

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

Monday, June 21, 1971

Senate called to order by the President.

Prayer by Rev. Walter R. Brown of Randolph.

Reading of the Journal of yesterday.

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

Bill, "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys." (S. P. 657) (L. D. 1845)

In the Senate June 16, 1971, the Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft, Passed to be Engrossed.

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

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

Non-concurrent Matter

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

In the House June 16, 1971, Passed to be Engrossed.

In the Senate June 17, 1971, Passed to be Engrossed as Amended by Senate Amendments "A" (S-294) and "B" (S-295) in non-concurrence.

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

On motion by Mr. Hoffses of Knox, the Senate voted to Adhere.

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

Non-concurrent Matter

Joint Order (S. P. 665) Duties of Clerk of the House and Secretary of the Senate when Legislature not in session.

In the Senate June 17, 1971, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-491) in non-concurrence.

On motion by Mr. Berry of Cumberland, tabled until later in

today's session, pending Consideration.

Joint Order

WHEREAS, Camp Waban at Sanford is operated on a private, nonprofit, open door basis for retarded and handicapped children from throughout the State; and

WHEREAS, in addition to earlier grants, S. Judson Dunaway, an Ogunquit philanthropist, has paid off a \$38,700 mortgage on the camp; and

WHEREAS, the intent of his generosity is that monthly mortgage payments might better be used for the benefit of the children at Camp Waban; and

WHEREAS, he expressed hope that his gift might influence others to increase their support of the camp; and

WHEREAS, thanks to his compassion, Camp Waban will open its sixth season on June 28th, having enrolled over 250 campers with a new life and hope; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the One Hundred and Fifth Legislature, now assembled, join to convey for and on behalf of the people of the State of Maine our sincere thanks for this exceptional act of kindness, and to acknowledge and pay tribute to S. Judson Dunaway, a great humanitarian, who has a compelling desire to see his money spent on worthwhile charities while he is alive, especially the formerly forgotten ones; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Mr. Dunaway in token of the gratitude expressed herein.

(H. P. 1431)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the University of Maine complex now virtually encompasses all areas of the State of Maine; and

WHEREAS, the University of Maine biennial budget exceeds \$53,000,000; and

WHEREAS, the biennial requests for additional millions of dollars

continues to come before the Legislature; and

WHEREAS, the Legislature without question will be faced with additional, mounting requests for funds for administration, capital construction and various and sundry university-conceived programs; and

WHEREAS, the Legislature is the governmental body that must solve not only the University of Maine's budgetary problems but those of the entire State Government as well; and

WHEREAS, the Legislature, by statute, has no budgetary control whatsoever over the actual expenditures of the University of Maine; and

WHEREAS, the Legislature additionally has no defined, factual knowledge of the fiscal administrative policies of the University of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the 105th Maine Legislature direct the Legislative Research Committee to study, in depth, the policies, programs, planning and administrative procedures now in practice by the university's trustees and executive-administrative officers and staff; and be it further

ORDERED, that the Legislative Research Committee be empowered and authorized to employ such research, statistical and legal staff as is necessary in order to meet the objectives of this Joint Order; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations to the next special session of the 105th Legislature.

(H. P. 1429)

Comes from the House, Read and Passed.

Which was Read.

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

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE
HUNDRED AND SEVENTY-ONE

JOINT RESOLUTION COMMENDING THE

MAINE PUBLICITY BUREAU ON ITS 50TH ANNIVERSARY

WHEREAS, the vacation-travel industry is an integral and productive segment of the economy of the State of Maine; and

WHEREAS, this industry produces considerable new money and jobs for Maine people and creates a favorable influence on all businesses within the State; and

WHEREAS, the State of Maine Publicity Bureau has been organized since 1921 and has established and developed a cooperative promotional program utilizing private and public funds for the promotion of the State's vacation-travel industry and general economy of Maine; and

WHEREAS, this being the first and only program of like continuity and magnitude in the United States carried out for the common good of the peoples of a state; now, therefore, be it

RESOLVED, by the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, that the State of Maine Publicity Bureau be recognized and commended on this its 50th anniversary since its founding for the outstanding contribution made by the Bureau over the years to the business climate of the State of Maine; and be it further

RESOLVED, that a suitable copy of this Resolution be transmitted forthwith to said Bureau inscribing these sentiments in honor of the occasion.

(H. P. 1430)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

Maine Scenic Highway
Board

Augusta, Maine

June 15, 1971

Honorable Kenneth M. Curtis
and Members 105th Maine
Legislature

Transmitted herewith is the initial report of the Maine Scenic Highway Board.

This report is being submitted in accordance with the provisions of the Public Laws of 1969, Chapter 453, Subchapter VI, Section 234.

Respectfully submitted
Maine Scenic Highway Board
Signed:

William Zoidis, Chairman
(S. P. 672)

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

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta, Maine

June 18, 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:

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

Messrs. GILL of South Portland
CAREY of Waterville
FARRINGTON

of Old Orchard Beach
Respectfully,

Signed:

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Final Report

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

Which was Read and Accepted.

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

On motion by Mr. Berry of
Cumberland, Senate in Recess.
(After Recess.)

Called to order by the President.

Enactors

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

Emergency

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

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

Orders of the Day

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

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

Tabled—June 18, 1971 by Senator
Tanous of Penobscot.

Pending — Passage to be En-
grossed.

On motion by Mr. Tanous of
Penobscot, 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 to Correct Errors
and Inconsistencies in the Public
Laws." (S. P. 641) (L. D. 1835)

Tabled — June 18, 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 third tabled and
specially assigned matter:

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

Tabled — June 18, 1971 by
Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. BERRY of Cumberland:
Mr. President and Members of the
Senate: This bill has had a lot
of attention, and I know that the
Judiciary Committee has got a
four-page letter indicating many
practical problems with it, but I
think it is too late in the session
for us to rectify these and,
accordingly, I move that this bill
be indefinitely postponed.

The PRESIDENT: The Senator
from Cumberland, Senator Berry,

moves that Legislative Document 1798, Bill, "An Act Relating to the Board of Registration in Medicine", be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

The President laid before the Senate the fourth 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 18, 1971 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

The PRESIDENT: The Senator has the floor.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I understand that this is a very controversial bill, and I appreciate the courtesy which was paid me to see that these two bills on one subject are coming up today at the same time.

There is a drastic difference between the two bills fundamentally, I believe, and I think that this is the main issue, and the only issue really which this body has to decide. One of them is a relief of the tax to the elderly and the other is a supplemental income to the elderly. Let us not kid ourselves, we are embarking upon a different process, a different project, which would have repercussions for years to come.

The other bill, which will be up shortly, makes no pretence of being a relief of a tax to the elderly beyond the heading of the bill. The benefits are paid directly to the elderly, there is no question of its being turned over to the municipalities, and the municipalities will have no benefits there from whatever.

Under this bill which I have moved on there is a clause which requires ten years residency within the state. On the other bill a person could become eligible for relief after one year's residence, or the year prior to the year in which he is asking for benefits.

There are several amendments which have been presented on the other bill which, I think, to some extent have been misunderstood. It was said in places that one of the amendments would prohibit the Welfare Department from reducing payments to the elderly who might be drawing welfare while having a tax problem. That is not exactly so. This refers to Filing No. H-483. And one portion of this bill definitely says, referring to the Department of Health and Welfare, "The Department shall utilize all the state funds expected to be saved by a reduction in benefits of aid to the aged, blind and disabled resulting from this chapter to raise the standards of aid." In other words, a person could very well lose, dollar for dollar, that he would receive under this bill from his old-age as a recipient, and that money would be allocated to someone who the department might feel more in need or to raise the standards generally.

There is another amendment which has been presented, which in itself is probably laudable, but I think is also debatable, and that is a provision that would increase the relief to the elderly in proportion to the cost of living, as decided by the consumer price index of our Department of Labor.

There are no provisions made in this bill for funding this. Just what are we getting into? In other words, every year we could have an increase in the cost of living of four, five or six percent, and you appreciate that we are talking three and a half million for a biennium, or \$1,750,000 per year. And you figure five percent of that accumulated over even a couple of years, then you have a sizable amount, which this seems to ignore.

I appreciate the fact that this bill which is before the Senate now has no provision for renters. Not

that I have anything against renters; I appreciate that in paying their rent they are paying a proportion of the landlord's taxes, but where are we going to draw the line? How much money can we spend? How much more money would it cost? And if it is a tax relief, the municipalities should have the advantage of getting this relief and at least having some assurance that the money spent by the state will go for the purpose which they intended, and will not go simply, probably to buy more liquor or to buy an old jalopy. As sympathetic as I am to some of the old people renting, I think we have to recognize the fact that it is not a tax relief. Are we going into a miniature social security? Are we going into a supplementary income to our elderly people? I think that is the question before the Senate.

If this report is accepted, in due time I will offer an amendment which will remove the lien clause which is on this bill as presented, and also gives a graduated scale of relief, which you have all received and which I think would help the bill considerably.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have to disagree with the good Senator from Oxford County, because I have got a lot of confidence in these older people and I think they will use the money properly, and I don't think we want to tie their hands by saying they have got to do it thus and so and have a complicated procedure by which they can get the benefit of it.

This carries me back to the hearing on this bill when the Mayor of Biddeford came in and talked on this matter of old people. His statement was something like this, that the older people aren't giving us any trouble. They don't want aid unless they have to have it and, for the most part, they use it properly. He says it is the younger people who are taking all the relief, all the surplus commodities, and all of everything they can get. I have confidence

in these older people, and I am perfectly willing to hand the money to them without having them tied right down to tax relief and a complicated method of obtaining it. I certainly hope that this bill will be indefinitely postponed and, if the motion hasn't been made, I will so move.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that Bill, "An Act Relating to Property Tax Relief for the Elderly", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to point out to the members of the Senate that we have two bills before us, L. D. 1560 and L. D. 1272, and at this late stage of the game it is going to be impossible to push them both along and at the last minute hope that we can come up with the right solution.

Senator Fortier of Oxford has many, many good points that he has made on his debate on these bills, and I think we all are trying to accomplish something here under the heading of property relief for older people.

There are many ramifications to this. Are we getting into something we are not fully aware of? Do we know the details? Do we know the funding implications? I think, with due respect to Senator Fortier, that he would agree that one bill must be the survivor, and that we should work and will work on necessary changes to put one bill in the form that it should be without any pride of authorship. I think that was lost long ago in this debate, and I would assure him that I will do everything that I can to get a group together to try to hammer this out and do it promptly. I would hope in that spirit we would support the motion of Senator Wyman and move this matter to its hopeful ultimate conclusion.

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

Mr. MARCOTTE of York: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of 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 Washington, Senator Wyman, that L. D. 1560, Bill, "An Act Relating to Property Tax Relief for the Elderly," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I just want to say that I am going to vote against indefinite postponement, and not in any sense to be taken as meaning that I or any member of my party is opposed to voting against the tax relief for the elderly. I think all of us are in favor of that. I think this is the vehicle that has a lot of good features in it and properly amended perhaps might get closer to the real equities of relief to the elderly. For that reason I am going to vote against indefinite postponement at this time.

The PRESIDENT: The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Sewall and Shute.

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 Bill was Indefinitely Postponed.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move reconsideration on L. D. 1560, and hope you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby L. D. 1560 was indefinitely postponed. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed, "No".

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

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

House Reports — from the Committee on Taxation on Bill, "An Act Providing for Property Tax Relief for the Elderly." (H. P. 920) (L. D. 1272) Majority Report, Ought to Pass in New Draft under New Title on Bill, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes" (H. P. 1400) (L. D. 1817); Minority Report, Ought Not to Pass.

Tabled — June 18, 1971 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President, I would like to ask for 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 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 acceptance of the Majority Ought to Pass in

New Draft Report of the Committee in concurrence of Bill, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes". A "Yes" vote will be in favor of accepting the Majority Report: A "No" vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

A roll call was had. Thirty-one Senators having voted in the affirmative, with Senator Sewall being absent, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendments "B", "E" and "F" were then Read and Adopted in concurrence.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, I would oppose suspension of the rules.

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

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

Joint Order

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

WHEREAS, in order to provide an orderly method for the Legislature to exercise its constitutional authority under Article IV, Part Third, Section 1 of the Constitution of Maine, to convene upon the call of the President of the Senate and the Speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members of the Legislature having first been polled; now, therefore, be it

ORDERED, the House concurring, that the joint rules of the Senate and the House of Representatives be and hereby are amended by inserting after Rule 26 the following rule:

27. Special Sessions. The President of the Senate and the Speaker of the House, during a recess of the Legislature, if they deem it necessary that the Legislature be convened in special session pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine, shall first poll all members of the Legislature in order to determine whether their call should be issued.

In such event, they shall notify all members of the respective branches, in writing or by the most efficient means necessary, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention and direct the members of the respective branches to assemble at the State House in Augusta at an hour and on a date to be specified by them in said notice. The notice shall bear the signature of the President of the Senate and Speaker of the House.

When the members of the respective branches are so assembled pursuant to said notice they shall first take up the question of the necessity of convening in special session and shall vote upon the question of whether to give their consent to the issuance of a call by the President of the Senate and Speaker of the House for the convention of the Legislature in special session.

1. If any member of the respective branches of the Legislature shall not appear pursuant to the notice of the President of the Senate and the Speaker of the House for reasons of physical inability to attend or otherwise, the President of the Senate and the Speaker of the House shall direct the Secretary of the Senate or the Clerk of the House as appropriate to poll the member by the most efficient means possible or shall accept the member's proxy on the question.

2. If the member cannot be polled or does not respond, he shall be deemed not to have consented to the convening of the Legislature.

If a majority of the members of the Legislature of each political party consent to convene and it appears that all members of the Legislature have been polled on the

question, the President of the Senate and the Speaker of the House shall issue their call for the convening of the Legislature in special session, directing the Secretary of the Senate and the Clerk of the House to give notice of the call to members of the respective branches by the most efficient means necessary. The call shall bear the signature of the President of the Senate and the Speaker of the House and state the date and time of such convening.

When the Legislature is assembled pursuant to the call of the President of the Senate and the Speaker of the House the Legislature shall complete its organization as a special session and proceed to the consideration of matters properly before it.

Which was Read.

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

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table, An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers, (H. P. 254) (L. D. 336)

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

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

Senate Amendment "A", Filing No. S-302, 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.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table, An Act Establishing a Human Rights Commission, (H. P. 507) (L. D. 659).

On further motion by the same Senator, and under suspension of the rules, the Senate voted to

reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-300, 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.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Appropriations Table, An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings. (H. P. 1115) (L. D. 1534)

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

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

Senate Amendment "A", Filing No. S-301, 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.

On motion by Mr. Hoffses of Knox,

Recessed until 2:30 o'clock this afternoon.

(Senate in Recess)

Called to order by the President.

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

Papers From The House Non-concurrent Matter

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

In the House June 17, 1971, Passed to be Enacted.

In the Senate June 18, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-237) and as Amended

by Senate Amendment "A" (S-299) in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Violette of Aroostook, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House June 16, 1971, the Reports and Bill Indefinitely Postponed.

In the Senate June 17, 1971, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Wyman of Washington moved that the Senate Recede and Concur.

Thereupon on motion by Mr. Violette of Aroostook, tabled until later in this afternoon's session, pending the motion by Mr. Wyman of Washington to Recede and Concur.

Joint Resolution

Mr. Berry of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE
HUNDRED AND SEVENTY-ONE

JOINT RESOLUTION COMMENDING THE MAINE STATE SESQUICENTENNIAL COMMISSION FOR ITS ACHIEVEMENTS ON BEHALF OF THE COMMEMORATION OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE STATE OF MAINE.

WHEREAS, the One Hundred and Fiftieth Anniversary of the State of Maine, commemorated during the past year, has passed into history; and

WHEREAS, the unqualified success of the year-long observance is a high tribute to the imagination, resourcefulness and dedication of the Maine State Sesquicentennial Commission which coordinated the efforts of the many different organizations and persons which

worked so harmoniously with such complete success; and

WHEREAS, the spirit of the sesquicentennial celebration will live and grow through the many activities which it sponsored to inspire and benefit the people of Maine; now, therefore, be it

RESOLVED, that the Senate and the House of Representatives of the One Hundred and Fifth Legislature of the State of Maine extend their appreciation to the members of the Maine State Sesquicentennial Commission for their dedicated services in recalling the momentous events of Statehood and the history of the State which have already meant so much to the people of Maine and which will continue to inspire them with a deeper understanding and devotion to the State of Maine and its ideals; and be it further

RESOLVED, that an engrossed copy of this Resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the chairman and to each member of the commission.

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this is more than a perfunctory order expressing thanks as required by a job well done. Those of us who were in the legislature several sessions ago realize that the Sesquicentennial Commission was not born amidst a lot of music and uniform unanimous praise, that it was almost starved of funds and died of malnutrition at several stages of the game. However, the Commission, in the spirit with which it was formed, went ahead and scraped the barrel, so to speak, and came up with many innovative ideas. They persevered in spite of a lot of problems, barriers and obstacles, and I think - and I am sure everybody agrees with me - they did an outstanding job in providing the State of Maine with its 150th Anniversary. So I think this Resolution, which will be transmitted to each past and present member, expresses to those

members of the Sesquicentennial Commission the appreciation of the people of the State of Maine for a job well done.

The PRESIDENT: Is it now the pleasure of the Senate that the Joint Resolution be adopted?

Thereupon, the Joint Resolution was Adopted and, under suspension of the rules, sent down forthwith for concurrence.

Committee Report House Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Revising the Implied Consent Law for Operators of Motor Vehicles." (H. P. 1027) (L. D. 1422)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-460)

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth
LUND of Augusta
CARRIER of Westbrook
BAKER of Orrington
WHITE of Guilford
HENLEY of Norway
PAGE of Fryeburg
ORESTIS of Lewiston
WHEELER of Portland

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

Signed:
Senator:

HARDING of Aroostook

Representative:

KELLEY of Caribou

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-460) and House Amendment "F" (H-486).

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

Committee Amendment "A" was Read and Adopted in Concurrence. House Amendment "F" was Read and Adopted in Concurrence.

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

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I object to the suspension of the rules.

The PRESIDENT: As many Senators as are in favor of the rules being suspended so this bill may be given its second reading at this time by title only will please rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with fifteen being less than two-thirds of those Senators present and voting, the rules were not suspended.

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

Enactors

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

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

An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities and the State Museum. (S. P. 633) (L. D. 1821)

An Act Relating to a Department of Consumer Protection. (S. P. 637) (L. D. 1830)

An Act to Create the Department of Environmental Protection (S. P. 638) (L. D. 1831)

An Act relating to the Department of Agriculture. (S. P. 639) (L. D. 1832)

An Act Relating to a Department of Natural Resources. (S. P. 646) (L. D. 1840)

An Act Relating to Vacation of Certain Employees of Highway Department. (H. P. 1063) (L. D. 1454)

An Act Relating to Closed Season and Minimum Size of Coho Salmon. (H. P. 1328) (L. D. 1742)

Which were Passed to be Enacted and, having been signed by the President, were by the Secre-

tary presented to the Governor for his approval.

Emergency

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

This being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$2,985,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions. (H. P. 177) (L. D. 235)

This being a Bond Authorization Act, and having received the affirmative vote of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys." (S. P. 557) (L. D. 1845)

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

Pending — Consideration.

Mr. Tanous of Penobscot moved that, under suspension of the rules, the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

Mr. VIOLETTE of Aroostook: Mr. President, I would oppose the motion, pending an explanation of the reason for reconsideration.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you will check this morning's calendar, you will note that the bill was defeated in the other body. I am in hopes to substitute the bill for the report and perhaps save the bill itself so that we can have full-time prosecutors in the State of Maine.

I do have an amendment to the original bill, which I think is palatable to some of the members who have objections in both bodies, and I think we will be passing some significant legislation in the area of prosecution for crimes in the State of Maine if we can get a full-time prosecution system in the entire state rather than in just several counties which the present bill calls for and which was rejected by the other body.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I too rise to oppose the motion of Senator Tanous of Penobscot. This bill originally was a full-time Attorney General bill with an Attorney General system, and would put the prosecution of all counties with the Attorney General.

This bill had its hearing before the State Government Committee, and the majority of the members of that committee voted to reject that thinking, and in its place they came out with this particular bill.

Very briefly, what this bill does is make full-time county attorneys in the six largest counties in the state. The six largest counties in the state are Androscoggin, Cumberland, Aroostook, Penobscot, York and Kennebec.

The bill also makes one other change in the present law, and that is that it changes the term of office for the county attorney in all 16 counties from two years to four years. There is a price tag on the bill of \$26,000.

Very briefly, the reasoning of the State Government Committee in coming out with this bill at this particular time was that the other bill, the Attorney General Bill, had a very large price tag on it of \$264,000, and they felt that it was

just impractical to pass this type of bill with that price tag on it, that it would have no chance. So this is really a compromise measure.

The situation in these six large counties is getting to the point where it is a very serious problem. There are delays in many of the more serious felony cases that we have before the courts in these larger counties, and this was the reason why, at least it was the thinking of the State Government Committee, something should be done to help alleviate this problem.

I know in one county alone, York County, as of earlier in the year, there was a back-up of criminal cases of over 400. The same was true in Cumberland County. I am sure you saw some publicity on this during the months of January and February.

Now, a part-time man is just not able to handle the situation. I think we should face up to it and not sweep this under the rug and pretend the problem doesn't exist, because it does exist. Now, I, myself, would like to go with a full-time Attorney General and a big staff that could handle this problem. But there were certain practical objections that I had, and certainly the price tag was a big obstacle that had to be overcome, and I felt that the bill just couldn't go. So this is a compromise measure, I think. We have got to face up to this problem and we have got to do something about it. I think this is a very fair and practical solution to the problem, and I would ask that you vote against Senator Tanous's motion, keep the bill alive and perhaps insist and have a committee of conference with some of the people down at the other end of the corridor.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I do agree with my friend, Senator Clifford from Androscoggin, in the area of full-time prosecutors needed in the six busy counties. The problem is, and believe me, there isn't one attorney in this legislature or in the State

of Maine who would disagree with what I am going to say now, that we have county attorneys in these counties on a part-time basis right now. This is the way that the law reads, on a part-time basis. But in fact they are fulltime county attorneys as it is now. Their duties are full-time. These individuals are working as full-time prosecutors under the present part-time law. So that all we are doing with this particular bill is raising their salary and changing the law to make it cognizant of the fact that they are full-time.

I have talked with just about every one of these county attorneys. I have talked with the one in York, I have talked with the one in Cumberland, I have talked with the one in Arrostook County, I have talked with the one in Penobscot County, and every one tells me that they are now full-time county attorneys. The law says they are part-time, but they are really full-time.

Now, most of these county attorneys, incidentally, if this bill is enacted, intend to resign as well. They are not going to run for office again, because for \$17,500 a year they are certainly not going to give up their practice. They are not going to become full-time prosecutors. So where are we going to go from there? We are going to try to find a young fellow just out of law school who wants some trial experience, and this is what you will end up with as your county attorneys with the price that we have got tagged onto the full-time prosecutors. So we are not going to do the job with this particular bill of full-time prosecutors to the other counties.

I don't think that any attorney can disagree that these county attorneys at this time are not putting in this full time as far as the prosecution of crimes is concerned. They do a little private practice on the side or in the evening, or perhaps their law firm does some civil work on the side. But under this bill you will exclude any individual who belongs to a firm from taking this job to begin with, because any of these individuals - and we have several of them now who are county attorneys

who belong to a firm - and under this bill they will not be able to belong to a firm. So it won't be doing the job in this area. Again you are going to exclude some very capable people from taking this job.

Enough for the full-time county attorney. Let me give you my proposition of how I feel about full-time prosecutors under the Attorney General's office. If we could make it a separate office it might be more agreeable to some members of this legislature. But, unfortunately, this is the chief prosecutor of crimes in the State of Maine, and this is where the authority ought to lie. I will give you an example. Under my amendment which has just been distributed, the full-time assistant attorneys general will be appointed in these areas as close as practical to the district court system that we now have. So you would have a full-time prosecutor appointed as best as possible in the various District Court districts that we have in the State of Maine. So this would automatically mean that you would have prosecutors in the 13 areas of our District Court in the State of Maine.

Now, over and above this, there is about a 20 percent turn-over in this area. They are going to become very able prosecutors in time. They are going to have the expertise of prosecution of criminal cases. It is high time in the State of Maine that we decide on whether we are going to make the prosecution for crimes a part-time job or a full-time job. We have got to make up our minds to do one or the other. We need full-time prosecutors.

Under my bill I can enumerate several instances, and my good friend from Androscoggin, Senator Clifford, mentioned it, in York County they have approximately 500 backed up criminal cases. In fact, they were up here two weeks ago very concerned about this. I explained my bills to them. The county attorney, who is a good friend of mine, highly endorses the full-time concept as proposed in my bill. I talked with the assistant county attorney in Aroostook County this weekend, and he

highly endorses the bill that I have proposed.

Now, if you have got a county like York County that has a back-up of 500 criminal cases, do you know what happens from a practical aspect of this? You have an attorney who comes into the county attorney's office, and he will sit down and tell the county attorney, "Look, I have got 20 pending criminal cases. Now set them up for trial." Well, everyone knows that physically speaking it is impossible to try all twenty cases. You just don't have the staff, the time, the judge, or anything else, nor the money to prosecute these criminal cases. So what happens? They get involved in plea bargaining. You know, you give me two and I will give you one; that type of a deal. This is what is going on. Don't kid yourself. This is what is going on in Cumberland County. Joe Brennan appeared before the Judiciary Committee and admitted to the Judiciary Committee that this is what is going on. Plea bargaining, in order to get rid of some of these cases so they can clear the docket. And this is wrong.

Now, my feeling is, under my full-time prosecutor bill, that the Attorney General, or whoever has got charge of the prosecutors, could very easily, if York County is sitting this particular month, he can look up to Piscataquis County that usually has three or four days of criminal work to be done, or Hancock County, or any other of the small counties in the state where the people over there really aren't employed as full-time prosecutors, he can pull these men out of there and send them down to a troubled area and start trying these cases, have your defense counsel ready for trial, and I will bet you that you will clear up your criminal dockets in no time once they find out they have got a staff of ten or twelve prosecutors ready and able to try cases as soon as the next case is done. You won't have much plea bargaining, and you will have justice carried out the way it should be.

We have got to make up our minds of whether we are going to go ahead and operate on a part-time basis, such as we are now,

really an inefficient system because we just don't have the staff in each of these counties to have good prosecution, or we can adopt this particular program which I have submitted before you. And I feel that this particular bill will certainly do the job for full-time prosecutors.

Incidentally, if you have read the Supreme Judicial Court's study of the State of Maine that we have referred to on many occasions, they certainly recommend full-time prosecutors in the State of Maine because it is needed. And I feel that the bill I have got is the one to do the job. Thank you.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I do oppose the reconsideration motion by Senator Tanous, and would support the statements made by Senator Clifford relative to trying to salvage some part of this bill by virtue of a committee of conference.

I have at the last two successive legislatures sponsored bills for full-time prosecuting attorneys. Last session it lasted quite deeply into the session and then it was finally defeated, and this session it did not go beyond the first couple months of the session. I feel that to try at this time to back up to the original bill here, which is a very costly bill, and trying to sell this to the legislature, it is just beyond rationale or reason. We should try to do what we can to get the full-time prosecutors in those counties which really have to have them, and maybe work from that the next time. I do feel that for us to reconsider, back up, and amend this back in the original bill would be just unreasonable for us to do at this time, and it would probably end up getting less than it would get if we try to proceed along and salvage what we can out of the bill that is now before us.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would

just like to mention a couple of things that Senator Tanous mentioned. The first thing he said was that the county attorneys in the various large counties are full-time now. I think he is right. I think essentially they do devote either 100 percent or at least 90 percent of their time prosecuting cases within their jurisdiction. However, this is fine for the next two years, but what happens after that?

He admits that these people are not going to run for the job again, that they are not going to be interested in 1973. So, what do you do then?

Now, the bill that came out of the State Government Committee takes effect only in 1973. It doesn't interrupt the term of the present county attorney. And this is the objection that there was two years ago, that it split the term of the county attorney then in office. This is why it got some objections and some arguments from the county attorneys who had been elected but who were not allowed to serve out their two year terms.

Senator Tanous mentioned and condemned plea bargaining. Whether he knows it or not, this type of conduct has been going on for years, it has been approved by the American Bar Association, and it is going to be going on for a good many years after he and I are out of the picture. This is a very approved way of getting rid of cases and getting them off the docket. If you couldn't do this you would never clear up your docket.

Now, I was County Attorney for eight years in Androscoggin, and believe me, I did plenty of plea bargaining, with the approval of the judges. I would hate to think of what the Androscoggin County docket would be like if we hadn't been allowed to do this. It is the same as trying to run a legislature without making compromises and without making deals. It is just a fact of life.

Now, the reason nobody likes Senator Tanous's bill was simply this: It is an attempt to run the prosecution team out of Augusta. It just can't be done. You have got to have people in the area who

understand the people they are dealing with. The prosecutors have got to be there day after day. They can't be in York County one day and in Aroostook the next. You have got to have people who come from that area and understand the people. This is the thing that they were not able to write in that Attorney General Bill, and which I objected to very strenuously, along with the appropriation. These are the objections which were not overcome, and this is the reason for the compromise bill which is the new draft in new title of 701. I urge you to vote against the motion to reconsider by Senator Tanous.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you will look at the proposed amendment which I intend to introduce, under Filing 303, which was distributed just a few moments ago, under 552-A this amendment proposes that it is the intent of the legislature that so far as practicable, and in the discretion of the Attorney General, there shall be at least one assistant attorney general resident in each of the 13 judicial districts. Certainly this removes your objection of having your county attorney in the area who would know the problems. I am sure that this individual would be as familiar with the problems, in fact, he probably would be an individual resident in that area who would be appointed to this position.

Now, I know there was a lot of objection because the Attorney General was going to be making the appointments. If you will notice on my amendment, under 552-B, the assistant attorney generals to be appointed will have to be approved by the Chief Justice of the Supreme Judicial Court. So that ought to remove politics out of it somewhat.

As far as the price tag is concerned, this particular bill does not take into consideration the present salaries being paid your county attorneys and assistant county attorneys. And I have just received a memo that the net cost of this bill, taking into considera-

tion the present expenditures which are being used for county attorneys and assistants, the net cost would be \$100,000. So it isn't as vast as the bill itself appears to indicate. The net cost would be, I repeat, \$100,000, and not \$200,000 as projected in the appropriation on this particular bill.

I agree that plea bargaining will not cease with the enactment of a bill like I am proposing, but at least it will reduce the amount of plea bargaining that is going on. I can understand plea bargaining when an individual is charged with several crimes resulting from one incident. This is common. They do this and I don't object to it. But when one attorney has five or six cases involving five or six individuals, and you start bargaining on the six different cases, I don't think we should go that far in our plea bargaining. I don't deny it, plea bargaining when one individual is charged with several violations, fine, this is acceptable. But when you have one attorney representing six, eight or ten clients, and he starts plea bargaining with the clients, this is wrong. I don't think that any particular client ought to be pleaded guilty so that another client may get off. I certainly hope you will vote with me on reconsidering our action whereby this bill was passed to be engrossed. Thank you.

The PRESIDENT: A division is being ordered because to suspend the rules it takes a two-thirds vote. As many Senators as are in favor of suspending the rules will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, and fourteen being less than two-thirds of those Senators present and voting, the rules were not suspended.

Thereupon, on motion by Mr. Clifford of Androscoggin, the Senator voted to Insist and Ask for a Committee of Conference.

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

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

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

JOINT ORDER — Relative to Duties of Clerk of the House and Secretary of the Senate when Legislature not in session. (S. P. 665)

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

Pending — Consideration.

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

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

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

Tabled — Earlier in the day 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 fourth tabled and specially assigned matter:

JOINT ORDER — Relative to Amending Joint Rules of the Senate and House of Representatives.

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

Which Joint Order then received Passage.

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

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 Research Committee is authorized and directed to study the various methods by which the Legislature may exercise its constitutional authority pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine to convene upon the call of the President of the Senate and Speaker of the

House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having first been polled; and be it further

ORDERED, that the Office of Attorney General be directed to provide such technical advice and assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study together with any recommended legislation to the 106th Legislature; and be it further

ORDERED, that a copy of this Order be transmitted forthwith upon joint passage to the Attorney General's Office as notice of this assignment.

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: At the last session a constitutional amendment was provided for, and subsequently approved by the people, allowing the legislature to call itself into session. This provided that the legislature would set up practical rules for such a procedure. The order introduced this morning makes this change by changing the joint rules of the two bodies. It has been suggested that this might be highly in order if this be done by statute and, hence, the order which has just been introduced might appear a bit redundant, but that is the story behind it.

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

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

Non-concurrent Matter

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

Pending — Motion by Senator

Wyman of Washington to Recede and Concur.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would hope that the Senate would not recede and concur. This is a bill that was debated at length last Friday regarding one property tax rate for the unorganized territories. I don't think it is necessary for me to repeat myself, but I will just brief the members somewhat.

This tax rate would be based on the median of the tax rate of the organized municipalities. It is a bill that would increase the tax on wildlands. As you know, we have one before us, which is in the other body at this time, on a productivity basis of taxation. I personally feel that this bill, L. D. 1732, is the most advantageous and the bill, if passed into law, would distribute the tax most equitably and tax this property most equitably according to the other properties within the state.

However, I have had some discussions with members of the other branch regarding using the median tax rate figure at 100 percent value, that it might create a burden on the owners of the unorganized lands, and I have agreed to reduce my tax rate down to 80 percent of the median. The reason for this is that I feel that some of the services that the organized municipalities are now getting, such as roads and road maintenance, and so forth, the owners of the lands in the unorganized territories are doing this at their own costs. So in all fairness, again in an attempt to be equitable throughout, I would like to present an amendment. I would hope that the motion to recede and concur would not prevail, so I would present an amendment which would reduce the tax rate to 80 percent of the median tax rate. And, Mr. President, when the vote is taken, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: We have been through this rather thoroughly. We have provided for an increase in the tax on wildlands, and apparently this bill would provide for a further increase. It is a bit complicated. It repeals seven sections of the law and amends twenty-five other sections.

The other branch has indefinitely postponed it, and it seems to me at this late period in the session that we should recede and concur, and then if you want to bring it up at the special session, all right. But I certainly hope the session will vote to recede and concur.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I will say at this time that if this bill is enacted, again I am probably repeating myself, but this will be the fairest method of taxing unorganized lands.

As you know, the press has been very adamant on this method of taxing unorganized land, both on the assessing factor and also on the rate factor. As you all know, I have done a thorough study of this problem and I am definitely convinced that this is the only way to bring this tax to where it is equitable with organized municipalities once and for all. If this measure is accepted, there will be no further discussion and further public resentment on the present method of assessing wildlands.

The PRESIDENT: 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 Washington, Senator Wyman, that the Senate recede and concur with the House on Bill, "An Act to Provide One Property Tax Rate for the Unorganized

Territory." 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, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte Martin Minkowsky, and Violette.

ABSENT: Senators Sewall and Shute.

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

Joint Order

Out of Order and under suspension of the rules, on motion by Mr. Dunn of Oxford.

WHEREAS, State departments charge employees varying amounts for furnishing such maintenance services as meals, rental or housing; and

WHEREAS employees are charged for such services in some instances, similar State services are furnished to others without charge; and

WHEREAS, employee maintenance was estimated to return \$213,298 during the current fiscal year but to date is \$72,472 in arrears; and

WHEREAS, the State needs to develop and utilize a single policy applying equally to all state employees; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the general problem of employee maintenance and to make recommendations to the next special or regular session of the Legislature for a uniform policy regarding all maintenance charges which can be applied equally to all state employees entitled to receive such benefits.

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. DUNN: Mr. President and Members of the Senate: This order is to sort of clarify the position where some departments are charging for housing and meals in some areas — they have at Pinedland through Mental Health — and this has been dropped by some departments and other departments are at the present time charging, so this will let it go to the Legislative Research Committee and let them try to set one policy statewide for all departments.

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

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table.

Joint Order — Relative to Joint Select Committee to Study Maine Turnpike Authority. (S. P. 291)

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

Pending — Passage.

The same Senator then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study of Municipal Securities Approval Board. (H. P. 693)

Tabled — February 18, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee

make study of County Government in the State of Maine. (H. P. 926)

Tabled — March 3, 1971 by Senator Hoffses of Knox.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee Study the Proper Role of Chiropractic in the State of Maine. (S. P. 399)

Tabled — March 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator Indefinitely Postponed.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study of Tax Relief for Municipalities on State-Owned and Tax Exempt Property. (H. P. 1207)

Tabled — March 18, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to State Planning Office under the Supervision of the Legislative Research Committee, authorized to study the desirability of Creating a State Bureau under the Department of Finance and Administration. (H. P. 1232)

Tabled — March 30, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of

Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Study Reviewing State Laws relating to Health Manpower. (H. P. 1262)

Tabled — April 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to Study and Review Maritime Laws of Maine. (H. P. 1266)

Tabled — April 14, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to Study Bill, "An Act Creating the Maine Health Care Facilities Labor Relations Act." (H. P. 746) (L. D. 967) (H. P. 1281)

Tabled — April 21, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee be directed to study subject matter of Bill, "An Act Relating to Licensure of Physical Therapy Assistants." (H. P. 530) (L. D. 692) (H. P. 1297)

Tabled — April 30, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator then moved that the Joint Order be Indefinitely Postponed.

On motion by Mr. Hichens of York, a division was had. Twenty-two Senators having voted in the affirmative, and six Senators having voted in the negative, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study subject matter of Bill, "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers," (H. P. 940) (L. D. 1299); Bill, "An Act Relating to Sales of Beverages in Nonreturnable Bottles," (H. P. 76) (L. D. 149); and Bill, "An Act Creating the Maine Litter Control Act," (S. P. 262) (L. D. 768) (H. P. 1303)

Tabled — May 6, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study subject matter of Bill, "An Act Providing for a Staggered System for Registration of Motor Vehicles," (H. P. 1203) (L. D. 1654) (S. P. 576)

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

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to study subject matter of Bill, "An

Act Relating to Property Taxation." (H. P. 1037) (L. D. 1428) (H. P. 1325)

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

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to study Maine Forestry District Taxation Practices among Municipalities. (S. P. 587)

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

Pending — Passage.

The same Senator then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to study feasibility of creating office of State Fire Marshal. (H. P. 1356)

Tabled — May 24, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study methods employed by the State Highway Commission for acquisition of property and property rights for highway purposes.

Tabled — May 25, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study subject matter of: Bill, "An Act Extending Collective Bargaining Rights to Public Higher Education Personnel" (S. P. 447) (L. D. 1337); Bill, "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine" (H. P. 119) (L. D. 1590) and Bill, "An Act Granting State Employees and Employers the Right to Collective Bargaining." (H. P. 1160) (L. D. 1610) (S. P. 611)

Tabled — May 28, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study subject matter of Bill, "An Act Relating to Cost of School Construction Aid." (H. P. 1340) (L. D. 1759) (H. P. 1382)

Tabled — June 2, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee to study feasibility for acquisition or sale of State-owned lands. (H. P. 1381)

Tabled — June 2, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee Study subject matter of "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics." (S. P. 3) (L. D. 17) (S. P. 624)

Tabled — June 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

Joint Order — Relative to Legislative Research Committee study practice of Educational leave being granted to some State Employees. (S. P. 628)

Tabled — June 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

The same Senator then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

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

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

Pending — Passage.

The same Senator moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table:

JOINT ORDER — Relative to Legislative Research Committee study policies, programs in the University of Maine complex. (H. P. 1429)

Tabled — June 21, 1971 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

Mr. Dunn of Oxford moved that the Senate reconsider its action of earlier in today's session whereby on Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws," (S. P. 277) (L. D. 860), the Senate voted to Adhere.

The PRESIDENT: The Senator has the floor.

Mr. DUNN: Mr. President and Members of the Senate: I talked with a member of the other body and I came away feeling, I guess, that the bill was all right without the amendment. However, I did not move to recede and concur, and perhaps I should have, but I wonder if someone would table this and I think the differences can be ironed out to everyone's satisfaction if given a chance to inquire just a little bit.

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

Thereupon, On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Dunn of Oxford to reconsider.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table the following matters:

Resolve, to Reimburse William Scott of East Machias for Loss of Bee Hives. (L. D. 116)

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (L. D. 133)

Resolve, to Reimburse Bernard Powers of Newry for Loss of Cigarettes. (L. D. 148)

Resolve, to Reimburse Anthony Moscone for Loss of Cigarettes and Tobacco Products by Fire (L. D. 481)

Resolve, Providing Funds for Improvement of West Quoddy Head State Park Access Road. (L. D. 537)

Resolve, Appropriating Funds for Swimming Pool at Pineland Hospital and Training Center. (L. D. 538)

Resolve, Providing Moneys for Cerebral Palsy Centers. (L. D. 549)

Resolve, Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission. (L. D. 583)

Resolve, to Reimburse the Town of Herman for Support Rendered an Unsettled State Welfare Case. (L. D. 886)

Resolve, Providing Funds for Development of Fort Point State Park, Stockton Springs. (L. D. 1072)

Resolve, to Provide Funds for a feasibility Study for New Marine Facilities for the Port of Portland. (L. D. 1141)

Resolve, Relating to an Environmental Study in Construction of High-level Bridge between Westport and Wiscasset. (L. D. 1241)

Resolve, to Reimburse Donald H. Young of Portland for Damage to Property by Escapee from Boys Training Center. (L. D. 1423)

The same Senator then moved the pending question.

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

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table the following matters:

An Act to Reimburse Town of Jonesboro for Expenses Incurred in Defending Shellfish Conservation Ordinances. (L. D. 200)

An Act Relating to Clarifying the Sales Tax Law as It Relates to Gratuities and Service Charges in Eating Establishments. (L. D. 1677)

The same Senator then moved the pending question.

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

On motion by Mr. Dunn of Oxford, the Senate voted to take

from the Special Appropriations Table:

An Act Creating a Second Assistant County Attorney for Kennebec County. (L. D. 322)

The same Senator moved that the Bill be Indefinitely Postponed.

On motion by Mr. Clifford of Androscoggin, a division was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table:

An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees. (L. D. 471)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table the following matters:

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller. (L. D. 479)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen. (L. D. 480)

On further motion by the same Senator Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table the following matters:

An Act Providing Funds for the Maine Police Academy. (L. D. 522)

An Act Increasing Salaries of Official Court Reporters. (L. D. 523)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table:

An Act Providing for a Low Income Allowance. (L. D. 751)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table:

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law. (L. D. 801)

The same Senator then moved that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Violette of Aroostook, tabled until later in today's session, pending the motion by Mr. Dunn of Oxford to Indefinitely Postpone.

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table, the following matters:

An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education. (L. D. 836)

An Act Requiring Childhood Education Programs for Five-Year-Olds. (L. D. 873)

An Act to Improve the Efficiency and Fairness of the Local Welfare System. (L. D. 1003)

An Act to Create a Crime Laboratory. (L. D. 1271)

An Act Relating to Staffing Committees of the Legislature. (L. D. 1571)

An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capital Complex at Augusta. (L. D. 1760)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law. (L. D. 801)

Pending — the motion by Mr. Dunn of Oxford to Indefinitely Postpone.

Mr. Violette of Aroostook then moved the pending question.

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

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.