

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

Tuesday, June 22, 1971

Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta,

Reading of the Journal of yesterday.

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

Bill, "An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act." (S. P. 669) (L. D. 1860)

In the Senate June 16, 1971, Bill substituted for the Report and Referred to the 106th Legislature.

Comes from the House, Passed to be Engrossed, in non-concurrence.

Mr. Chick of Kennebec moved that the Senate Recede and Concur.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I join with Senator Chick in his motion, and I hope that you do vote to recede and concur. This does extend to some farmers who do not technically have title to the product which they are caring for the right to belong to and become a part of these agricultural bargaining associations. This is very important to farmers to be able to strengthen their bargaining position. And Mr. President, I would ask when the vote is taken that it be taken by the "Yeas" and "Nays", and I hope you would vote "Yes".

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

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

The pending question before the Senate is the motion of the Senator from Kennebec, Senator Chick,

that the Senate recede and concur with the House on Bill, "An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act." 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, Danton, Dunn, Fortier, Graham, Greeley, Harding, Hichens, Hoffses, Katz, Kellam, Levine, Marcotte, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, and Violette.

NAYS: Senators Bernard, Min-kowsky, and President MacLeod.

ABSENT: Senators Clifford, Conley, Johnson, and Wyman.

A roll call was had. Twenty-five Senators having voted in the affirmative, and three Senators having voted in the negative, with four Senators absent, the motion prevailed.

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

**Committee Report
House
Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands." (H. P. 1192) (L. D. 1667)

Reported that the same Ought Not to Pass.

Signed:

Senator:

FORTIER of Oxford

Representatives:

FINEMORE

of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
McCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
COTTRELL of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under

Same Title. (H. P. 1419) (L. D. 1837)

Signed:

Senators:

WYMAN of Washington

HICHENS of York

Representatives:

ROSS of Bath

TRASK of Milo

Comes from the House, the Minority Ought to Pass in New Draft report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-493).

Which reports were Read.

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

Second Readers

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

House — As Amended

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This is, I believe, one of the most important bills to come before the session certainly in that it affects not only highway safety but it affects everyone who operates motor vehicles.

Now, if you would be so kind as to turn to your House Amendment H-460, you will see that this bill, when it was brought before the committee, certainly was not in its best form. The committee, in order to report this bill out, was required to make twenty-one various amendments to this bill. Now, I think the committee did a fairly good job, but there are two or three other areas in the bill which I think deserve consideration, and I am wondering what you might think insofar as the possible amendments are concerned.

Now, I have an amendment which I would like to offer, which is Filing No. S-305. Under the bill, as it is now set up, a motor vehicle operator does not have the right to a hearing. If he has been

apprehended, and if the officer certifies that he has been offered a test and the driver has refused it, if he certifies this under oath and sends it to the Secretary of State, then automatically, without a hearing, the man's license is suspended. This is contrary to the other provisions of our law. In almost all other cases a man is entitled to a hearing before his license is suspended. The amendment which I propose would give the same rights in this particular instance as is accorded in the other instances under Section 2241, and the operator would be entitled to a hearing.

Now, if it turned out, of course, at the hearing that he was offered the test legally, and that he did decline it, he would lose his license, fair enough. But on the other hand, if it turned out at the hearing that the requirements were not met, then the man would not have lost his license unjustly. This is all we ask, that the man be entitled to a just hearing before he loses his license. That is what we do in practically all other cases under Section 2241.

So, Mr. President, I do present Senate Amendment "A", under Filing No. S-305, and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Harding, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-305 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 move indefinite postponement of Senate Amendment "A". When I read just the first sentence of the language which is proposed to be inserted, and it says, "If a person under arrest refuses upon the request of a law enforcement officer to submit to one of the tests none should be given," of course, that completely negates the whole thing. So I think this is rather an attempt to scuttle the bill and I hope you would vote against it. I would request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

moves that Senate Amendmet "A" be indefinitely postponed. A roll call has bees requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This is not an attempt to scuttle the bill, and this is the identical language which is now contained in the driving while impaired law. And it is the language which we use in almost all other cases, that a person is entitled to a hearing before he loses his license, which is one of the most precious rights that we have.

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

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Clifford, Danton, Fortier, Graham, Greeley, Harding, Kellam, Marcotte, Martin, and Violette.

ABSENT: Senators Conley, Levine and Sewall.

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

A roll call was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with three Senators absent, Senate Amendment "A" was Indefinitely Postponed.

Thereupon, the Bill, as Amended,

was Passed to be Engrossed in concurrence.

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

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

Which was Read a Second Time.

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

Enactors

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

An Act to Create the Department of Human Services. (H. P. 1412) (L. D. 1829)

An Act to Create the Department of Military and Civil Defense. (H. P. 1422) (L. D. 1847)

An Act to Reorganize the Department of Education. (H. P. 1423) (L. D. 1848)

An Act Providing for a Full-time Attorney General. (H. P. 1424) (L. D. 1849)

An Act Relating to the Secretary of State. (H. P. 1425) (L. D. 1850)

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

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 21, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Shute of Franklin, retabled until later in today's session, 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 21, 1971 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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

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

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

Pending — Consideration.

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

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

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

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

Pending — Enactment.

Mr. Berry of Cumberland 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 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.

This is an emergency measure and, under the Constitution, in order for its passage it requires the affirmative vote of two-thirds of the entire elected membership of the Senate.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Chick, Clifford, Fortier, Graham, Greeley, Hichens, Kellam, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Tanous, Violette, Wyman, and President MacLeod.

NAYS: Senators Carswell, Danton, Dunn, Harding, Hoffses, Johnson, Katz, Marcotte, Minkowsky, and Shute.

ABSENT: Senators Conley and Levine.

A roll call was had. Twenty Senators having voted in the affirmative, and ten Senators having voted in the negative, with two Senators absent, the Bill failed of Enactment.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the majority side, I move reconsideration of our vote.

The PRESIDENT: The Senator from Cumberland, Senator Berry, having voted on the majority side, moves that the Senate reconsider its action whereby this bill failed of enactment.

The Chair recognizes the same Senator.

Thereupon, on further motion by the same Senator, retabled until later in today's session pending the motion for Reconsideration.

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

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

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

Pending — Motion by Senator Dunn of Oxford to Reconsider Action Whereby Senate Voted to Adhere.

The motion prevailed.

On further motion by Mr. Dunn of Oxford, the Senate then voted to Recede and Concur.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of yesterday whereby Joint Order — Relative to Legislative Research Committee Study the Proper Role of Chiropractic in the State of Maine, (S. P. 399) was Indefinitely Postponed.

The same Senator then moved that the Joint Order be Passed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I oppose the motion and when the vote is taken, I ask that it be taken by a division. I think we have run this chiropractic thing through and I think everyone recognized what this so-called study was; it was a red-herring to be thrown in the path of the bill which now has been passed by both houses of the Legislature. I hope that we would have a means to spend our money for better purposes than further dragging this thing around. I think the first motion that Senator Berry made on this for indefinite postponement was a very good motion, and it is unfortunate that he changed his mind. So, I would hope that you would vote, in fact, I will make the motion that we indefinitely postpone this bill.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that this Joint Order be indefinitely postponed.

A division has been requested. as many Senators as are in favor of the motion to indefinitely postpone this Joint Order will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Joint Order received Passage.

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

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

Mr. BERRY of Cumberland: Mr. President, is the Senate in possession of Senate Paper 626, Legislative Research Joint Order Relative to Establishing a Special Committee on Legislative Rules and Procedures?

The PRESIDENT: The Chair would answer in the affirmative,

the paper having been held at the request of the Senator.

Mr. BERRY: Mr. President, because we did not adopt an amendment which was on that, I move the Senate reconsider its action whereby this Joint Order received passage.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby this Joint Order received passage. Is this the pleasure of the Senate?

The motion prevailed.

House Amendment "A" was then Read and Adopted, and the Joint Order, as Amended, received Passage in Concurrence.

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

Mr. BERRY of Cumberland: Mr. President, is the Senate in Possession of L. D. 801, an Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been held at the request of the Senator.

Mr. BERRY: Mr. President and Members of the Senate: It has been indicated that there is a problem if no money at all is provided with this bill and, in order to put the bill in the position so it can be further considered, I move that the Senate reconsider its action of yesterday whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby L. C. 801 was indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

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 further motion by the same Senator, tabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, the Senate voted to take

from the Special Appropriations Table the following matters:

An Act Increasing Assistance to War Orphans in Securing Higher Education. (L. D. 45)

An Act Providing for Scholarships for North American Indians Residing in Maine (L. D. 342)

An Act Relating to Community Mental Retardation Services. (L. D. 422)

An Act Providing for Adult Education. (L. D. 499)

An Act to Regulate Sewer Utilities. (L. D. 649)

An Act Relating to Appropriations and Allocations to the Governor's Committee on Employment of Handicapped. (L. D. 660)

An Act Relating to Disability Retirement and Retirement Allowances under State Retirement System (L. D. 704)

An Act Appropriating Funds for Comprehensive Statewide Planning and Services for the Developmentally Disabled (L. D. 740)

An Act to Establish a Colt Stake Program for Maine Standard Bred Horses. (L. D. 837)

An Act to Appropriate Funds for Payment to Veterinarians for Vaccinating against Brucellosis (L. D. 849)

An Act Relating to the Transportation of Students to Technical and Vocational Centers (L. D. 906)

An Act Relating to Increases in School Assessments in School Administrative Districts (L. D. 945)

An Act Relating to Stating Purposes of Bond Issues Referred to the People (L. D. 1064)

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

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 Appropriations Table:

An Act to Create a School Administrative District for the Town of Orono. (L. D. 1077)

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

On motion by Mr. Sewall of

Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

An Act Providing Handrails for Stairs in Public Buildings. (L. D. 1148)

An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities (L. D. 1186)

Resolve, Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County. (L. D. 1214)

An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law. (L. D. 1218)

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

An Act Relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits. (L. D. 1409)

An Act Relating to Retirement Allowance for Former Governors. (L. D. 1419)

An Act Relating to Fees for Marketing and Advertising Farm Products. (L. D. 1438)

An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Delinquent Insurers. (L. D. 1497)

An Act Relating to Exemptions from Real and Personal Property Taxation for Industrial Disposal Systems. (L. D. 1559)

An Act Relating to Elementary School Guidance Counsellors. (L. D. 1670)

An Act Relating to Distribution of Certain Taxes to Municipalities. (L. D. 1735)

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

AN ACT Relating to Constitutional Amendments Printed on Instruction Sheets. (L. D. 1808)

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

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

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

"An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands." (H. P. 1192) (L. D. 1667)

Pending — Acceptance of Either Report.

Mr. Wyman of Washington then moved that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: This, as you know, is the so-called productivity bill on taxing woodlands. This bill would place a value on lands in the unorganized, together with woodland in the organized, based on its productivity.

I would like to impress on the members of the Senate today that we are getting away from the concept of market value. I also would like to impress on the members of the Senate that the lands in the unorganized have been assessed according to their productivity in the past. If you would check the assessed values on the public lots and compare them to the assessed values of land owned in fee simple in the unorganized, you will find that those values are very, very much the same. They may vary from \$.50 to \$1.25 an acre, therefore, the land itself has not been assessed.

This productivity bill would place the value according to types of forest products. Different types would have different values, according to their stumpage value, and the stands would be valued according to types, providing they have 75 percent of the various types on the stand. The land would be assessed on a county basis. The types would carry a value on a county basis. Then, in turn, the rate of the types will be established by the information from the United States Forest Service, the Northeastern Forest Experimental Station at Orono, or by the Maine Forestry Department. I would like to put much emphasis on just that small word "or". Do you realize, Members of the Senate, the power that this

would place in the hands of our Maine Forest Commissioner and also in the hands of our State Tax Assessor? Those two men would be the most powerful men within our state. They would be the ones who would control the value on land, the assessed value on eight and one-half million acres of land in the unorganized, and almost as much land in the organized.

As you know, under the bill, the value would be figured on 100 percent and then would be reduced down to 50 percent. Then these types would be valued according to a capitalization rate, and which at this time nobody knows that that rate would be.

Another feature about this bill which is difficult to buy is the fact that these values would be studied every ten years. As you know, we have had an increase in values based on the economy every year, but this bill here would set a value and that value would remain for the next ten years. So we would have special treatment for a certain few.

Again coming to the organized municipalities, the bill calls for a loss no more than 10 percent of the present tax contributions on this type of property within the organized, and I am questioning myself on just how the local assessors would be able to treat this, an assessor who is elected from the rolls and doesn't know a thing about assessing. This could be very confusing to him. So in one sense you would have a value for type in one town and you would have another value for the same type in the adjoining town, because the value would be adjusted accordingly so that the loss to the town would not be more than 10 percent.

There are many features of this bill that are very, very hard for me to stomach. It is nothing else but the establishing of a new method of taxing woodland and giving special treatment to the owners. And as you all know, any special treatment has to be absorbed by some other taxpayer.

I think you all pretty well understand the bill at this time. It has been debated and discussed in the halls. It has been lobbied to death.

Again, as in my sob story of last week regarding another L. D., I don't think that my efforts are going to get me anywhere but, Mr. President and Members of the Senate, I shall move for indefinite postponement of this bill and all its accompanying papers, and I would request a roll call, please.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that Legislative Document 1667 be indefinitely postponed, and 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: I am the first to admit this isn't a perfect bill. Many of the bills we pass aren't perfect, but I think it is a start in the right direction.

Now, this matter has been studied, as was expressed before the committee, studied to death. The Governor had a task force and this task force recommended a productivity bill. Another committee, headed by a Yale professor from the Yale Forestry District, also recommended a productivity tax.

Now, we have, regarding the method of taxation, to decide whether we set up a new tax bureau or whether we use our present tax bureau. I certainly am in favor of using our present Bureau of Taxation. That is what it is for. I think Ernest Johnson is one of the most dedicated and sincere public officials and that we do have a good Department of Taxation. But if there is anything wrong with it, I don't think we should set up another bureau.

It was mentioned that these lands would be valued only every ten years. My understanding is that they will be valued or revalued every two years. The productivity will be reviewed every ten years, but not the valuation.

The committee came out with this particular draft, which is a new draft. We did not accept either of the two bills that were originally presented. Now, one of the problems that came before the committee is the fact that a great many times woodland owners cut their wood merely to reduce the tax rate, and I think, in the in-

terest of environment, that certainly we should let them harvest their wood in a reasonable manner.

This bill will also provide for a single tax rate, which is what the good Senator from Piscataquis was speaking in favor of yesterday. One of the committee amendments provided, as the good Senator said, that the valuation cannot change more than 10 percent in any one year, which would seem to be a safeguard. It also provides for divided ownership and other technical corrections.

Perhaps the thing that impressed me the most before the committee was the fact that a number of people faulted the bill but, at the same time, when they got through they said, "For heaven's sake, this has been studied and studied and studied, and let's make a start on the bill, get the law enacted and then, if there are errors in it or should be changes made, we can come back and do it, but let's not study it any more." And when the people who criticized the bill finally spoke and said, "Well, give us something", that impressed me more than anything else. And I hope you will defeat the motion of the good Senator from Piscataquis, Senator Martin, to indefinitely postpone the bill.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As my good friend, Senator Wyman from Washington, mentioned, it is a step in the right direction, but I wonder which direction. We are buying a pig in a bag. We don't know what this bill will come up with. We don't know what the value there will be on the types. We don't know what the capitalization rate is. We know about what is going to be done regarding our woodlands.

Again referring to the Governor's Task Force, which recommended a productivity rate, the majority of the committee, which was twelve in number, recommended the productivity basis of assessment. These twelve included the Maine Forest Commissioner, and the owners of the lands themselves represented a great portion of

these twelve. So again I would like to tell the members of the Senate to please bear in mind that this is an industry bill. This is not a bill that was written by the Governor's Task Force, by a group of members of the legislature, or by anyone else who attempts to make a correction for the good of the public. It is an industry bill, and it was written by their lawyers, by themselves, and it was presented by themselves. It was changed somewhat by the Committee on Taxation, but not too much change was made in the bill. It is still pretty much in toto in whole as it was first introduced.

So my recommendation to the members of the Senate today, instead of buying a pig in a bag, would be to set this aside until the special session, and have them come up with facts and tell us just what this bill is going to do, how much tax will this bill contribute to the state. I just can't imagine that we will buy this item, this pig in a bag, and say that we will make corrections afterwards. I am not convinced that this is a step in the right direction because 75 percent of this is unknown. We know the method of taxing the specie and who is going to administer it, but we know nothing else as far as what will be the ultimate results.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise to support the position taken by the Senator from Piscataquis, Senator Martin, and for these reasons:

I was one of the members who served on the Governor's Task Force to come up with a proposal for the taxation of our timberlands. This was a committee that was made up, I suppose, of almost all interests that could be concerned with regard to the taxation of these properties. It was composed of landowners, economists, tax experts, and common people like myself who had indicated some interest in this field, and we met for a considerable length of time. But the bare fact of the situation

is that we just didn't have the time to fully develop the subject.

We did develop by the time the legislature met here in January some basic concepts, and the committee did adopt the idea of a tax on productivity as being perhaps one of the most equitable ways of taxing these properties. But this is the extent to which our committee was able to develop its work. We never were able, once having accepted the idea of productivity, to develop the concept and apply it to the factors which go into allowing anyone, or allowing the committee, to say what would be the result of accepting the concept of productivity if you carried it out to its conclusion. This is the problem which we met and, as a result, the committee tried to develop legislation, did draft a bill, but eventually withdrew it because these factors had not been fully completed and we could not really tell the legislature what would be the end result of it as far as yield in taxation was concerned. So, rather than follow up and go through with the bill, we felt we really couldn't assure the legislature what the result would be, and this basically is the problem that I find with the bill which was developed by the industry side of this problem. There are some factors in their formula which are personally unacceptable to me, but there might not be if we knew what they were going to do.

Now, when you say that you accept the idea of productivity, then what do you do with it? There are some departures from the idea that was advanced by the Governor's Committee in this legislation here. What this bill proposes to do is to capitalize the annual growth of the forest land and, in a sense, tax the landowner on the profit that he would make on the yields or on the productivity of this land. Now, this is a very, very uncertain and rather nebulous theory to have us accept today without having set the ratios or the rates of the capitalization, or without knowing what the factors of productivity or yield are going to be. So we don't know the end result any more than our committee was able to develop them.

Aside from that, I think the idea of projecting or basing this fact on the profit, so to speak, when we talk about capitalization value of the annual growth, results in what I think is a result of the yield tax, so that when he makes a profit on this property you tax him on that.

Now, the Governor's Committee did advance the concept that if you did go into productivity you would tax a landowner on the annual growth, period, without bringing in the matter of capitalizing the income to be realized from the annual growth. I think this is a far greater and a far fairer way of basing your tax on productivity. If I own a stand of timber and it is producing or growing a certain amount of timber every year, if it is going to be taxed on the productivity angle, if I cut it or don't cut it, my tax is going to be based on what it is producing or what it is growing. But under the industry bill, that is going to have to be determined on what the profit would be. So the land can stand idle for a number of years and, unless he cuts it, he just isn't going to be taxed for it under their bill.

Now, there is another factor which I really cannot accept under the industry bill, and this is that there is a recovery clause in this so that if you take it out of forestry and devote it to development, then you are penalized and have to repay a certain amount of money to the state over a period of years.

This one here is loaded, as far as I am concerned, in this present bill. What it is going to do is this: You determine what the tax would have been had you taken it out of forestry and had you used it for development. You subtract from that the tax that the industry paid for it. Not only do you subtract it, but you also give them an allowance for the interest on the money they paid for the tax. But you don't charge them on the interest on the money they should have paid for the tax had they removed it out of forestry and placed it into development. So this is strictly a one-sided deal.

That is about all I am going to

say on this matter. I personally would like to see this subject deferred to the special session of the legislature. I would like to see a continuance of the Governor's Committee, which would continue to include the representatives of the landowners, the industry, as well as other interests, and try to work out to a conclusion the basic principles that the Governor's Committee made and, hopefully, by the special session we could come out with something which would be acceptable to all sides. I think if enough effort is placed into it I think we can. But if we place this bill into law now, I think it will become our law and it will be exceedingly hard to change.

As I say, I have adopted and I buy the concept of productivity. Secondly, this legislature has adopted the Land Use Regulation Commission and, as a result of that, our state has to adopt a policy of other than current market value. And I buy that concept; it must follow as a consequence of what we have done in the Land Use Regulation Commission. But on the other hand, I don't think we should accept any bill - and I accept the principles of productivity, I accept the principles of taxing other than on the basis of market value - but the factors which are in this bill here are not acceptable to me. I think we can come up with something which is going to be more equitable to the people of Maine.

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

Mr. ANDERSON of Hancock: Mr. President, a point of order. Would a motion to refer this to the 106th Legislature take precedence over a motion to indefinitely postpone?

The PRESIDENT: The Chair would answer in the negative.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I would like to make it clear that my signing the Ought Not to Pass Report on that was intended for the original bill, which has been referred to as the indus-

try bill. The redraft has sweetened it somewhat. I state "somewhat" probably with reluctance, because it is far from being what I would like to have seen.

Personally, I still believe that the bill which we previously debated here, and which apparently has no more chance of being adopted than anything at all, would have been preferable. On the other hand, I am somewhat in accord with the good Senator from Washington, Senator Wyman, when he states that this has been kicked around for so many years that it seems that we should make a definite effort to start somewhere. But I would not feel right if I were to vote for acceptance of this bill without trying to bring out to you the doubtful points and the things we are accepting, as the good Senator Martin has said, as a pig in a bag, without really knowing what we are accepting.

The formula which is incorporated in this bill has three factors: growth, value of stumpage, and capitalization. It is growth times cost of stumpage, times capitalization. Now what are these figures? They will be placed in the hands of the State Tax Assessor, with practically no limitation as to where and how he can arrive, or no guide to him as to how he is to establish these figures.

Let us take growth, for example. We find that the State Tax Assessor until 1970 had used a growth rate of .125. Since 1970 the growth rate has been .25. But we find that the Maine Forestry Service estimate has been .4, that the United States Forest Service Extension estimate has been .5. In other words, the United States Forest Service estimate, even with the correction made by the State Tax Assessor in 1970, the United States Forest Service estimate is still double that figure.

If we take the question of valuation of stumpage, for example, we find that spruce, as an example, is now being valued roughly somewhere between \$4.25 and \$5.50. We find that the Maine Forest Service establishes this figure at between \$5.50 and \$8. Now, you can understand that with the formula as used, a very slight variation in any of these factors could make a

whale of a difference in the assessment, in the final assessment.

I also find that according to the present figures there is a great difference in inoperable areas, and how are these going to be handled?

I do not want to come out openly against this bill. It has been kicked around a long time, and I would like to see something happen, but we have no idea of how it would work out. To borrow an expression which has been used here a great many times, I believe that this is probably one of the most important bills that we will act on, because it involves our largest industry, it could hurt our largest industry very materially. On the other hand, it could be the best innovation that we have made in our tax system for a long time.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I know how complex this is, I know how difficult it is to research this, and I know how difficult it is to come up with an answer but, as I mentioned a while ago, we don't have the answers yet. I think the answers could be forthcoming with further study and, in the hope that this could be further studied, Mr. President and Members of the Senate, at this time I will withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, withdraws his motion to indefinitely postpone Legislative Document 1667.

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: I hope the Senate would defeat this motion so that I could introduce a motion to substitute the Bill for the Reports and do exactly what I would like to see done, which is to refer this to the next special session of the 105th Legislature. I would request a division on the motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I support the motion of Senator Wyman. We have been talking and talking and kicking around the idea of what shall we do about taxing the wildlands. Now this piece of legislation might not be 100 percent, but it is a good start on the right legislation at the right time.

I don't know of any piece of legislation that we pass here where we are going to be 100 percent sure it is going to turn out to be all right. None of us know how it is going to turn out. We just feel that we are voting the right way and in the best interest of the people of the State of Maine.

It is a compromise piece of legislation. The industry might not be too happy with it, but they can live with it. I think it might bring in more money to the state in the long run. And if there might be any bad features in it, we can adjust it the next time, but I feel that we should pass it now rather than just not do anything about it and let it die. The people in the State of Maine want us to do something about the wildland taxes, and I think it is not the best piece of legislation, but it is about as good as we can come out with this time. To indefinitely postpone it until the next legislature would just kill it, that's all, and we would not be doing anything about it.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would like to make two points clear. First of all, this is not compromise legislation. This is not legislation which is the result of any committee.

Secondly, there has been mention here that this matter has been studied to death. Well, this is not the case. The Governor's Committee was actually the first committee to try to make a comprehensive study to try to come up with an equitable system of taxing the woodlands of the state. This is the first major effort that has been

made in the state to come up with an answer to this problem, so the matter has been studied to death point that is being made that the is not the case at all.

Now, I am not critical of industry, and I want to make that very clearly understood. But I think we can come up with a better bill, and this is not, as has been said here, a compromise bill. I think with further study until the next special session that they could come up with answers to some of the items on some of the factors here which is unknown at this point. And it may well be that when those factors are known and they are demonstrated to us that we will go along with them. But there are definitely items that ought to be, I think, further studied and I think ought to be the subject of further compromise in the public interest here.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must disagree with my esteemed colleague, Senator Violette from Aroostook, when he says that this matter has not been studied. One of the most comprehensive studies that was ever made on the subject was made by a predecessor Senator of mine from Cape Elizabeth, Ed Chase, who got very far before his untimely death in studying a severance tax on timberlands. This was revolutionary and it was just the beginning of many, many studies that had been put in on this area.

I think this is a modest beginning, as Senator Fortier has so well put it. We may not be satisfied with it, but I think it is a step in the right direction. I can't see that any harm will be done by it, and I think some good may be. So I hope you would vote "Yes" on the prevailing motion made by Senator Wyman of Washington.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I dislike repetition as much as anybody, but I am going to repeat that I am the first to admit that this is not a perfect

bill, and I also want to point out probably the one factor that influenced me the most when this was before the committee. That was that various people who testified faulted the bill, but they said, "For heavens sake, make a start." So, I certainly hope you will vote "Yes" on this motion.

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

Mr. MARTIN of Piscataquis: Mr. President, I 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 the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Chick, Dunn, Fortier, Greeley, Hoffses, Johnson, Katz, Levine, Minkowsky, Moore, Peabody, Quinn, Schulten, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Anderson, Carswell, Clifford, Danton, Graham, Harding, Kellam, Marcotte, Martin, and Violette.

ABSENT: Senators Conley, Hichens and Sewall.

A roll call was had. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with three Senators absent, the Minority Ought to Pass in New Draft Report of the Committee 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.

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

An Act Providing Moneys for Eastern Regional Conference of the Council of State Governments to be Held in Maine in 1971. (L. D. 483)

This being an emergency measure 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.

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

An Act Relating to Committees on Status of Women, Children and Youth, and the Aged (L. D. 618)

An Act Appropriating Funds for Drug Rehabilitation in York County. (L. D. 639)

An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents (L. D. 772)

An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland (L. D. 800)

An Act Providing for Repair, Maintenance and Operations of State-owned Dam on Dead River, Androscoggin County (L. D. 806)

An Act to Create an Interstate Boundary Commission to Establish a Marine Boundary Compact between Maine and New Hampshire (L. D. 920)

An Act Appropriating Funds to Establish Kidney Disease Treatment Services (L. D. 993)

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

retary presented to the Governor for his approval.

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

An Act Appropriating Funds for Drug Abuse

This being an emergency measure 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.

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

An Act Providing Funds to Preserve the Machias Valley Airport (L. D. 1129)

An Act to Authorize Surplus Appropriations for the University of Maine for Renovations, Expansion and Land Acquisition (L. D. 1802)

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

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Tanous of Penobscot,

WHEREAS, like the school they attend, the Minutemen of Millinocket have an ancestry rich in courage and pride; and

WHEREAS, for the past 35 years, George R. Wentworth has played a prominent part in this heritage as both educator and coach; and

WHEREAS, he has consistently influenced and cultivated those rich human qualities of wisdom and fair play in persons of all ages; and

WHEREAS, his beloved Mount Katahdin has witnessed 39 graduations, 540 victories and 185 defeats and more recently his retirement as coach of the minutemen; now, therefore, be it

ORDERED, the House concurring, that in recognition of the unbounded energy, professional capacity and profound influence

which have marked the services of George R. Wentworth during his long and distinguished career as educator and coach in the public school system of this State, the Members of the Senate and House of Representatives of the 105th Legislature, now assembled, publish and declare this Order which extends herein their affection, their gratitude and their admiration, all of which he has won on the basis of his many years of outstanding service; and be it further

ORDERED, that we now proclaim him as an ambassador of goodwill for the State of Maine; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Coach Wentworth in token of the sentiments expressed herein.

Which was Read and Passed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Recessed until 3 o'clock this afternoon.

(Senate in Recess)

Called to order by the President.

Joint Order

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

WHEREAS, many of Maine's senior citizens who are retired on fixed incomes are in need of relief from the burdens resulting from property taxes; and

WHEREAS, the property tax relief for the elderly proposal contained in Legislative Document 1817, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes," may provide the relief needed by Maine's senior citizens; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter and the long range funding requirements of the Bill, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes," House Paper No. 1400, Legislative Document No. 1817, introduced at the

regular session of the 105th Legislature; and be it further

ORDERED, that the Committee study the provisions of the Bill, "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes" and the Federal Welfare Law and Regulations to determine whether persons who will receive relief under said Bill who also receive Aid to the Aged, Blind and Disabled under Part 2 of Title 22 of the Revised Statutes will continue to receive as high a level of assistance under the Aid to the Aged, Blind and Disabled program; and be it further

ORDERED, that the State Bureau of Taxation and the State Department of Health and Welfare be directed to furnish such information and assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings, together with any necessary recommendations, at the next regular or special session of the Legislature.

Which was Read and Passed.

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

Papers from the House Non-concurrent Matter

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen. (H. P. 374) (L. D. 480)

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

In the Senate June 21, 1971, Indefinitely Postponed, in non-concurrence.

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

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

Thereupon, this being an emergency measure, and having received the affirmative vote of 27 members of the Senate, with 3 voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Non-concurrent Matter

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)

In the House May 5, 1971, Read and Passed.

In the Senate June 21, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Non-concurrent Matter

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller. (H. P. 373) (L. D. 479)

In the House March 17, 1971, Finally Passed.

In the Senate June 21, 1971, Indefinitely Postponed, in non-concurrence.

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

Mr. Anderson of Hancock moved that the Senate Recede and Concur.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think we should know what we are doing here. L. D. 480 and L. D. 479 are similar. In this case we are giving someone eighty-five days credit. In other words, they lack eighty-five days of credit to come under the pension plan, and we are giving them a certain number of days to build up their time to a ten year total. It is all right, this is a small matter, but I think when we are doing it we are apt to be faced with a good many cases before we get through with this program.

The PRESIDENT: Is it the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

Thereupon, this being an emergency measure, and having received the affirmative vote of 24 members of the Senate, with 7 voting in the negative, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Non-concurrent Matter

Joint Order - Relative to Legislative Research Committee study policies and programs at University of Maine Complex. (H. P. 1429)

In the House June 18, 1971, Read and Passed.

In the Senate June 21, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to adhere.

Joint Order

WHEREAS, the demands of American society require that each high school graduate or otherwise qualified person have open access to post high school education; and

WHEREAS, essential to such access are systems of comprehensive community colleges offering academic, occupational and general education to give students the widest possible range of options; and

WHEREAS, the function of the community college is to develop human potential with emphasis on meeting the diverse needs of individuals; and

WHEREAS, the community college seeks to serve the needs of individual students emphasizing service rather than facilities; and

WHEREAS, full recognition is given under the community college program to that one objective of all education, which is preparation for an occupation; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility

of developing the community college concept with adequate provision for state coordination and planning of community colleges as they relate to all forms and types of post high school education and as an integral part of the higher education system; and be it further

ORDERED, that the State Department of Education be directed to provide such technical advice and other assistance as the Committee deems necessary or desirable; and be it further

ORDERED, that the Committee report the results of such study at the next regular session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be transmitted forthwith to said Department of Education as notice of the pending study.

(H. P. 1434)

Comes from the House, Read and Passed.

Which was Read.

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

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

Joint Order

ORDERED, the Senate concurring, that the State Departments of Health and Welfare and Labor and Industry be authorized and directed to investigate and study sanitation, food handling and the employment of minors under existing law, as they relate to the operation and working conditions in summer camps of both profit and nonprofit corporations; and be it further

ORDERED, that said departments report the results of such investigation and study to the 106th Legislature.

(H. P. 1435)

Comes from the House, Read and Passed.

Which was Read.

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

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

Joint Order

WHEREAS, the Legislature has learned that Gerard T. Morin of Sanford was elected and installed as Commander of the Department of Maine, Veterans of Foreign Wars; and

WHEREAS, he has served with distinction in most of the Veterans of Foreign Wars offices and moved to his new post from that of Senior Vice Commander in Maine; and

WHEREAS, his recent elevation to this high office of Commander of the Department is a fitting recognition of his persistent efforts and devotion to duty; and

WHEREAS, among many honors he holds the bronze star and 17 battle stars as a veteran of World War II; and

WHEREAS, it is fitting and appropriate to recognize and pay tribute to such outstanding achievement and leadership ability; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 105th Legislature now assembled in regular session extend to Commander Morin their heartiest congratulations and join his proud community and county in expressing good luck and Godspeed in his new office; and be it further

ORDERED, that a suitable copy of this Order, appropriate to the occasion, be prepared and presented to Commander Morin as a token of our esteem.

(H. P. 1432)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution

State of Maine

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

**A RESOLUTION REGARDING
THE GOVERNOR'S YOUTH
TASK FORCE**

WHEREAS, in a move unprecedented in any State, Governor Kenneth M. Curtis established a Youth Task Force, composed entirely of young people from ages 15 to 24, representing all segments of Maine society; and

WHEREAS, the Youth Task Force was charged with studying the situation of young people in the State and with presenting recommendations to the 105th Legislature for programs and legislation affecting young people; and

WHEREAS, these recommendations have been presented in the form of a Task Force Report and are not being considered for comment by various concerned state agencies; and

WHEREAS, Governor Curtis has established by Executive Order a Youth Commission to be composed of young persons and State officials for the purpose of aiding in the implementation of programs to aid Maine youth; now, therefore, be it

RESOLVED: That we, the Members of the 105th Legislature, recognize the time, effort and sincerity of the work done by the Youth Task and the good faith in which it was presented to us as a significant contribution to developing a dialogue between the present leaders of the State and the future leaders; and be it further

RESOLVED: That we hereby accept our obligation to pass upon the merits of the said Report and pledge to give a full and fair examination to the recommendations made within this Report and to work toward the implementation of these goals through legislation wherever practicable and desirable for the well-being of our state; and be it further

RESOLVED: That copies of this Resolution, duly attested by the President of the Senate and the Speaker of the House of Representatives, be transmitted forthwith by the Secretary of the Senate to the State Youth Coordinator and Task Force Chairman.

(H. P. 1433)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Provide

Transportation for Blind Adults Attending Educational Facilities." (S. P. 472) (L. D. 1493) ask leave to report: that they are Unable to Agree.

On the part of the Senate:

TANOUS of Penobscot

CARSWELL

of Cumberland

MINKOWSKY

of Androscoggin

On the part of the House:

MILLETT of Dixmont

HASKELL of Houlton

MURRAY of Bangor

Which report was Read and Accepted.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 213) (L. D. 280) ask leave to report: that the Senate recede from its action whereby the Bill was Indefinitely Postponed; adopt Conference Committee Amendment "A" submitted herewith; and Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-32) and Conference Committee "A" (S-309) that the House recede and concur with the Senate.

On the part of the Senate:

BERRY of Cumberland

ANDERSON of Hancock

DANTON of York

On the part of the House:

WOOD of Brooks

LEE of Albion

STILLINGS of Berwick

Which report was Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: We have had this bill kicking around here all session, and I find that after all the work the bill wound up changing the length of the trucks from 55 to 57 feet, and the amendment now has cut it back to 56½ feet. We are winding up cutting back the original bill by six inches, so I move we reject the report.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves

that the Senate reject the report of the Committee of Conference. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Johnson.

On motion by Mr. Johnson of Somerset, a division was had. Nine Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Accept the Report of the Committee of Conference.

The Senate voted to Recede from its action whereby the Bill was Indefinitely Postponed.

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

Sent down for concurrence.

Enactors

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

An Act to Amend the Employment Security Law to Conform to Federal Requirements. (S. P. 663) (L. D. 1858)

An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm. (S. P. 332) (L. D. 983)

An Act to Create the Department of Public Safety. (H. P. 1426) (L. D. 1852)

(On motion by Mr. Moore of Cumberland, temporarily set aside.)

An Act to Reorganize the Department of Finance and Administration. (H. P. 1410) (L. D. 1827)

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

An Act to Create the Department of Manpower Affairs. (S. P. 659) (L. D. 1854)

An Act to Create the Department of Transportation. (H. P. 1411) (L. D. 1828)

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

An Act Establishing a State-Municipal Revenue Sharing Program. (H. P. 1428) (L. D. 1859)

Which, except for the matter set aside, were Passed to be Enacted and, having been signed by the President, were by the Secretary

presented to the Governor for his approval.

The President laid before the Senate the matter set aside by Mr. Moore of Cumberland:

An Act to Create the Department of Public Safety. (H. P. 1426) (L. D. 1852)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am very much concerned with this bill, An Act to Create the Department of Public Safety. What it does is strip the Sea and Shore Fisheries Department of their wardens, and takes the wardens of the Fish and Game Department and places them under the State Police. It also takes the liquor enforcement men and places them under the State Police.

I am very much concerned about what will happen to our natural resources, our coastal fishermen and our fish and game here in the state if this should ever take place. It has happened in several states already and it has been a complete break-down of morale and everything else pertaining to these departments. Several states have tried this and it isn't working out.

Now, it has been brought out that it would be a saving on buying cars. I checked with the Bureau of Purchases, and they said definitely it wouldn't mean any saving to them because when they put an order in for one car, or ten cars or twenty cars, the price per unit is the same now that they have done away with the fleet price. I can't see any possible way that this would create any saving, and I can see that it would create a lot of havoc within the departments. I am afraid that we would have one tremendous police state, everyone would be a trooper and we wouldn't have any more wardens. There is a lot of concern in the departments about this, and there is a lot of concern with the sportsmen. There are a quarter of a million licensed sportsmen in this state through Inland Fisheries and Game, and they are definitely opposed to this. The clubs are going on record as opposing it, and

I am certainly opposed to it, so I would ask for a division on this when the vote is taken.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I can't add anything to what the Senator from Cumberland, Senator Moore, has said, but I certainly concur with everything that he has said. I certainly hope this would not come to pass.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In all these reorganization bills there are things that we don't like, basic things. When we considered the Department of Education a little earlier I sat quietly, although I am in deep disagreement with the reconstitution of the Board of Education. But I think what we have all done is had faith that in the interval between the regular session and the time we come back that the bills will get a much bigger shaking down, and I really don't think there is any alternative to this approach. I would hope that this bill would not be attacked at the last moment but, like the other bills which many of us accepted with misgivings, will be permitted to go along and be worked on.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As Chairman of the Fisheries and Wildlife Committee, I feel compelled to rise in defense of the position as stated by Senator Moore.

The Inland Fish and Game Department is completely different from the other departments. They operate entirely upon dedicated revenue. To remove the wardens from this department and place them under another department would be stripping the department of its eyes and its ears. The wardens are the eyes and ears of the Department of Inland Fish and Game. And having served on this committee a good many years, and chairman of it quite a number of

years, I can say with all sincerity that the sportsmen in this state feel that the Department of Inland Fisheries and Game is their department. Now, the other departments of state are something altogether different, but the sportsmen in the State of Maine feel that the Inland Fisheries and Game Department is their department. They look to it as their department, and they feel that it is being operated for them and in their behalf. And I can assure you, Mr. President and Members of this Senate, that the sportsmen in the State of Maine do have the Fish and Game Department held in the highest of regard, and I, for one, would also object to this one particular aspect of this governmental reorganization.

Now, I know we have all been assured that these matters are going to be worked out. I hope that they will be worked out. I feel certain that this bill, along with the others, will be enacted, but I do want to offer my objections to it, and I would emphasize and impress upon the members of the committee who will be working out the details to bear these points in mind when they are preparing the final drafts of these bills.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I am not sure whether Senator Hoffses is for this bill or not, but I appreciate his remarks and I also appreciate the remarks of the good Senator from Cumberland.

I would like to take this particular bill, on Page 2, and if you read part of it here, "The commissioner and the Joint Select Special Committee of the Legislature on Governmental Reorganization may recommend the legislation for the transfer from or to another state department such functions as would appear to properly belong to the other . . ." I would feel that this committee has put in a lot of time and a lot of effort on this. We have gone back to the drawing board about seven or eight times as a committee, we have

gone back as individuals twelve and fifteen times, and we felt that basically to start with that this is where it belongs, in the enforcement part of it.

As far as any dedicated revenues being lost, we can undedicate these revenues by a majority vote any time we want to, but there is no intention to undedicate any part of these revenues, and I would just like to say that the committee would like to assure these gentlemen who are worried about this particular aspect, and perhaps you are right, but if you are right it can be changed. So, what I am saying is: let's get it off the ground and get it going, and then do the job that we have really got to do.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Senator Katz mentioned that he is unhappy with the creation of the Department of Education under this bill. There was a little difference between these two bills. We had a bill, and I believe we passed it this morning, creating a Department of Natural Resources. That is fine; I have no objection to studying that. What I am objecting to is the idea that we are going to split the department in two. We are going to put half the department within the Department of Natural Resources and take the other half and put it in another department, and that is what I am opposed to in the consideration of this.

I want to bring out another point. Already the talk has come out, since this bill has been published, and a week or two before it came out, that it is hurting the morale of the Fish and Game Department and the Sea and Shore Fisheries right today. They don't know what is going to happen, it is really causing a lot of trouble over there, and breaking down the morale of the departments. And it is going to continue for another six months before anything is finalized on it, so I object to this very strenuously, and I wish you would support me in the division on the vote here.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the passage of

this bill to be enacted will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-five Senators having voted in the affirmative, and five Senators having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Proposing a Salary Adjustment for Certain Unclassified State Officials. (H. P. 1427) (L. D. 1853)

Comes from the House, Indefinitely Postponed.

Mr. Hichens of York then moved that the Bill be Indefinitely Postponed.

Mr. Berry of Cumberland requested a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I think that somebody here should explain the meaning of this bill to the people in the Senate. I know I was confused when I voted on it before, and I think there is an explanation that would remove the objections to it if it was explained.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I think I dwelled quite a while on this the other day in objecting to it, stating that \$161,000 will be the cost of these increased salaries for officials. There are some of them perhaps that are justified in having this increase but, on the whole, I do not think it is justified and I would tell the Senate that, as I told it last week in my lengthy discussion.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I can see where some people

are not properly informed on this particular bill. This money that the Senator from York, Senator Hichens, is speaking about is in the Part II Budget and it would seem to me, although I am not sure, they are going to get their raise regardless of whether this bill passes. In fact, they are going to get a bigger raise than this bill calls for without any limitations on the total figure at the end.

I don't know whether I have gotten through to you gentlemen, but actually by killing this bill you are going to be giving bigger increases than stated in this bill.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: The other day the Senator stated there was about an 11 percent increase. Now, I looked at one of the raises and it goes from \$16,000 to \$20,000. That seems to me a little bit bigger than an 11 percent increase. If it goes right across the board, as he said with all employees at an 11 percent increase then this man wouldn't be getting that \$4,000.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: If the good Senator from York will recall two years ago when he was, I believe, in the House, there was a nine dollar a week raise given, I believe, to everyone across the board. This figure is not reflected in this figure here. In other words, they are getting more than these figures show right now, so if you say a \$2,000 raise, they might be only getting \$700 for the year or \$1,400 for the biennium.

The PRESIDENT: Is the Senate ready for the question?

A division was had. Twenty-three Senators having voted in the affirmative, and eight Senators having voted in the negative, the Bill was Passed to be Enacted in non-concurrence.

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

Emergency

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

An Act Providing Minimum Retirement Benefits for Certain Teachers. (H. P. 1361) (L. D. 1776)

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

These being emergency measures and having received the affirmative votes of 32 Senators were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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

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

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in concurrence and, under suspension of the rules, sent forthwith to the Engrossing Department.

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 — Earlier in the day by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Shute of Franklin, 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 — Earlier in the day by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-312, was Read.

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

Mr. KATZ of Kennebec: Mr. President, might I direct a question through the Chair to the Senator from Penobscot, Senator Tanous? This is a very complicated bill and a complicated amendment. Does it involve any changes in the substantive law?

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: To my knowledge, there are no parts of this bill which involve any changes in substantive law, excepting in those areas where there are clear errors that have been made in the passage of certain bills, for example, on the bill of the Senator from Aroostook, Senator Violette — I forget the title of the bill, but there were two or three pages of amendments on that particular bill. Technically speaking, you might say that there are some substantive changes in that particular bill, but I think it is because of evident errors that there were, and it certainly only seeks to correct some inconsistencies in the laws.

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

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

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

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

Joint Order — Relative to Duties of Clerk of the House and Secretary of 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, r e t a b l e d and Tomorrow Assigned, p e n d i n g Further Consideration.

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

Bill, "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law." (H. P. 600) (L. D. 801)

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

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, upon further research, it was determined that our action of yesterday in the indefinite postponement of this L.D. was very much in order. This bill does have quite a bit of money on it, which is quite scarce, and the work is now being done by the department. This can at least keep up until the next special session. Accordingly, I now move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Legislative Document 801 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 sixth 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 — Motion by Senator Berry of Cumberland to Reconsider Failure of Enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would urge every

member of the Senate to vote "Yes" on the pending question for reconsideration, and I would request a roll call.

The PRESIDENT: A roll call has been requested on the reconsideration motion. 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 Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I feel uneasy about voting on this measure without any discussion. I missed the session yesterday afternoon and you may have had a public debate on the gasoline tax at that time.

The only information I have received on the necessity for this tax was in caucus from members of both parties who were willing to testify, and from those people who are interested either in seeing the tax enacted or in opposing it. Before I vote on this I would like to hear some good and substantial reasons why I should vote for it.

The people in my area, who sent me down here, have indicated to me that they would like to see me vote against it. I know full well that much in state government hinges on the outcome of the referendum on the repeal of the income tax, and I subscribe to the belief that if we tax them a cent per gallon of gasoline at this time it will only serve to enrage those who are unhappy over the income tax, and these people will elicit the support of those who are opposed to taxes in any form and you will see the income tax repealed.

The people whom I represent, many of them, work in shoe shops, they work in lumber yards, and in industries that are not very financially rewarding. Many of them travel long distances. Some of them travel twenty-five miles one way, making a fifty mile round trip for many of our shoe shop workers. These people are paying a heavy tax for their gasoline at

the present time. If they drive a car which requires premium gasoline it is costing them 41 cents in the Farmington area, and 42 and 43 cents a gallon in other areas. If you tack on another cent per gallon I believe you are further adding to your problems with these people who are about to vote on the income tax come next November.

I doubt that there is as much need for the cent per gallon tax as has been enunciated by those who are in favor of it. It has been pointed out that currently the highway program funded from the Federal Government for federal primary roads is on a 50-50 basis, and Congress has changed this so that two years hence it will be seventy-thirty, which would mean an automatic savings of some \$10 million to the people in the State of Maine in that two-year period. Yet this is the price of the penny tax. In addition to that, you have more cars on the road, you have more usage of gasoline, more consumption of the product, and, therefore, more taxes under the current tax levy situation.

It has been suggested that the summer people, so-called, will help pay for the tax on gasoline. If I were a resident of New Brunswick traveling to other parts of the Dominion of Canada and going across Maine, I would make sure, as I am sure that the people in New Brunswick and Nova Scotia do, to fill up in the Maritimes and not have to stop at a Maine gas pump until they crossed the border and at least got into New Hampshire, if they went that way. So I doubt very much that the people, unless they are residing here on a semi-permanent basis during the summer, will help us pay our taxes on gasoline. It is those little people working in the shoe shops and on the farms who are going to have to pay this tax on gasoline.

This is why I voted against it this morning, and I would like to hear someone identify the areas where they believe I should vote for the tax this afternoon. Until that time arrives, I shall continue to vote against it and oppose this measure.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am not going to defend the gas tax here in the bill that is before us, the gas tax increase, but I am sure that the good Senator from Franklin, Senator Shute, hasn't been in the Maritime Provinces recently. I go there quite a lot fishing and hunting, and the gas tax in New Brunswick is 21 cents per gallon, the gas tax in Nova Scotia is 23 cents per gallon, and the gas tax in Newfoundland is 25 cents per gallon.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: The gas tax and the bond issue are solely connected with the new highway construction program that was presented at the legislature in January. This amounted to a little better than \$88 million. The Highway Transportation Committee has cut that program \$1 million in order to bring the bond issue down just another million dollars more.

Now, at the present time we have an \$87 million program before us. To finance that we have got to have \$32,486,000. We have \$12,036,000 in the allocation bill. That is money. To carry out the balance we need the gas tax of \$10,150,000 and we need the bond issue of \$10,300,000. This will balance up the program.

If the state will come up with \$23,486,000, this will match a \$54,638,000 program that the Federal Government will put up. Other than that, there is \$9,000,000 worth of state projects to go along in this \$87 million program.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, "An Act Increasing the Gasoline Tax," failed of enactment. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Chick, Clifford, Conley, Dunn, Fortier, Graham, Greeley, Harding, Hichens, Johnson, Katz, Kellam, Levine, Martin, Moore, Peabody, Quinn, Sewall, Tanous, Violette, Wyman, and President MacLeod.

NAYS: Senators Carswell, Danton, Hoffses, Marcotte, Minkowsky, Schulten, and Shute.

A roll call was had. Twenty-five Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion to Reconsider prevailed.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be enacted?

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE: Mr. President, I would request a roll call on this matter.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. As many Senators as are in favor of ordering a roll call will 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 enactment of Bill, "An Act Increasing the Gasoline Tax." A "Yes" vote will be in favor of final enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Kellam, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Tanous, Violette, Wyman, and President MacLeod.

NAYS: Senators Carswell, Harding, Hichens, Hoffses, Johnson, Katz, Levine, Marcotte, Minkowsky, and Shute.

Mr. Danton of York was granted permission to change his vote from "Nay" to "Yea".

A roll call was had. Twenty-two Senators having voted in the affirmative, and ten Senators

having voted in the negative, and twenty-two being two-thirds of the entire elected membership of the Senate, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

An Act Relating to Amount of Annual Excise Tax on Railroads (L. D. 1108)

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-311, 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. Sewall of Penobscot the Senate voted to take from the Special Appropriations Table the following matters:

An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors (L. D. 23)

An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pineland Hospital and Training Center (L. D. 536)

An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities (L. D. 754)

An Act Appropriating Moneys to Maine Port Authority for Liability Insurance Premiums (L. D. 773)

The same Senator moved the pending question.

These being emergency measures and having received the affirmative vote of 30 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

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

The same Senator then moved the pending question.

This being a Bond Authorization Act and having received the affirmative votes of 32 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.

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

Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not Exceeding Four Million Dollars for Loans for Maine Students in Higher Education (L. D. 845)

This being a Constitutional Amendment and having received the affirmative votes 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 Secretary of State.

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

An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics (L. D. 17)

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

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 Appropriations Table the following matters:

An Act Relating to Compensation of the Panel of Mediators (L. D. 46)

An Act Increasing the Number of Superior Court Justices (L. D. 177)

An Act Increasing Number of Official Court Reporters (L. D. 178)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line (L. D. 150)

Resolve, in Favor of Ervin Buhier of Wilton for Damage by Bears (L. D. 210)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

An Act Relating to Annual Fee for Town Forest Fire Wardens (L. D. 236)

An Act Relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens (L. D. 284)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Relating to the Control of Dogs (L. D. 359)

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

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 Appropriations Table the following matters:

An Act Relating to Retirement Benefits for Forest Rangers under State Retirement System (L. D. 418)

An Act to Clarify the Exemption of Pollution Control Facilities from the Real Estate and Personal Property Taxes (L. D. 429)

An Act to Remove the Numerical Exemption from the Minimum Wage Law (L. D. 746)

An Act Relating to Reimbursement Rates for Transportation and Special Educational Expenditures (L. D. 782)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

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

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

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 Appropriations Table:

An Act Relating to School Construction Aid (L. D. 421)

The same Senator moved the pending question.

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

On motion by Mr. Sewall of Penobscot, the Senator voted to take from the Special Appropriations Table.

Resolve, Appropriating Funds to the University of Maine for Use by the Research Institute of the Gulf of Maine (L. D. 494)

The same Senator moved the pending question.

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

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

An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County (L. D. 628)

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

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 Appropriations Table:

An Act Pertaining to the Salary of the Administrative Hearing Commissioner. (L. D. 699)

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

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby the Bill was Indefinitely Postponed.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending the motion by Mr. Berry of Cumberland to Reconsider.

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

An Act Exempting Sales to Certain Institutions from Sales Tax (L. D. 703)

An Act to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System (L. D. 834)

An Act Exempting Certain Incorporated Nonprofit Nursing Homes from the Sales Tax (L. D. 842)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County (L. D. 866)

The same Senator then moved the Bill be Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would oppose sending this matter forthwith to the House.

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

Sent down for concurrence.

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

An Act Appropriating Funds to Continue Housing Services for Older People (L. D. 912)

An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare (L. D. 1132)

An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency (L. D. 1130)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

Resolve, Relating to Retirement and Pension of Norman F. Hanson of Eliot (L. D. 1070)

The same Senator moved the pending question.

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

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

Resolve, to Reimburse Perley E. Joy of Milo for Loss of Bee Hives by Bears (L. D. 1059)

The same Senator moved the pending question.

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

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

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

An Act Establishing a Comprehensive Child Care Program of Maine (L. D. 1247)

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

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 Appropriations Table the following matters:

An Act Relating to Funeral Expenses of Recipients of Public Assistance (L. D. 1391)

An Act Establishing the Law and Legislative Reference Library under the Legislative Research Committee (L. D. 1510)

An Act to License and regulate Suppliers of Compressed Air Used in Self-contained Underwater Breathing Apparatus (L. D. 1518)

AN ACT Relating to Probation of Juveniles in Cumberland County (L. D. 1565)

An Act Providing Educational Assistance for Certain Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War (L. D. 1700)

The same Senator 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. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Appropriating Funds for the Construction of a General Activities Building and Dormitory Building for Female Offenders on Property at Stevens School (L. D. 1741)

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

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 Appropriations Table:

An Act Relating to the Powers and Duties of the Environmental Improvement Commission (L. D. 1768)

The same Senator moved the pending question.

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

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following matters:

Resolve, Providing a Pension for Widow of Clyde Walker of Hallowell (L. D. 419)

Resolve, Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance (L. D. 255)

Resolve, to Reimburse Myron F. Robarts of Camden for Property Damage by Highway Construction (L. D. 294)

Resolve, to Reimburse Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by the State (L. D. 960)

Resolve, to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway

Construction (L. D. 1212)

Resolve, to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance (L. D. 1362)

The same Senator moved the pending question.

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

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

Resolve, Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance (L. D. 401)

The same Senator moved the pending question.

Thereupon, on motion by Mr. Johnson of Somerset, tabled until later in today's session, pending Final Passage.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following matters:

An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River (L. D. 517)

An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles (L. D. 1765)

The same Senator 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. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities (L. D. 411)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: This involves twenty towns whose population has gone over 2,000. When they do that they are obligated in picking up the winter

maintenance within the compact area. So, this bill, if it is enacted, will relieve those twenty towns of that obligation. The cost is \$12,250 a year, each year of the biennium.

Mr. President, I move the enactment of this bill.

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

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities (L. D. 1697)

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: The way the law stands now, a town that has a valuation of \$500,000 and under are required to appropriate \$70 at the town meeting for snow removal, and the state will pay up to \$400 a mile, and then the town has to pick up the balance. In towns of about \$500,000 up to \$700,000 valuation, the town is obliged to appropriate \$70 at their annual meeting, and the state will pay up to \$300 a mile, and then the town has to pay the balance if it is more than that.

This bill will change the valuation figures. It will change the \$500,000 valuation to \$750,000, it will change the \$750,000 to \$1,000,000 and this involves eighty-one different municipalities in thirteen counties.

Mr. President, I move the enactment of this bill.

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

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

An Act Pertaining to the Salary of the Administrative Hearing Commissioner. (L. D. 699)

Pending — The motion by Mr. Berry of Cumberland to Reconsider.

Thereupon, the Senate voted to reconsider its previous action whereby this Bill was Indefinitely Postponed.

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

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

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

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

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 Appropriations Table:

An Act Relating to Service Retirement and Law Enforcement Officers in the Departments of Sea and Shore Fisheries and Inland Fisheries and Game (L. D. 1231)

An Act to Provide Certain State Level Land Use Controls (L. D. 1543)

The same Senator 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. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

An Act to Authorize the Construction of a Toll Bridge across the Kennebec River between the Municipalities of Waterville and Winslow (L. D. 1022)

This being a Bond Authorization Act and having received the affirmative votes of 30 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

Resolve, to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction (L. D. 815)

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

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

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

Resolve, Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance (L. D. 401)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This is a bill that was on the Highway Appropriation Table and, if anyone will read the last line of it, the State Highway Commission denies any responsibility for this claim, so I would move that it be indefinitely postponed.

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

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

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

Mr. HICHENS: Mr. President and Members of the Senate: Just before we convened this afternoon I was talking to my wife and she related how one of my daughters come in with three or four boxes of luscious big strawberries and how my grandson, two and a half years old, began to take those strawberries. After he had three or four of them my wife told him "No more." He said not a word and he walked out the door. Immediately after he closed the back door he let out a scream that sounded around the yard, and my wife and his mother went running to see what

the matter was. When they came up to him with the tears streaming down his cheeks, he said "Grammie wouldn't let me have any more strawberries." I feel that this afternoon a lot of us have been told that we can't have any more strawberries, with a lot of these bills which have gone down the drain. As my grandson yelled his head off and didn't get any results, we can do the same when we walk out this afternoon.

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

An Act Increasing Compensation of Members of the Maine Insurance Advisory Board. (L. D. 343)

The same Senator moved the pending question.

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

(Off Record Remarks)

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table:

Resolve, Designating Part of Route 219 as a State Highway (L. D. 372)

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

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:

Committee Reports Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands." (S. P. 363) (L. D. 1102) ask leave to report: that they are Unable to Agree.

On the part of the Senate:

CARSWELL

of Cumberland

SEWALL of Penobscot
HOFFSES of Knox
On the part of the House:
MARSTALLER
of Freeport
BRAGDON of Perham
BERRY of Madison

Which report was Read and
Accepted.

Sent down for concurrence.

On motion by Mr. Hoffses of
Knox,

Adjourned until 9 o'clock
tomorrow morning.