the school subsidy program, we know the children who are involved in private schools in municipalities receive no consideration whatsoever as far as the distribution on the school subsidy, and yet the parents of these children are still the taxpayers of the state, and somehow or other the Board of Education has failed to recognize that situation and has done nothing about it.

This is a new program and it is certainly a breath of fresh air that will help to alleviate the overburdened taxpayers within our towns and municipalities, and I would hope that the Senate would go along and pass this bill by the same margin that was given down in the other body yesterday. I think there is a cry for this type of legislation, and I know that our



taxpayers back home certainly are going to be happy to see Augusta take a step in the direction whereby we are turning monies back to them instead of just spending it up here on programs that they question the merits of. So I hope we would accept the unanimous report of the Committee.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Perhaps the best thing for me to do today would be not to say anything at all because I don't even know what I am going to do finally with regard to this bill or this legislation.

There has been a lot of discussion on revenue sharing during the course of this Legislature. I guess I, like most everyone, have been approached as to how I felt about revenue sharing, and I categorically stated that certainly I favored revenue sharing, and I think that there are valid reasons for our state to go into a program of revenue sharing and to distribute some of the monies that our state raises through taxation to our municipalities on bases other than some of the money that we now distribute.

I said at the same time that I would be willing to support revenue sharing if the state was willing to raise the money to finance the program. Really, this is the problem that I have at this point with what we have in front of us. I guess maybe I don't have all the answers to this bill yet because, unfortunately, I have not had the time, a long enough length of time, nor the information available to satisfy some of the questions that I have. But it does seem to me that we are, in effect, not financing, we are not funding, this revenue sharing. If I read it wrong I hope somebody will correct me, but we are, in effect, saying that in future years we will take a sum equal to 4 percent of the estimated revenue from the sales and use tax and dedicate that to this fund. So again I say, without the knowledge of everybody's wise counsel, it seems to me that we are, in effect, dedicating part of

our revenue to one particular program which, outside of the gas tax or a few incidental programs in our state financing, we do not do for any other program. We don't even do it for our educational programs.

This bill at this point does not create any great problems for me at this session, but I think that unless we are willing to say that we are going to vote some money now to finance this that the battle is really going to come the next time around. We are now committing, in a sense, future unraised money or money that will have to be generated from new taxes. Now, this pie is only going to be cut so many ways two years from now as we have to cut it so many ways this year.

I suppose coming from one of the poorer parts of the state which has had so many problems maintaining proper educational assistance, that I have fought exceedingly hard for subsidy programs, and were it not for the subsidy programs that we have today, I know my communities, in fact, every community that I represent in my Senate District, would be unable to give the educational opportunities that our children now enjoy and which are enjoyed by the vast majority of children in the state.

My real problem is: where is the money going to come from two years from now when this comes back and we have got to remove X millions of dollars from the money that we have available to finance all of the programs of our state, and we have taken X millions of dollars which is now, in fact, being dedicated, as I read it, through this legislation? If we do that, then the fight is going to be about where are you going to get the money to continue your present programs? Not only on the educational programs, but others as well. This is the real problem that I have with this bill.

I am not against revenue sharing. I am for it, but I hate to see the battle which I forecast and foresee will come. It is going to be a battle of how we are going to distribute the dollars that we now have available. I told the people who talked to me on

revenue sharing, "I am in favor of revenue sharing, provided you go back to your towns and you go back to your cities and ask your representatives to vote for additional taxes so we can finance it. But I am going to have a hard time to accept it if all you are going to ask me is to use the same dollars that we now have available, to shift them from other uses we make of them and devote them to this project." This is the battle that I have with this bill as I see it. I don't know what I am going to do with it, frankly. I am just expressing my thinking out loud here, which is probably not the wisest and the safest thing to do. I think probably when you get up and speak in the Senate you ought to know what you ought to be saying or you should have your mind made up. I have not had time to make my mind up, but I raise those questions for the Senate to consider.

I know the problems the cities have had to finance the programs they have, but I stand here ready and willing to vote the tax money to raise the revenues to help them meet their problems. But it does seem to me that you are going to be robbing Peter to pay Paul here eventually, unless somebody is going to guarantee me that at the next session of this legislature that whoever is going to be elected is going to be willing to come in and increase taxes so that we can finance all of these projects, and that we are not going to embroil ourselves in a battle between the cities and our poorer communities on how we are going to split the tax dollar. This is the real problem that I have with this, and it is not a problem of not being willing to provide monies to meet their needs other than the educational needs. The communities that I represent need this money very badly, and where are they going to get it two years from now if we are going to have to cut the monies from them in order to provide financing for this program that we are initiating now? I wish there was a revenue measure attached to this so we could finance it. And I am willing to vote for it.

But as I say, at this point I really don't know what my final decision will be on the enactment of this because it does seem to me that it is going to present some tremendously basic problems to resolve two years from now, and we are just passing on the problem, I think, to the next legislature. Now, I may not be here to be part of it, and many others may not be here, but we are going to pass it on to others. I wish these problems were resolved now so that I could make a safer judgment on it. Perhaps as this thing goes through the process here somebody may answer those questions for me, but the flat statement here now that this is not going to create any problems with our present educational subsidy programs, I don't think it is going to stand the test of time. This is my real basic problem with this.

As I say, and I hope this is clearly understood, I am for revenue sharing, but I am not for taking dollars away from some of the programs that we need so badly now in order to devote it to other programs. This is my real problem with this as I see it now. I may well go along with moving this thing along here this morning, but some of these questions are going to have to be answered for me before I will vote for enactment.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I think the points the good Senator from Aroostook, Senator Violette, has raised are germane and they are well taken.

Basically, this program would be financed by the present telephone tax which is now paid into the state, and anything in excess of \$3.3 million is returned to the towns on a straight per capita basis. This tax is now generating something in excess of \$5 million. It is projected to increase quite substantially in the next year and the year after that. So, in effect, the monies that we are now paying out to the towns on a straight per capita basis, which the Appropriations Committee did not feel was

the right way to go because, as the good Senator has pointed out, it does unduly weigh the larger cities and doesn't make any allowance for local tax effort. So we felt that establishing a new formula which would give some weight to the effort the local communities are making, as opposed to a straight per capita distribution system, at this point in time was the fairest formula that we could come up with.

I am sure you are all aware that any distribution formula can become terrifically complicated. I think the present educational subsidy formulas are so complicated that there are very few people in either branch of this legislature who could sit down and explain the formula by which educational monies are distributed throughout this state. So we felt that this formula, which is as simple as this, it is the population of the community times its local tax effort — now, by local tax effort, in this case we mean the total amount of taxes raised in the community divided by the state valuation. It is as simple as that. Now, you may question the validity of the state valuation, and probably it could be corrected and made better, but at the present time it is the best that we have, and there are many other monies distributed through the use of these figures. So that by determining the local tax effort, this does give weight to the towns who are making a very substantial effort and are taking four steps ahead and five steps backward possibly in the fiscal situation.

Now, these monies distributed under this formula could be spent by the towns in their school systems if they so desire. These monies have no strings attached, or would have no strings attached whatsoever, and if the town fathers determined that the school programs in their towns needed more monies other than those supplied by the present formula system, they could allocate these monies to their school system.

The good Senator from Kennebec, Senator Katz, mentioned that this was to be funded out of surplus, and he felt this was highly

irresponsible. I would agree with the Senator, if this were the plan for funding this then it would be highly irresponsible. It is a one-time shot. In order to get this plan into operation in January of 1972, we propose to take \$1.5 million out of surplus, a one-time shot, I repeat. In the future we do not plan to use surplus for this fund. The next year of the biennium would be financed by increases in revenues from the telephone tax at a level of approximately \$5.3 million.

We have established 4 percent of the sales and income tax as the formula factor to determine the total amount of money which would be paid back at this stage of the game, feeling that it was a good thing to tie the distribution of these monies into a broader based tax than simply the telephone tax. But, in essence, the telephone tax itself will fund this distribution system, so that we are not being irresponsible in recommending that this money be taken out of surplus ad infinitum. It is simply to get the fund into operation the first time around, being aware that the state does have some monies in surplus that have not been allocated. Now, possibly a parking garage in Augusta would have to go, or possibly some other pet project would have to go, to arrange to provide this \$1.1 million, but I submit to the members of this Senate that this fund is a much more important project than any building that at least the Committee on Appropriations could consider at this time.

I think that establishing this formula on the books of the state would be a progressive step. Future legislatures can determine how good it is. If they want to fund it additionally, they may, or if they want to hold it at the present level, they can also do this.

I do not believe that we are competing on monies here with other programs because, as I said earlier, the telephone tax at the present time is distributed to the towns and cities on a straight per-capita basis, and this money is not now available for other state programs. So, Mr. President and Members of the Senate, I hope you will go along and vote against the

motion to indefinitely postpone this report.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: Like the good Senator from Aroostook, Senator Violette, I too am concerned about some of the implications of this bill. I too am not quite sure how I am going to vote.

There are, I think, some points on which we can all agree, that we are coming into a period where we are going to have some revenue sharing, and I would also agree that our school subsidy formula at the present time, there is no question, it needs another method of handling it.

However, the thing that concerns me greatly is the emphasis that is placed on the tax effort in the local communities. I am one who feels that the formula that they are using is not fair to many of the rural areas, for the reason that we in the country towns have costs that are just as real to us as would be the case of the people in the city who have increased costs perhaps on their tax rolls. I will mention just one as an illustration, and there are others. The cities by and large do have a good fire department, and they also have a police department, with the result that they are securing their fire insurance at a substantially lower rate than we can secure the same in the country. As a matter of fact, sometimes the rate is as much as eight or ten times higher in some of the rural areas. Not only is it higher, but in many instances you just cannot get insurance; the companies will not insure the buildings. So I say it is just as much a cost of living to the party living in the country to pay increased cost on his fire insurance as it is for the urban liver to pay it on his taxes. Now, that is not taken into consideration here anywhere.

I think maybe they could come up with a formula which would take into consideration only those factors that are common to all, and I will only mention one or two so as not to prolong the debate.

I am thinking, for instance, we all support our schools, and they could weigh the tax effort that goes into schools, and I think all municipalities, either rural or urban, have their rolls to keep up. So those are two factors which are common to all, and I believe that a formula should be worked out considering the tax effort in only those areas where you can get a common comparison.

Now, looking at the way this formula works out, it also is a little bit concerning to me. If you run over this list, and I too have not looked at many of them, but I have taken a few off which I think is typical over the state, and I notice, for instance, that the Town of Eliot will secure \$1.87 more money than they are now getting from the telephone tax. You go down and you see the Town of Casco will get \$.95 more. I looked up two towns that I knew were desperately poor, rural communities in the Penobscot area, namely, the Towns of Hudson and Kenduskeag, and I note Hudson will receive \$2.39 more, and Kenduskeag \$1.49. Now, I am sure that every legislator has seen the problems they have had in the Town of Bowdoinham, and I note that they will get \$2.25 more. Well, if you are living in those communities and you look and see the increased money coming to the community, it may look pretty good to you on the first go-around, but then I look down and I see that in comparison the City of Portland is to receive \$4.21, Augusta \$3.56, and Bangor \$4.08, just to pick out two or three of the larger communities. So it looks to me, regardless of how much money goes into this formula in future years, it is going to be on about a proportion of one to three in favor of your larger communities.

Now, I think there is factor which one or two of the speakers have brought out that should be brought into this, and that is the income factor, because I think that even though some of you may argue that the formula may be fair to some of these poor communities, the fact of the matter is that they are not making more effort in

many instances because they just don't have the money, period. So I really feel that we are about two years early in adopting a revenue sharing plan, and that we would have been better off to wait until we had what I think would be a little better formula to use, plus having more information from the State Assessor's office of the people in the different communities so we could give them some bearing on that in this formula when it is worked out. Thank you.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I too find myself presently sharing the views that have been expressed by some insofar as the dilemma that most of us find ourself in regarding the far-reaching effects of the intent and purpose of this type of legislation. I concur with Senator Chick of Kennebec that, in my estimation, this legislation is premature. But my paramount concern here in the State of Maine is our present economic condition which I do not feel warrants this type of legislation.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to say that I do not agree with the two previous speakers that this is premature. I think if you believe in the concept, the quicker we start it the better.

The formula has been kept as simple as we could possibly keep it without perhaps a straight per capita formula, and if at any time in the future you want to take in the income factor in a town, this can be adjusted and taken care of.

I think it is quite important too with the timing at the federal level. There are plans both from President Nixon and Senator Muskie on revenue sharing, and they both have a factor in there that if a state has a plan in operation that there will be an extra bonus. There is a 10 percent bonus under the President Nixon plan, and Senator Muskie has something, I don't

think it says just what, but there is a provision in there to give an extra bonus on this.

Now, many of you will remember two years ago this was brought up as a block grant, and I supported it then. I happened to be from one of the 40 towns mentioned that do not benefit from this plan, but I believe in the idea strongly enough so that I am willing to support wholeheartedly the idea. And I think to say this is premature is wrong, because if it is good then I think the quicker it is started the better.

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

Mr. Katz of Kennebec then moved that the matter be tabled until later in today's session, pending the motion by that same Senator that the Bill be Indefinitely Postponed.

On motion by Mr. Berry of Cumberland a division was had. Five Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think we have conclusively proved what I intimated before. Here is the most important financial measure of the session to the towns and cities, and I am not permitted the opportunity to table it until later in this morning's session, which conceivably might run half an hour or 45 minutes. I think this is not fair. I think it is not fair to try to push us into a program that has just been laid in front of us, that we have not had an opportunity to even discuss privately or have a bull session on, or even evaluate the prospects for the individual towns and cities. This is my basic reason for opposing a bill, a major revenue sharing basis, that is brought in presumably as we are winding up our affairs. I don't think it is fair.

I don't think the Senate should rush into this. In the Congress, I notice, when you have a revenue sharing proposal, it gets all the benefit of an interchange of in-

formation between the Congress and the various factors involved from the home towns and the states. If there is any potential here for us to discuss this with the towns and cities which we represent, I fail to see it. I think it is an error in judgment, I think the Senate is acting without the basic information that it needs, and I think it is a very regrettable procedure to follow.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I feel, myself, that we should commend the Appropriations Committee for its efforts in this matter in coming up with a formula which is easily understood and which all of us should be able, by reading a couple of pages of the bill, to come to some sort of a decision on. It may well be that some of us are so acclimated to the very confusing formulas that are difficult to understand that when one is presented to us that is obviously simple it is difficult for us to grasp it immediately.

But it would seem to me that if we do have this bill acted upon this morning that all of us will have the weekend at least to study it in depth and be able to come back on Monday and probably know a great deal about it.

I would like to say this as to the merits of the bill: I feel this is very meritorious legislation. It seems to me that I recall back early in this session of the legislature we had a memorial in to memorialize Congress relative to revenue sharing, and at that particular time there were only two or three of us who felt constrained to give a blanket endorsement to that particular theory of distribution of funds. I personally felt that we should have something in front of us before we asked Congress to pass the phrase "revenue sharing" into law, and at that particular time I withheld my endorsement of that particular proposal. Since that time we have had many proposals made in the Congress which have put forth revenue sharing concepts and have talked about the need involved.

They are coming along quite well, and it appears to me that there will be some federal legislation in this area.

I believe that the State of Maine should back up its talk and put some amount of money into a revenue sharing proposal for the municipalities in the state. Insofar as this legislation pitting some communities against others, I do not feel that is the case. For instance, I as well aware of the fears of the good Senator from Aroostook, Senator Violette, but the thought that this is pitting cities against poorer communities just isn't true. For instance, his own community is in the very highest area of receiving funds in this particular matter, and so will other communities, large and small, who indeed demonstrate the need.

I would point out to the body that when we discuss that there is something wrong with using the state valuation figures, we all might have reservations in some particular instances, but there are appeal procedures in setting these valuations and, of course, these valuations are the basis for our school subsidy distributions, which are very substantial indeed in comparison with the amount that is here.

I personally wholeheartedly endorse the bill. Early in the session when we talked about revenue sharing I had reservations as to raiding the funds of other needy projects, and the Appropriations Committee has, in wisdom, really resolved this very, very well, and have set forth the distribution of the funds primarily which are already distributed per capita, and have added some need provision.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: Very briefly, I would like to say that I support this legislation. I recognize perhaps the imperfections in the bill, but I feel the critical situation which our cities and towns now face demand of us that we take some action now, and those problems that might arise in the future can be taken care of at that point. For that reason, I

feel that this very definitely is a step in the right direction and we should move to pass the bill.

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

Mr. BERRY of Cumberland: Mr. President, I move the previous question.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves the previous question. The question now before the Senate is: Shall the main question be put now? As many Senators as are in favor of having the main question put now will please say "Yes"; those opposed, "No".

Mr. Katz of Kennebec then requested a roll call.

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

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

The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Establishing a State-Municipal Revenue Sharing Program", 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 Katz and Minowsky.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Hichens, Hoffses, Johnson, Kellam, Levine, Marcotte, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Violette, Wyman, and President MacLeod.

ABSENT: Senator Harding.

A roll call was had. Two Senators having voted in the affirmative, and twenty-nine Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Ought to Pass in New Draft Report of the Commit-

tee was Accepted in concurrence and the Bill in New Draft Read Once.

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

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

The Committee on State Government on, Bill, "An Act to Create the Department of Transportation." (H. P. 1183) (L. D. 1639)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1411) (L. D. 1828)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as amended by House Amendment "A" (H-463).

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

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Providing for Property Tax Relief for the Elderly." (H. P. 920) (L. D. 1272)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes" (H. P. 1400) (L. D. 1817)

Signed:

Senators:

WYMAN of Washington  
HICHENS of York

Representatives:

MORRELL of Brunswick  
TRASK of Milo  
FINEMORE

of Bridgewater  
COLLINS of Caribou  
ROSS of Bath

The Minority of the same Committee on the same subject matter

reported that the same Ought Not to Pass.

Signed:

Senator:

FORTIER of Oxford

Representative:

CYR of Madawaska

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "B" (H-450) "E" (H-483) and "F" (H-484).

Which reports were Read.

On motion by Mr. Fortier of Oxford, tabled until later in today's session, pending the Acceptance of Either Report.

### Senate

#### Ought to Pass

Mr. Chick for the Committee on Agriculture on, Bill, "An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act." (S. P. 669) (L. D. 1860)

Reported pursuant to Joint Order (S. P. 664) that the same Ought to Pass.

Which report was Read.

On motion by Mr. Clifford of Androscoggin, the Bill was substituted for the Ought to Pass Report of the Committee.

Thereupon, on further motion by the same Senator, the Bill was Referred to the 106th Legislature.

Sent down for concurrence.

### Enactors

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

An Act Revising the Laws Relating to Baxter State Park. (H. P. 1402) (L. D. 1820)

An Act Relating to a Department of Commerce and Industry. (H. P. 1416) (L. D. 1839)

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

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

Mr. BERRY: Mr. President and Members of the Senate: This is indeed a historic occasion when

we passed the first of the governmental reorganization bills. I think everybody can take a great deal of satisfaction today and in the future of this tremendous step. It is certainly a milestone in not only this legislature but all legislatures that we have done this commendable work.

### Orders of the Day

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

Bill, "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)

Tabled — June 17, 1971 by Senator Hoffses of Knox.

Pending — Enactment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Since the state-wide program has been enacted and signed by the Governor, I move that this one for counties only be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Tabled Matter No. 1, Legislative Document 1584, be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Marcotte.

On Motion of Mr. Marcotte of York, a division was had. Sixteen Senators having voted in the affirmation, and eleven Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

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

The President laid before the Senate the second 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 17, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.



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

The President laid before the Senate the third 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 17, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 17, 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 fifth tabled and specially assigned matter:

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

Tabled — June 17, 1971 by Senator Wyman of Washington.

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 sixth tabled and specially assigned matter:

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

Tabled — June 17, 1971 by Senator Violette of Aroostook.

Pending — Final Passage.

Mr. Kellam of Cumberland moved that the Resolve be retabled

and Tomorrow Assigned, pending Final Passage.

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

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Since it is the will of the body apparently not to keep this bill around, I may be just talking to myself, but it seems to me I ought to say something about the fact that there appears to be some shortcomings to this particular bill.

The Councillor District legislation is passed every ten years, of course, and all it is is a table which sets forth the years in which certain counties will have their Councillor. It doesn't particularly engender any great controversy, nor does it with me at this particular time. It just appears that we do have a substantial change in the law relative to reapportionment since the 1961 reapportionment was made, and it would be well if we did find if we are on sound legal grounds before we do set forth this particular table.

Since it doesn't take effect for two years anyway, I would see no particular harm in having the bill stay with us until the Law Court has made some rulings on questions which have been set forth to the Law Court, the questions having been sent yesterday. It strikes me that the Court might take the position that the questions are rather moot if we have already passed the law anyway.

But, as I say, the apportionment of the Executive Council should, I would assume, and I feel I am on quite sound legal grounds for that basis, I would assume it would carry with it the same mandate relative to equal protection as the apportionment of the legislature itself.

As I say, this is not particular big thing with me. It is just a matter that if we are going to conform our reapportionment to the Constitution of the State of Maine and

the Constitution of the United States, I think we should do it in all phases.

It is quite obvious that the population characteristics of the various counties are not secured by the schedule which has been set forth, and it may well be that we will be required to change the alignment of the Executive Council to some extent. This does not go to the merits of the Council itself; it has only to do with the fair representation by the entire state on that Council.

So if I am the only one who is particularly concerned with this matter, so be it, we can pass the law and then come back in special session and change it if, in fact, it does not hold up. But I feel it is very foolish, and it seems to me striped with a little bit of the power which people wield in this body at times to single out this particular order to the Court to be ignored and let the legislation be passed before the answers can be received. When the vote is taken, I would ask for a division.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think Senator Kellam from Cumberland has answered most of the questions he has raised himself, and I think we would be making a commendable progress if we do pass this. I don't believe there has been too much power expressed here, and this certainly isn't a question of flexing any muscles at all, I can assure him.

The PRESIDENT: Is it now the pleasure of the Senate that this Resolve be finally passed?

A division has been requested. As many Senators as are in favor of final passage of this resolve will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and nine Senators having voted in the negative, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Tabled — June 17, 1971 by Senator Chick of Kennebec.

Pending — Enactment.

On motion by Mr. Dunn of Oxford, 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" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

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

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

Tabled — June 17, 1971 by Senator Greeley of Waldo.

Pending — Consideration.

On motion by Mr. Greeley of Waldo, and under suspension of the rules, the Senate voted to Recede from its action whereby the Bill was Indefinitely Postponed.

On further motion by the same Senator, the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "C" was Read. House Amendment "A" to House Amendment "C" was Read and Adopted and House Amendment "C" as Amended by House Amendment "A" thereto was Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading.

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

Senate Amendment "A", Filing S-297, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

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

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

Tabled — June 17, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that we might as well take this off the table and take a vote on it, because I realize that I am keeping the Democrats in their seats all the time where we have been tabling this from morning to afternoon and then to the next morning and the next afternoon, so I feel a little sympathetic toward them.

Now, there is no reason for me to debate this veto message, because there isn't a member here who doesn't know the reason why the Governor vetoed this message, and so there isn't any reason for me to go into that. I do think the bill is a good bill, and the Governor admitted that it was. There was just one thing wrong with it in his mind, that he didn't want the authority to do the appointing taken away from the Governor's office, from the Governor and the Council. So, I move the previous question.

The PRESIDENT: The question now before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote shall be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, did I understand the good Senator from Cumberland moved the previous question?

The PRESIDENT: The Senator is correct, and I believe the motion is out of order.

The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: This bill that has been returned to us by the Chief Executive is a bill that has had many visits to this legislature. In fact, as I pointed out in debate the other day, I once was the sponsor of nearly this same bill during the 102nd Legislature.

The bill was enacted by that Legislature and returned to the Legislature by the Chief Executive at that time, Governor Reed. Governor Reed at that time in his veto message stated, and I quote: "I cannot find a specific need for the implementation of this measure and, further, I have been unable to ascertain any significant benefits that will accrue to the people of the State of Maine should this legislation be enacted." He further pointed out that he took strong exception to the transferral of appointive authority to the office of the Secretary of State from the Governor and Council.

Governor Curtis in his veto message to this body congratulated both the sponsor and the people who were particularly interested in this bill for trying to correct the present inadequate system. However, he finds objection, not primarily to the transferral of appointments from the Governor and Council to the Secretary of State, but he mainly objects to the fact that there is no safeguard of checks and balances on the appointment of these private detectives.

Before this bill had been enacted the Chief Executive had invited the sponsor into his office to speak about the bill, and informed him at that time of his objection to the way the bill had been currently written. And I know that the sponsor made every effort to have the amendment offered to this bill, and this body refused under suspension of the rules to allow the Senator to introduce his amendment. Perhaps that is the reason why we are in this quandary here today.

I would like to go back to the

102nd Legislature, if I may, being the sponsor of that particular bill. I know the other morning I came down to the State House quite early because, being honest, I was somewhat personally interested in what Governor Reed's veto message had been to the Legislature and, secondly, probably more interested in what the Minority Floor Leader at the time, who is currently Speaker of the House, had to say in sustaining the veto of the Chief Executive. The day that the veto message appeared on the calendar the Majority Floor Leader at the time moved to have the message tabled for one day. On the second day the Majority Floor Leader, after taking the message from the table, stated to the Legislature, or to the House at that time, that he recognized the problems with relationship to the Chief Executive and the Governor's Council, and moved that the Legislature sustain the veto of the Governor. Those who voted for the bill to become law were none. Those who voted to sustain the veto of the Governor, that is, voting "Nay" against overriding the Governor's wish, was 138, with 12 being absent.

This bill before us is really not partisan in nature at all. It is a bill which I believe the Governor has expressed in his message that he has deep concern on the checks and balances, and I think it is unfortunate that this Senate did not suspend the rules so that the good Senator from Cumberland, Senator Moore, could have presented his amendment so it could have been adopted.

It is my hope that the Senate today will recognize the area of contention that the Governor has pointed out and that we would sustain his veto. He has also stated, I believe, both to Senator Moore and to Senator Clifford that he would be very willing to put in his call for the special session this particular legislation, and that if his objections were removed that he would be very happy to sign that bill. So on this, Mr. President and Members of the Senate: It would be my hope that we would vote to sustain the veto.

The PRESIDENT: The question

now before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would only like to make one comment on this particular bill. It was heard before the Legal Affairs Committee, and I had certain reservations about the bill at that time, and I believe that the Governor's message of a few days ago set forth the substance of what I did find objectionable. That is the reason why I had signed the Minority Ought Not to Pass Report on the Bill. I feel it is unfortunate that the Bill was not amended to take care of these few small items. There is considerable merit to the bill and, since the Governor does intend to have this in his call in the fall of the year, I think it can be taken up at that time and the law considerably improved in relation to private detectives.

The PRESIDENT: A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Chick, Clifford, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senator Bernard, Conley, Danton, Fortier, Graham, Kellam, Levine, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senator Harding.

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

A roll call was had. Twenty Senators having voted in the affirmative, and eleven Senators having voted in the negative, with one Senator absent, and twenty being less than two-thirds of those Senators present and voting, the veto of the Governor was sustained.

The President laid before the Senate the matter tabled earlier in

today's session by Mr. Fortier of Oxford:

Bill, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes," (H. P. 1400) (L. D. 1817)

Pending — Acceptance of Either Report.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: My reason for asking to table this for later in the day was that I was in hopes that we would take care of today L. D. 1560. The two bills are very comparable. I think it would be a great advantage if they were discussed together and, consequently, I would move that it be tabled until the next legislative day.

The PRESIDENT: The Chair would inform the Senator that he is out of order. A tabling motion is not debatable.

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

#### Joint Order

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

ORDERED, the House concurring, that the Legislative Finance Officer, William H. Garside, be and hereby is authorized, during the current biennium to attend the conferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses.

Which was Read and Passed.

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

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

#### Papers From The House

Bill, "An Act to Revise the Site Location of Development Law." (H. P. 1373) (L. D. 1790)

In the Senate June 16, 1971, Passed to be Engrossed as Amend-

ed by House Amendments "A" (H-421) and "C" (H-449),

Comes from the House, having Failed of Enactment.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: For the members of the Senate, this is perhaps one of the most important EIC bills in the entire legislative domain.

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

Sent down for concurrence.

#### Non-concurrent Matter

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

In the Senate June 17, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-288), in non-concurrence.

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

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is a bill which was referred to the Legislative Research Committee, and I chaired the subcommittee that developed this legislation. It was aimed primarily at trying to work out some reasonable solutions to the rehabilitation of gravel pits and to remove a lot of the unsightly problems which gravel pits all over the state create for our environment. I think the committee developed a good bill. We thought it had generally the support of the industry which is concerned with removal of gravel pits or surface mining. We amended it yesterday, but the bill has failed of passage twice in the House, and I think at this late date it would just be taking unreasonable time of the legislature to pursue the matter further. So it is with great reluctance that I move that we recede and concur with the House.

Thereupon, the Senate voted to Recede and Concur.

### Committee Report House

The Committee on Public Utilities on,

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

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-489)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B."

Which report was Read and Accepted in concurrence, and the Bill, as Amended, Read Once.

Committee Amendment "B" was Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, given its Second Reading and Passed to be Engrossed in concurrence.

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

### Enactors

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

An Act Relating to Indian Tribal Governors, Lieutenant Governors and Council Members. (H. P. 308) (L. D. 408)

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

An Act Relating to Conversion of Leased or Rented Goods. (H. P. 963) (L. D. 1324)

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

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

Resolve, to Reimburse Ripley & Fletcher Co. of South Paris for Gasoline Shrinkage. (H. P. 369) (L. D. 476)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act to Create a Commission to Prepare a Revision of the

Criminal Laws." (H. P. 1211) (L. D. 1658)

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.

On motion by Mr. Tanous of Penobscot, and under suspension of the rules, the Senate then voted to reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President and Members of the Senate: Apparently Committee Amendment "A," in the manner it was prepared, failed to divide the powers of the Judiciary and the Legislative or the powers of the courts and the governor, and it is necessary to indefinitely postpone Committee Amendment "A" and then present Senate Amendment "A" which would remove the constitutional objections to separation of powers of the State in this particular bill.

The PRESIDENT: Is it now the pleasure of the Senate that Committee Amendment "A" be indefinitely postponed?

Thereupon, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-296, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriation Table An Act Providing for the Protection of the Coastal Wetlands. (H. P. 1299) (L. D. 1704)

On further motion by the same Senator, and under suspension of rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

Mr. Schulten of Sagadahoc then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-298, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SCHULTEN: Mr. President and Members of the Senate: Basically, Senate Amendment "A" to L. D. 1704, An Act Providing for the Protection of Coastal Wetlands, recognizes the hard facts of life that an excellent bill, such as this is, that carries a legislative price tag of \$150,000 perhaps has a very uncertain future and, while the elimination of the appropriation will do much to reduce the effectiveness of the bill, still there is a lot of need in here I feel can be implemented during the next two years. And we will come back in the 106th, or someone will come back in the 106th, to ask that funding be given at that point. So basically, it is the elimination of the funding from L. D. 1704 that we see.

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

Mr. Bernard of Androscoggin was granted unanimous consent to address the Senate:

Mr. BERNARD: Mr. President and Members of the Senate: Back during the last session the good Senator from Cumberland, Senator Berry, and I teamed up to work side by side in trying to pass some legislation which set forth the rules and regulations under which the state claimed artifacts on state-owned lands. Although one of the bills generated considerable controversy, the second one did pass.

It is interesting to note that as a Senator I have attempted to pay attention to my duties and be here consistently, during the middle of this week it was very painful when I had to turn down a personal invitation to dive on a wreck that has been discovered that has been in the process of being looked for about eighteen months. The wreck I am referring to is the steam sidewheeler Cambridge, which sank in 1886. This particular boat had about one hundred years of service from Bangor to Boston.

I don't know too much about the sinking except that most of us who

thought we were knowledgeable in its location placed it somewhere off Portland. However, it was found much closer to Bangor, and earlier this week a diver purely by accident dropped anchor and descended to about thirty feet and found what I guess he must have thought was the largest oarlock he had ever seen, but apparently it was one of the pieces of equipment aboard ship which secured one of the booms.

Some of the other interesting articles that he also came up with was evidence that the ship had natural gas lighting in the dining room, and this is one of the apparatuses that has the on and off switch over here which turns the gas light on and off. Apparently it must have had a large glass bulb here.

Another item which mystified us for several nights was this container here which apparently held oil over one of the bearings. Apparently the mate would go down and crank this little handle and oil the bearings to the sidewheeler. I think, also, for a record, it is the first ship wreck that has any historical value that has gold on it, and this piece of bronze here has gold sheeting that was carefully worked on. Evidently it must have come from the main dining room.

Under the bill that the legislature passed two years ago, this property would rightly be claimed by the state because it is on submerged land belonging to the state and it does have historical value. I brought this to the attention of our museum director this morning, and he showed considerable interest in trying to obtain some of the artifacts that could be salvaged. However, unfortunately, there are no funds available for such an operation. I have talked around to a few of the leaders, and decided that the next couple of days I will perhaps spearhead a drive to collect a small amount of donations so that the State of Maine will inherit all of these artifacts in the next few months, and that they can become part of a display at our state museum. Thank you.

On motion by Mr. Hoffses of Knox.

Adjourned until Monday at 10 o'clock in the morning.