

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, March 2, 1972

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 Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts." (S. P. 712) (L. D. 1986)

In the Senate March 1, 1972, Passed to be Engrossed as Amended by Committee Amendment "A" (S-358) as Amended by Senate Amendment "A" Thereto (S-373).

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

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

Senate Papers

Mr. Peabody of Aroostook presented the following Joint Resolution and moved its Adoption:

STATE OF MAINE

In the Year of

Our Lord One Thousand

Nine Hundred and Seventy-one

Joint Resolution

Commending

The Town of Island Falls

In Observance of Its

Centennial Year

WHEREAS, there lies on the west branch of the Mattawamkeag River, beneath May Mountain and centered in falls, a small island surrounded by an active community appropriately called Island Falls; and

WHEREAS, the citizens of this proud northern community are enthusiastically celebrating this, their hundredth anniversary of incorporation of the Town of Island Falls; and

WHEREAS, a centennial committee with the cooperation of all the citizens of the town and its neighbors have arranged many appropriate activities commencing in February and climaxing the first four days in July; and

WHEREAS, the citizens of the State of Maine firmly join hands with the inhabitants of Island Falls for the purposes of the celebration to commemorate not only a rich past but a bright and challenging future; now, therefore, be it

RESOLVED, that We, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled in Special Session, do hereby take this opportunity to extend congratulations and best wishes to the citizens of Island Falls as they observe their hundredth year of incorporation; and be it further

RESOLVED, as a token of our future support and encouragement that the Secretary of State be directed to transmit forthwith to the people of Island Falls through its Town Manager, Roland V. Webb, an engrossed copy of this resolution duly authenticated by the Secretary of State and bearing the Great Seal of the State of Maine to commemorate this memorable occasion. (S. P. 780)

Which was Read and Adopted.

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

Senate Ought to Pass

Mr. Wyman for the Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Manpower Affairs." (S. P. 779) (L. D. 2058)

Reported pursuant to Joint Order (S. P. 751) that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Natural Resources." (S. P. 727) (L. D. 2005)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-383)

Signed:

Senators:

JOHNSON of Somerset

CLIFFORD

of Androscoggin

Representatives:

COONEY of Webster

BUSTIN of Augusta

GOODWIN of Augusta

FARRINGTON

of Old Orchard Beach

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft Under Same Title (S. P. 778) (L. D. 2057)

Signed:

Representatives:

CURTIS of Orono

SHAW of Chelsea

STILLINGS of Berwick

MARSTALLER

of Freeport

The same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representatives:

SILVERMAN of Calais

HODGDON of Kittery

DONAGHY of Lubec

Which reports were Read.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I move we accept the Minority Report "C". This bill was heard by the State Government Committee for a long afternoon in the armory. There were many, many fishermen and hunters who opposed this. The Sea and Shore Fisheries people opposed it, and there was a small handful of proponents - I didn't count them, but there were very, very few, and I think these people should have their say at this time. If this consolidation should be made at the next regular session, fine, but as far as I know, ten of these reorganization bills are moving along smoothly, and I think at this point we can afford to defer any action on this measure or this consolidation until another session.

The PRESIDENT: The Senator from Washington, Senator Wyman,

moves that the Senate Accept Report "C", Ought Not to Pass, of the Committee on Bill, "An Act Implementing the Reorganization of the Department of Natural Resources."

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would ask for a division on that motion Senator Wyman made, and I would like to speak for a moment as to the reasons why I oppose the motion.

In my judgment, this is perhaps the best bill to come out of the whole Reorganization Committee, the Committee that met this summer, this fall and this winter.

What this bill does, in my judgment, is bring together the four bureaus or the four departments that should be together. That is, the Fish and Game Department, the Sea and Shore Fisheries, the Forestry Department, and the Parks and Recreation Commission.

The main objection came from the sportsmen of this state who, I felt, didn't really know what was in the bill. They were afraid that the dedicated revenues might be in jeopardy and they weren't about to be reasoned with. This was about the only objection that they had to the bill. The Department Head, Maynard Marsh, was a proponent of this bill, he spoke in favor of it; I think he was one of the speakers following Senator Violette's presentation. I just don't think that the objections to the bill were justified.

As I recall reading the newspaper prior to the hearing, there were supposed to be between 2,000 and 2,500 of these sportsmen show up and, as a consequence, we moved the hearing from Room 105 in the State Office Building to the State Armory. As it turned out, there were about one-tenth of the 2,000 that were supposed to be there; about 250 people, the newspaper estimated, and I would say that is about correct.

I just think it is a shame to let this bill go, and I would urge you strongly to oppose the motion made by Senator Wyman.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As all of you know, I have been Chairman of the Fish and Game Committee for six years, I have served on the Committee a total of eight years, and I think perhaps I can speak for the sportsmen in that I know their sentiments as have been expressed by them on the various bills before the Fish and Game Committee.

I am quite surprised and shocked when I learned of this bill and its sponsor, Senator Elmer Violette of Aroostook, because the Senator comes from the County where they have been reported to the Fish and Game Committee as all being sportsmen. They have all reported that this is their department and that they are closest to it. The Senator from Aroostook has indicated that he has done a great deal of hunting and fishing, and I would not for a moment question that. I think perhaps that the Senator may possibly not have received from the sportsmen up there their full feeling on this particular matter. I think perhaps that if he were to contact them, and if they were to know that he was the sponsor of this bill, they would be somewhat disturbed, and that he would then know and realize how these sportsmen, of which I understand they all are sportsmen up in Aroostook County, would demonstrate their feelings toward this particular bill.

I would take exception to the remarks of the good Senator from Androscoggin, Senator Clifford, that this is the best bill that has come before this session. If my memory does not fail me, some of these other bills that have been debated on this reorganization of the departments are the best bills. Now, I implore of you, which is the best bill? All that have been debated are the best bills that have come before the session. Now that we have this one before us, this is the best bill.

The distinguished gentleman from Androscoggin, Senator Clifford, has indicated there is waste within the Fish and Game Depart-

ment. Ladies and Gentlemen of the Senate: I will be the first to admit that there is waste in the Fish and Game Department. I will be the first to admit that there is waste within the household of the Hoffses family in Camden. And I think that the gentleman from Androscoggin will admit that there is waste in the Clifford household also. And I submit to you that there isn't a department of state but what there is waste within these several departments. If we clean up all of the waste in all of the departments, we certainly will not be confronted with any increase in taxes in the future because we will have such a surplus that it will not be necessary to increase taxes for a long, long time.

I submit to you, contrary to what the distinguished gentleman from Androscoggin has said, that the sportsmen do not know; the sportsmen do know, and they know exactly what this bill does to their department. And I emphasize their department, because these sportsmen have appeared before our committee, and I am sure the distinguished gentleman from Hancock will bear me out, having sat alongside of me and having heard the testimony of these gentlemen, that this is their department that they can come before, that they can testify, and that they can go to the department and will be heard, and it is their department, that department which is closest to the people themselves. The sportsmen are paying the price in their hunting and fishing licenses to maintain this department.

Now, we have in the legislative process imposed upon the Fish and Game Department additional burdens by requiring the Warden Service to police the watercraft regulations, the litter regulations, the snowmobile regulations, and I also will add here and now that the revenue which the Fish and Game Department receives from the registration of snowmobiles is certainly expended in the enforcement of the laws. So I feel certain that the Fish and Game Department would be only too glad to relinquish the revenue which they

receive from the registration of snowmobiles in exchange for not having to enforce the snowmobile regulations and the search for people that are out and lost in the woods riding on snowmobiles.

I would like to call your attention, if I may, to the people in the State of Maine who are concerned about this piece of legislation. I was a little surprised myself when I read that the total number of resident hunting and fishing licenses are 311,475 licenses issued in the year 1971. Now, as I said before, this is a department which these 311,000 people feel is their department, that they are paying for to maintain, and they want a voice in it. And they know that if we create this Department of Natural Resources that we are creating another umbrella, another department of government, which will deny them, in their mind — now, whether it will or not, we do not know until the time comes that it has been implemented — but in their minds they feel this is going to have a great effect upon separating their department from they themselves and a voice in it.

Now, we should make mention about the number of people that were present at the hearing held in the Armory, and I think I can substantiate the reason for some of this lack of attendance. The Committee on State Government did not until the last moment decide to change this hearing from room 105 to the Armory. And these same sportsmen I speak of have been here to hearings in the past and they know how difficult it is to find a parking space. Therefore, a great many of the sportsmen's clubs in the State of Maine sent their representatives, and I think the members of the Committee will recall when some of these people stood up and said I am representing such and such a sporting club or fish and game club, and I am representing the 764 members of that club which have unanimously voted in opposition to this piece of legislation.

I think, Ladies and Gentlemen, that we have here today a credibility gap between these

311,000 people who are opposed to this piece of legislation and those of us here who are endeavoring to pass this reorganization bill. I would hope that you would give this measure very careful consideration, and I would point out that this, I believe, is the first of the reorganization bills that has a divided report and, I submit to you, doesn't this have some significance.

Mr. President, when the vote is taken, I ask that it be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: It is always a real pleasure for me to receive the benefit of the views of the good Senator from Knox, Senator Hoffses, and I have been very interested to read in the papers in other places where apparently of the people who buy licenses to hunt and fish in the State of Maine, some suggest that they own the department, that it is their department. I suppose we could extend this and suggest that since the truckers of this state pay the overwhelming amount of gasoline tax that they, in turn, would own the highways or, if they didn't own them, I mean, they should because of the percentage which they pay. And you might extend it, I suppose, to those for whom we extend benefits in the mental institutions, that they own those institutions. But, of course, the fact is that the wildlife of this state belongs to all of the people of this state, and it is mortgaged and it is encumbered to nobody. And the fact that someone is granted the right and privilege, for which they pay a very modest amount of money, to come and hunt here does not give them any claim, as such, that it is their department because, in fact, for these people to come and hunt in our areas, we must provide roads for them, we provide a court system so that those who violate the laws are punished, and the state does many things, all of the citizens of this state participate, so it troubles me to have it suggested that we divide up the

state and part of it is owned by part of the people and part of it is not. This is anybody's department. The wildlife of this state belongs to all the people of this state.

Now, as far as the people from Aroostook County, it is suggested by the good Senator from Knox that all of the people from Aroostook are against this bill. Well, I have had occasion to be home each weekend, and it has been very widely reported how I speak on it and how I feel about this bill, and any of the sportsmen who talked with me, and after I had explained to them the contents of this bill, I haven't had any protests about it at all. Now, those who have been misinformed, and suggest that this department is being mixed in with other departments and that the integrity of their revenue is being violated, of course they are upset, but when they realize that the autonomy of these departments is being protected, and the integrity of the various departments are being protected, they don't object to it.

This is the one bill, it seems to me, that makes the most sense of all the reorganization bills, and I would hope that we might put this through for the benefit of all the people of the State of Maine.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: After the public hearing on this bill, as I always do, around 6:30 after the legislative day is through, I called my home to check on my family, and they expressed a great deal of concern as to the condition of my health following the hearing, from what they heard on the news and so forth. I told my wife not to worry, that the worst that happened to me was some buckshot in my shoulder and a fishhook in my left ear, but that I had gone to First Aid, and otherwise I was in good condition.

Now, I heard the good Senator from Knox, Senator Hoffses, make the big pitch on the people I represent in my area, how they are sportsmen and if they only knew that I was the sponsor of this bill

what would be their reaction. Well, I know the reason for this pitch. As some of you may know, I will not be returning to this Senate, and I may try to go to other places, so I know the pitch that is being made and I am fully aware of it. I am fully aware of it because I was aware that some organization of the sportsmen people did not favor this bill when I agreed to sponsor it, and even some of the people, I suppose, who have my best interests at heart questioned perhaps the wisdom of my supporting this bill. Well, I have never considered myself to be the most astute state senator in this hall and I don't claim perfection. I have made a number of mistakes since I have been in these halls, and I have also been right a few times.

I would like to tell the Senator from Knox that I am sure this bill has made the papers, it has been well circulated, particularly in the press by the people who write the sport editorials in the daily newspapers, and I have had one letter on this bill, one letter. This came from the President of the Cumberland Fish and Game Club, one letter. I have not had one phone call. Oh, I am aware that some of the sports clubs in my county have indicated that they did not like the bill, but to this date I have had one letter, and that was a form letter which was sent out to more than one person. Somebody's name was on it as President of the Cumberland Association, and it came to me as I am sure it went to many other people.

So, in sponsoring this bill, I believed in the reorganization of our Executive Branch because I thought the time had come when we had to try to make more effective use of our state resources and more effective use of our tax dollars and, if we were going to have reorganization, I didn't feel that a significant part of our state government should be excluded from it. I agreed to sponsor this bill because it was probably the toughest one or the one that was anticipated would have the toughest problems because of the opposition by some people. Well, that is

a risk I have to take because I think I come to this Senate feeling I represent all of the people in my district and I also represent all the people of my state, and what I feel I have to do, not always being sure that I may be right, is represent the best interests of all the people of our state, and not that of a particular group. For those reasons I sponsored the bill.

There has been a lot of talk, a lot of rhetoric on this bill, and a lot of it, I think, has been misguided and a lot of it misleading. I know there were many concerned sportsmen who came to the hearing and one after the other spoke to the Committee and expressed their grave concern about the reorganization, but it seemed to be running on one thread, and this was on the loss of the dedicated revenues and the fear that it would be diluted and go to some other agencies, and that their department thereby would suffer. Now, I have to respect the concern of these people, but I think in toto their fears are not going to be materialized through this reorganization.

It is very, very explicitly stated in this bill, and I want to read you the significant part, which is Section 15 on Page 6 of the Bill:

"I. Dedicated revenue. Nothing in this Act shall be construed to change the status of any dedicated revenue. Money now raised for specific purposes shall be expended only for the purposes raised and shall not be diverted. Nothing in this Act shall be construed as diminishing the powers and duties conferred by any provision of law upon the units of government incorporated, or as conferring any powers or imposing any duties upon the commissioner other than those specifically granted in this Act."

So there is not one word here which in any way would indicate — in fact, the legislature would have to vote otherwise — the transmitting of any dedicated funds for any purpose other than what they are now being devoted to.

There was also the fear expressed that, because of the reorganization, federal funds coming to these various departments

now, under this reorganization bill, would be in jeopardy. Now, it has been clearly substantiated that this is not the case. In fact, people from the Department of Interior, where these dedicated revenue funds come from, even indicate that there may be benefits accruing from the reorganization of such a department.

This reorganization has gone on in many states, and the majority of our state now have Natural Resource Departments which incorporate, not necessarily in name, but in functions the type of function which are now sought to be consolidated under this department. So there is clearly no threat to the question of dedicated revenues.

There is also no threat, I believe, in the expressions expressed that people who want to go to the Fish and Game Department, who want to go to the Forestry Department, or who want to go to the Sea and Shore Fisheries, that they are going to have to go through the intermediary of somebody else other than the director of the bureau. Well, this is not the case. I had the occasion, when I was in the 102nd Legislature, when I chaired the committee which resulted in the creation of the Allagash Wilderness Waterway, to work very, very closely with personnel in the Interior Department, specifically the Bureau of Outdoor Recreation, and this was the bureau within that department which was handling the funds which we were seeking from the department for financing half of the cost of this waterway in acquiring it. At no time did we have to deal with the secretary of that department. All of the dealings, and I am sure that I and the other members had at least six meetings, at least, during the course of our deliberations to see if what we were producing was acceptable to them so they would assist in financing us, and we always dealt with the director of the bureau. At no time did we deal with the secretary. So, if the people want to come to this department, they will go to the director of the bureau, who will be the same people that

are now directors of the bureaus, or their successors when their terms expire. So there is no threat there.

Now, I think we ought to look at this on the positive side as to what do we seek to achieve in reorganization, and that is to try to accomplish the most effective use of our dollars and make the most effective use of our resources, and how we can achieve this. I submit that through this reorganization bill we can do that, while at no time jeopardizing the services which are now being rendered by any of these departments for the people who have interests in them.

In sponsoring this bill, in no instance is it a criticism of how the Fish and Game Department has been run, how the Forestry Department has been operated, how the Sea and Shore Fisheries Department has been operated, or how the Parks and Recreation Department has been operated, but as we move ahead, and as we project our sights in the five, ten or fifteen years, I think it is very, very important that we make efforts to coordinate the operations of our government so we can make the most effective use of it.

People come to us and they say that all we do is try to raise taxes, create new programs, and add state personnel, and they say why don't you do something to try to perhaps halt that. I say this is a case here and an instance where this is an effort to do exactly that, and I would hope that this is the way people would look at this reorganization bill, and not as a threat to the special interests of any particular group that they have in any of the departments.

As we project our sights to the future, and if we look at the growth of our state personnel, how it has grown, as our expenses have grown, it seems to me perhaps if we took a good look at this, that perhaps through this reorganization effort we can see what we can do to try to bring at least a slipping halt to some of this growth.

Now, in each of these departments, each of them have their

own public relations bureau, they have their own financing and bookkeeping functions or bookkeeping sections, and I just want to cite one of these, the financing section: Now, these four departments now have 38 or 39 people in their financing sections who handle their payrolls, who handle the incoming money, and who handle the finances. It seems to me that through a reorganization effort, by consolidating this into one bureau within the department, with up-to-date data processing equipment, that perhaps we could hold the number of people in that section or even, in due time, bring about a reduction in the number of people who are required to do this. It seems to me that, as a business principle, we ought to try to achieve this.

We could also do this in equipment handling of these departments with 1,300 or 1,400 motor vehicles, and they have other properties. There has been no effort to coordinate the purchase of gasoline or the purchase of oil. Many of them drive up to any gas station and say "Fill it up," and they pay the full price, each of these departments. Now, if you try to achieve some degree of coordination in this type of function, can anybody tell me how this is going to jeopardize the services that each of them are rendering to the people who are interested in these departments? I say that in the long run it will help them, because it will help in producing more money for the basic functions that these departments were created for and are operating. This is the purpose, as I see it, of reorganization and this is why, I think, this is a good bill.

Furthermore, when we think of our natural resources, forestry, wildlife, fish, game, parks and recreation, we are not going to be able to do the best job of preserving, conserving, and making the best use of these resources unless we coordinate the functions. The survival of our deer herd rests in part on what we do with our forests, how we manage our forests. The survival of our fish in our streams, in our lakes, is going to

depend in large part on what we do with our lands in our state and how we handle them. Parks and recreation, the inflow of people into the areas that we have in our state today here again rests on how we are going to manage our forests and how we are going to manage our resources. This is, hopefully, a start in a coordination effort to make the best use of it. And the pressures on these resources are going to grow; they are not going to diminish, as time goes on. To date we have had no coordination on this type of function, and I think the time has come that we have to have it.

This is the principle of this reorganization bill, I hope, and this is why I have sponsored it. I hope the sportsmen or people who have special interests in these departments would look at the reorganization effort in that light, and not as a threat to their interests, because I think in fundamental principles they are not being threatened. I think in the long run they are going to be assisted in their efforts and in their interests.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate? I don't believe in repetition, so I will go along with the remarks made by the Senator from Knox, Senator Hoffses, in my opposition to this bill.

I note that the Senator from Androscoggin, Senator Clifford, has said this was one of the best reorganizational bills that has come before us. In my humble opinion, this is the worst one.

At the hearing at the Armory there were only three proponents of this bill, but there was an endless line against it. They came from all sections of the state and from all walks of life. They came by automobile, buses, airplanes, and some of them even walked miles on snowshoes to board buses, to register their protest against this bill.

The will of the people is the legitimate foundation of government, and it was really demonstrated at this hearing that the

people are strongly against this bill. I feel we will be doing an injustice to our constituents if we pass this document. Please, let's respect the will of the people. Thank you.

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 talk any more about fish and game because we have heard enough of that, or at least I have, for this one morning.

There is one thing that has been left out here, the forestry industry, which is the largest single industry in the state. They were opposed to this bill and they spoke against this bill, and they made some very nice talks of why we shouldn't go along with reorganization. I will admit that it was late in the afternoon before they got a chance to get to the rostrum to speak because there were so many speaking ahead of them.

Now, it seems to me that each one of these departments, such as Sea and Shore Fisheries, is a very important department and means the livelihood of a good many people, along with Forestry. Each one of these departments is important enough, I feel, that their identity should be kept, and they should be left autonomous so they can operate the same as they have. I think they have done a good job.

Now, no one can convince me that by creating another bureau we are going to have a better form of government. I think we are just going to have more inefficiency and more waste in government, and I am in support of the motion of Senator Wyman to accept Report "C".

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think it is probably time I got into this act here a little bit.

I have a great deal of respect for the opponents of this bill, and I would like to take my hat off to the distinguished Senator from Aroostook, Senator Violette, for

having the courage to sponsor this bill, especially in view of the fact that it is a very controversial bill. Yet, I have listened to the opponents of the bill talk and I think, after listening to the also distinguished Senator from Sagadahoc, I believe, Senator Hoffses, I feel he has been on this committee - he has done a good job - but perhaps he has been on the committee a little too long. I think that perhaps after you are on these committees for a certain length of time you are in the woods so far that you don't realize what trees are around you, so you miss sight of many things that you can see if you are away from it.

I would like to say that I took a trip up the Allagash in a Fish and Game plane, and it was one of the most enlightening trips that I have ever taken. And I would like to mention, as a person who is not involved in any of these areas or has a real deep feeling in any of these areas, and yet I appreciate and know it is all a part of many, many other things, that as we took this trip we observed many things, many things were pointed out to us, and I think perhaps I should tell you what I saw.

First of all, we passed three nice buildings up there somewhere, with a couple of dirt roads going to them, and it was on the Allagash River, but these three buildings were practically in a rectangle: one was for Fish and Game, one was Forestry's, and one was for Parks and Recreation. I imagine if I had had a car and driven up there that there would have been personnel in each one, there would have been telephones in each one, there would have been the same equipment in each one, and yet it was obvious to me when I saw them that there was a duplication there that could have been avoided.

The next step, as we were coming back, I believe, here was a plane over here below us, and there was one away over here below us, so we asked the pilot what those planes were doing away up there. "Well, they are Forestry planes." So, here I am in a Fish and Game plane, and a Forestry plane was going over the same area looking at the same spots.

Then as we came back to Greenville, and I think this is really what opened my eyes, we landed at the Fish and Game place there to gas up, and here was probably one of the most beautiful sights on the lake, right at the lower end of it, and a valuable piece of property by any standard on any lake. There was a great big building there with a plane in it and men there, I believe, and the phone was being used. Then as we came out we looked across the way, and here was another beautiful place, a beautiful building and a beautiful piece of property, the Forestry Department. I could see right there that here is where some of the problem is and here is where the savings are.

I apologize to Senator Hoffses for making that remark, but he knows it was made in good faith. And I hope that this motion is defeated.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I agree with the distinguished gentleman from Somerset, Senator Johnson, perhaps I have been on this committee too long. I have been on it for eight years, and it is one of the most controversial committees that I know of. I have said on many occasions that the Fish and Game Committee has more experts testify before it than does any other committee that we have, because I can assure you that every one of the sportsmen, the fishermen and the hunters, who appear go to great lengths to point out to us that they are an expert in their particular field. However, I think I can say with some pride that in that eight years I still hold some respect in the eyes of the sportsmen in the State of Maine.

Now, getting back to the Senator's remark that perhaps I have been on this committee too long, my only reply to that is that when I read this report on Page 2, Item 6-2, that the first name on the Ought to Pass Report is Senator Johnson. Perhaps the Senator, like myself, has been on this committee too long.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think, after all, this goes back principally to what the good Senator from Hancock, Senator Anderson, said. We do live in a democracy, hopefully, and undoubtedly a substantial part of these 311,000 hunters and fishermen to whom Senator Hoffses referred are very much opposed to this. On the other hand, we have two or three legislators and a department head, so are we going to substitute their judgment for this great number of hunters and fishermen who are opposed to it?

Maybe Senator Violette is right, and the hunters and fishermen are wrong. Maybe he is wrong, and they are right. But I don't think we should substitute the judgment of two or three people and a department head for that of this large number of hunters and fishermen.

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 Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I just want to say one thing. I think I want to make sure that this is correct and is not left unsaid: I don't think anybody can stand here and say that by sponsoring this bill or voting in favor of this bill that you are voting against the interests or the wishes of 311,475 people.

I have bought a combination fishing and hunting license since 1945, and I have bought it every year. I fish, I hunt, I take my children fishing, I take my children hunting, and I will continue to do so.

I also want to point out that in the last three or four months I

have spoken to many, many service clubs. I have spoken on reorganization mainly, and I have used this reorganization bill as an example. I have also talked to many, many sportsmen in the interim. I haven't convinced everybody, and I wouldn't stand here and say that everybody I have been able to talk to has agreed with me on what is attempted to be achieved, but I would say that overwhelmingly — and I have had the opportunity to explain to civic clubs and explain to sportsmen what is trying to be effected here, and have gotten down to specifics in explaining to them what this bill does and what it doesn't do — I think, the large, vast majority have understood it and they have indicated that this was a step in the right direction. So I think it ought to be stated here that nobody can get up here and categorically say that by voting for this bill you are voting against the wishes of all the people who hold licenses for fishing and hunting in this state.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept Report "C", Ought Not to Pass, on Bill, "An Act Implementing the Reorganization of the Department of Natural Resources."

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, I wonder if I might inquire as to how this body would have an opportunity to vote on Report "B"? I do not plan to vote in favor of Report "A". I hesitate about voting against some type of coordination, and I feel that L. D. 2057 may offer some measure of compromise in this area. There is no representative in this body who is a signer of L. D. 2057. May I inquire of the procedure as to how this might be effected.

The PRESIDENT: The Chair would inform the Senator that if the motion of the Senator from Washington, Senator Wyman, to accept the Ought Not to Pass Report "C" does not prevail, the bill would still be before the Senate and any motion could be made to

accept either Report "A" or Report "B" by any Senator at any time.

Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Ought Not to Pass Report "C" of the Committee on Bill, "An Act Implementing the Reorganization of the Department of Natural Resources." A Yes vote will be in favor of accepting the Ought Not to Pass Report; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Bernard, Clifford, Conley, Danton, Fortier, Graham, Harding, Johnson, Kellam, Marcotte, Minkowsky, Violette and President MacLeod.

ABSENT: Senators Levine and Martin.

Mr. Katz of Kennebec was granted permission to change his vote from Nay To Yea, and President MacLeod changed his vote from Yea to Nay.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County." (S. P. 777) (L. D. 2056)

Reported pursuant to Joint Order (S. P. 746) that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
VIOLETTE of Aroostook

Representatives:

KILROY of Portland
HARDY of Hope
SMITH of Waterville
AULT of Wayne
BROWN of York
CUMMINGS of Newport

CURRAN of Bangor

MacLEOD of Bar Harbor

The Minority of the same Committee on the same subject matter reported pursuant to Joint Order (S. P. 746) that the same Ought to Pass.

Signed: Senator:

GRAHAM of Cumberland

Representatives:

HERRICK of Harmony

WHITSON of Portland

Which reports were Read.

Mr. Graham of Cumberland moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: As you know, this bill was referred from the regular session to this session because at that time it was not known whether this section of the Presumpscot River would meet the Class A classification or not. Therefore, it was left to the EIC to test these waters of this section of the Presumpscot River during the summer.

This test was made and the waters tested A, except possibly for five days when the dam on the river was closed at the upper end of the river and the river, in effect, was artificially nearly dry. Except for these five days, the river tested A, and I am not even sure that any tests were made during the five days. So the EIC admitted that these waters do test A.

Now, the people of this area are very strong for having this section of the river classified A. It does not interfere with any development and it does not interfere with any industrial uses because there is no industry there. Therefore, it seems to me that if these people want that classification, and if the river meets that classification, I see no reason why we should not give it that classification.

I can assure you that there are two Senators in this body, one a Democrat and the other a Republican, who both strongly favor this reclassification of the river, and I urge you to support my motion.

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

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I rise to oppose the motion of the Senator from Cumberland, Senator Graham, to accept the Minority Ought to Pass Report of the Committee.

This bill was presented as a joint order to do something that should not have been taken up in this particular session, I don't feel. At no time did we have the feeling that there was ever any agreement among all the people involved, and this includes the people from the EIC. Originally we put the report out an unanimous Ought to Pass, because we felt strongly that if it were possible to have a Class A classification in the State of Maine that we should do everything to insure it, however, the day after this report had been approved unanimously by our committee we received a memorandum from the Environmental Improvement Commission flatly stating that they were unable to guarantee a Class A classification 365 days a year. And if we are going to set classifications, we do have to be reasonable, I believe, to the point that these classifications not only can be met some of the time but they can be met all the time.

I think one of the things that disturbs the people who want to change the classification is the thought that Class B-1 is not sufficient. Actually, today there is very little difference in the two classifications and, with the assurance or the absolute statement from the EIC that yes, today as of this hour this water is Class A; it cannot remain that way the entire year, nor do we see holding a Class A classification at this particular spot, due to the influx of people and also nature in this particular area, there is no way to maintain this Class A classification, we feel it would be unrealistic for this body to accept something that is not true to the people. Water classification is important to those living in the State of Maine, and let's be frank enough to call a spade a spade and realize when

we are not able to meet some of the classifications, particularly so when we are building a department to advise us in these matters and we look to them for guidance. Their guidance is that we cannot meet this classification at all times, so I oppose the motion by the good Senator from Cumberland, Senator Graham.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I very strongly support the pending motion to accept the Ought to Pass Report of the Committee.

The body of water we are talking about is a very small area, it receives virtually all its water from Sebago Lake, which is a Class A water, and this short stretch of the Presumpscot River is a very attractive river. It is a beautiful sight to see in the summertime, and many people who have some land or cottages nearby, or people who pass nearby, want to maintain it that way.

The Town of Windham has set up a small park on the river in which swimming is enjoyed, and there are a number of cottages there. It is a very, very attractive area.

The EIC last spring raised some objection to the bill to upgrade this river and, after being pressed numerous times by myself, they did say that they would want to have tests made of the water and that in order to do that they would have to wait until low water in August. That was perfectly all right with me, I don't object to that at all, but the EIC did make tests during the summertime, the test reports have come back, and they all say it is Class A water.

There is a time of the year when the mill takes some action down below relative to maintenance of the dam or things of that nature when the water is quite a bit lower than at other times but, even at that time, there is no evidence that I have in the report, and I have read it very thoroughly, that the water is not Class A water.

Subsequent to our discussions with the Natural Resources Com-

mittee it has been my understanding that the Natural Resources Committee was going to recommend the passage of this bill, but within the last week or ten days they received another communication from the EIC and apparently are basing their decision now, those who object to the bill, on this particular communication.

I find it very unseemly for the Environment Improvement Commission to take it upon itself to advocate the pollution of particular waters in the State of Maine. If that water is A, it ought to remain A.

I have just this day had an opportunity to look at the communication received from Mr. William Adams of the EIC, in which he discusses that the water classification does not test out A. He also points out that there is not too much difference between A and B, and he sees no particular problem. I suppose one reason he feels that way is that he is not one of the people who are swimming in the river. His only point that I could find in his letter was that there may be some run-off from pastures where animals are grazing that might possibly affect the stream. Well, I suspect that this is a condition that is prevalent throughout the state, and I don't see that we should refuse to classify waters as Class A, if they will test Class A, merely because there may be some animals pasturing nearby.

We do have towns abutting this stream which do not have zoning, and I am thinking about the Town of Windham particularly, and, consequently, there could be developments in that area that could raise havoc with this particular stream.

The only objection that I can see that Mr. Adams has put forth in his particular letter in saying that he does not recommend Class A is that he says "This high classification would almost certainly preclude the possibility of constructing and operating a waste treatment facility which would discharge into this reach of the river." His Item No. 2 is that this classification — he has some other

language in there also — but basically that this classification B would allow the discharge of a waste treatment plant. Now, the people who have their cottages on this river do not want waste treatment plants dumping in front of their cottage, and I don't know of anyone else who wants waste treatment plants dumping in front of their cottages. So there is no reason why Mr. Adams or the Environment Improvement Commission should set aside this two or three miles of river which will test Class A for the purposes of dumping in sewage. I find it very, very unseemly and I am going to tell Mr. Adams so when I have the opportunity, which is not going to be too far from now, that it is none of his business that we have got to dump sewage into this river. It tests A now and it should be classified as A. So I hope that this body will go along with the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would arise in support of the remarks of Senator Kellam of Cumberland and in support of the motion of the good Senator Graham from down Harpswell way.

I am not too pleased with many of the remarks that I have received from Mr. Adams of the EIC. I can recall one time standing right here at this microphone when he personally told me that it would be perfectly all right to discharge a treated effluent in my district into a Class B stream. That discharge happened to be Class D, in my opinion, and the only way we managed to clean it up finally was because the outfit moved out of state and the operation ceased. But I can remember last session here I received considerable correspondence from the people in this particular area, and I think, from some of it, they were afraid that the Class B-1 was going to be lowered so some future treatment plant could be put into operation. Those details are still quite clear in my mind, so I would go

along with the motion to accept the Ought to Pass Report, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I wish to support the motion made by the Senator from Cumberland, Senator Graham, and I agree with the talks the previous speakers have made here.

I am very interested in this particular stream, it is in my district, and I am well acquainted with it. Many people who live along that stream get their drinking water from it.

Now, we were assured during the last regular session that after the test, as they wanted to make sure how this river tested out — well, it did test out as A water, and they did take a test of this water during that five-day period over the 4th of July when the dam was shut down. Of course, it isn't shut down dry, as you might think. The river doesn't go dry because there is excellent salmon fishing in this particular area too.

In the last session of the legislature, when I was on a subcommittee working with the EIC, Bill Adams came before us and he wanted us to present a bill that any waters that now tested Class A would be reclassified to Class A, because most of our streams are classed as B-1, and he had a very persuasive argument for us to give him the authority to upgrade these streams. Now he has turned around and gone the other way, and simply because possibly a sewage treatment plant might want to go into that particular section of the river, which I think is positively ridiculous. I hope we do support the motion before the body.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Graham, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once again. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Graham, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County." A Yes vote will be in favor of accepting the Ought to Pass Report; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Harding, Hoffses, Johnson, Kellam, Marcotte, Minkowsky, Moore, Peabody, Quinn, Shute, Tanous, and President MacLeod.

NAYS: Senators Hichens, Schulten, Violette and Wyman.

ABSENT: Senators Katz, Levine, Martin and Sewall.

A roll call was had. Twenty-four Senators having voted in the affirmative, and four Senators having voted in the negative, with four Senators absent, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

RESOLUTION, Proposing an Amendment to the Constitution to Reduce the Age of Qualification as a Member of the Maine House of Representatives to Twenty Years. (H. P. 1508) (L. D. 1950)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Relating to the Management of Solid Wastes." (H. P. 1587) (L. D. 2046)

Which was Read a Second Time.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I want to speak in opposition of this bill that is before us right now, the solid waste bill. We were told yesterday that this was only a study. This is not just a study bill or a planning bill; it is a comprehensive document that, if we pass this, the state will quit open burning by the first day of July in 1975. At the present time there isn't any law requiring this. This would be a tremendously expensive proposition for the small rural areas, not only that, but for all areas, as far as that is concerned.

On December 30, 1971, the Press Herald had an item where they had studied this in Brunswick, and at Brunswick the cost would have been \$90,000 per annum. The operating cost for this was \$61,000, exclusive of the collection cost. Now, you can imagine what this would do to the small municipalities. The municipalities now are breaking their backs trying to clean up the rivers and the water, and to come up with zoning, and to throw this onto them is just more than they can stand, so I move indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Relating to the Management of Solid Wastes", be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the

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

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

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I would just like to say one further word on this bill. I think Senator Moore pointed out rather clearly that this is more than a study. I don't think that we need to pass this bill at the present time. They are having, it is my understanding, a pilot study in Washington County, and I think we can well afford to wait until that study has been completed before this legislation is passed.

Now, if you will read the statement of facts, I think it clearly points out what Senator Moore brought out, that this is rather far-reaching and, to my mind, it is much more than a study. I will read just a couple of paragraphs from the statement of fact.

"This redraft makes it clear that the Legislature is empowered to establish solid waste management districts and specifies the powers which those districts may exercise in the efficient and economical collection and disposal of solid wastes.

"Section 3 has been added to the original draft in order to make existing statutes consistent with the proposed bill. The unified program of solid waste control requires that disposal areas meet certain minimum requirements of environmental safety. This amendment adds greater range to the Environmental Improvement Commission's regulatory powers and permits flexibility to municipalities in choosing disposal sites."

So I strongly concur with Senator Moore's remarks in that I think we should wait until the regular session before we go any further in this field.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I made an erroneous statement yesterday which I wish to correct, and that was that the Maine Municipal Association was opposed to the bill. I find that they are in favor of it.

We have put everybody in the State of Maine on a timetable for clearing up pollution of our waters. And the continued tolerance of pollution by the municipalities beyond the deadline is being extremely unfair to the small towns which seem to be our principal concern. We are going to present them one of these days with an ultimatum to immediately clean themselves up. And the reluctance of the successive legislatures to guide them, I think, is a mistake. We are not helping them out, we are going to hurt them.

Now, this bill provides for exemption of the towns until 1975. That means we have three more years. If we're going to put this off another year, that is going to leave them two and, unless there is an emergency preamble at the next session, we are going to cut it down to one. Now, this isn't being fair to the towns. There are some of us think we are helping out. I hope you vote against Senator Moore's motion.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I concur with the remarks of the good Senator from Cumberland, Senator Berry, and I differ with the Senator from Kennebec, Senator Chick, in his interpretation of what the legislature may do here.

I call your attention to page 4 of this document, Section 4867, and you will notice that by passing this act we have not established any waste management districts. This suggests that the legislature in the future may do this, but they are going to be coming before this legislature with the proposals, and this only enables our state department here to start the planning

so they can come before this legislature with the proposals, and this only enables our state department here to start the planning so they can come before this legislature with some meaningful suggestions as to these districts. At some point you have to start in your planning and so on, and really, as I read this document, this is all it does. It seems to me that the time to start is now if we are ever going to do the job. So, I hope that you vote against the motion to indefinitely postpone this document.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I rise in support of the motion of the gentleman from Cumberland, Senator Moore.

I noticed yesterday in our vote that it was really the members of the Senate from the larger communities that were in favor of this bill as against the Senators from the smaller communities. I have had calls from the communities which I serve, all except one, asking me to vote against this bill because they can see the huge costs which are going to come as a result of it, and it is not the time for them to be forced into such a thing as this at the present time.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I think if you would observe the bill you will find that there isn't any funds attached to this bill. The original bill that was defeated in the regular session had something in the neighborhood of \$150,000. But you know well enough if we pass this bill nothing will be done until the next regular session, until it is funded. So, I think that would be plenty of time to discuss the bill at that time.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I qualify under the category that Senator Hichens from

York has given as being a representative of a small town. We have an open dump that burns twenty-four hours a day, seven days a week, 365 days a year. We should be doing something in the Town of Cape Elizabeth with our adjacent communities. We should be getting together with them and establishing a district or a greater community area sanitary disposal system, but we are not. I would assume, if I were a selectman in a small town, and I had a deadline of 1975 to do something about, that perhaps by 1975 I would be fed up and I would get out as selectman and somebody else would come along. I hope that this isn't the viewpoint we are taking as legislators and thinking we are representing the correct views of the selectmen in our communities, because we won't be around in responsible positions when this decision has to be made.

Senator Hichen also mentioned the subject of cost. I think all of us know from the horribly expensive clean-up programs that we are engaged in, in our communities, by the communities putting in new sewerage systems, that this matter of clean-up is getting fantastically expensive year by year. And the figure is something like twelve percent a year. We can't afford to delay these decisions. I do hope that you will look at this from a long-range standpoint and vote against the motion.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Berry, represents the wealthiest town in the State of Maine, and I am sorry to tell you that I represent the poorest town in the State of Maine. It happens to be the Town of Madrid, located between Philips and Rangeley. Some time ago they appealed to me to try to find some way to get some extra state subsidy to help them send their tuition pupils to SAD 58, which is located near Kingfield. This town raised \$16,000 total last year in support of its schools, highways and dump. \$12,000 of that went to SAD 58 for tuition of its

high school students. The local school district in that area has requested an additional \$9,000 from the Town of Madrid for this year.

There are sixty voters in the Town of Madrid, and half of them are on some form of government subsidy, either old age pension or retirement income. What you are saying to these people in this town, and this is typical of some of the small town about which Senator Hichens was referring, that these people are going to have to come up with additional money in two or three years to provide a bulldozer or some type of equipment that can provide for a dump that will not be an open burning dump. I just wonder how you expect these towns to do it, and until you provide some form of state subsidy I don't believe they can do it. I am going to support Senator Moore's motion this morning.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that Bill, "An Act Relating to the Management of Solid Wastes," 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, Chick, Danton, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Marcotte, Minkowsky, Moore, Peabody, Quinn, Shute, Tanous and Wyman.

NAYS: Senators Bernard, Berry, Carswell, Clifford, Conley, Graham, Harding, Kellam, Schulten, Violette and President MacLeod.

ABSENT: Senators Levine, Martin and Sewall.

A roll call was had. Eighteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with three Senators absent, the Bill was Indefinitely Postponed in concurrence.

House-As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Educa-

tion Laws." (H. P. 1468) (L. D. 1911)

Which was Read a Second Time.

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

Mr. KELLAM of Cumberland: Mr. President, I would like to request of some member of the Education Committee if they could explain to me the amendment 564 which is on this bill?

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: These are House Amendments, these are not Committee Amendments, and apparently the other chamber had a field day. This amendment that the Senator from Cumberland, Senator Kellam, is questioning concerns the right of privacy with respect to records of a student in school.

The Committee felt that this was not an error, not an inconsistency, and we would not accept it as a committee amendment. The suggestion was that anyone was free to put any amendments on in either branch, although we certainly approved of the rights of privacy of the individual.

What this does actually, among other things, it keeps out commercial establishments from using school records for commercial purposes. For example, a jeweler in Augusta, who would like to get a list of all of the students who might be possible customers for engagement rings, could not go to the school records and get them from the school. He would have to use other devious ways. And other more serious implications were concerned.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have to admit that I had no previous knowledge of this particular amendment. In reading down through it, it appears to me that it does somewhat the opposite from what appears to be intended. It appears, from looking at the amendment, there is no provision in the law now that a superin-

tendent of schools will give out information but, the way I read this, the superintendent of schools, teachers, employees and so forth, of all schools, this is private, public, parochial and so forth, which I have no objection to, of course. A person designated by the pupil, I should think that would be reasonable to do. Possibly the officials of the schools, I should think that should be restricted to the schools involved where the information is being given from. Also law enforcement officers, anybody who wants to find out about a pupil or education officials.

I just wonder, it seems to me this is sort of an invasion of the privacy of the pupil to have this information being dispensed. I should think if anyone wants to find out about a pupil, it seems to me, they should ask the pupil, or ask the parent or guardian of the pupil, and if there is no reason why they should not receive the information, then that parent or guardian, or the pupil, could consent to it being given out. So, consequently, I believe at this stage of the game, unless there is some more forthcoming information on it, I would move the indefinite postponement of House Amendment "B", Filing 564.

The PRESIDENT: The Chair understands the Senator from Cumberland, Senator Kellam, moves that the Senate reconsider its action whereby it adopted House Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I disagree with my good friend, Senator Kellam from Cumberland, on this particular amendment. I was quite interested in this bill. On any bill that carries errors and inconsistencies in a mass example as in this particular bill, I think, as Chairman of Judiciary, perhaps all of us ought to be involved.

I have gone through this bill section by section, and I have looked over the amendments. The bill itself tried to do what the amendment did, but I think it was too restrictive. And the amendment has now clarified the areas where

the school records relating to students may be released, like to aid a police officer who is investigating a case, or a college that may want the records of a high school student, and it merely actually clarifies the intention of the bill. I think the bill was too restrictive in this area, and the amendment seems to clarify it. So, I certainly would urge that you support the amendment, and oppose the motion of Senator Kellam.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This may be kind of late in the day to be debating these type of bills, but it seems to me on these errors and inconsistencies bills we ought to possibly, just to coin a phrase, be somewhat consistent. There is nothing of an error or inconsistent relation to this particular proposal. This House Amendment "B" is a pure unadulterated legislative document which has been tucked into this bill, and I kind of object to that.

It may be that some members of the body like to look upon this — I am trying to think of a nice word — but this method of passing legislation, but I don't know, I have never seen anything on this before, and I rather resent the idea of large numbers of people being enumerated who can invade the privacy of individual students. I think most of us as parents would give permission to people who have some legitimate means or reason for looking at school records. If we are going to apply to a college, or something like that, we would naturally furnish them with a transcript of their grades and so forth. So, all I can say is that it just seems to me there is no justification for the amendment and, unless it could be justified, I think it ought to be eliminated.

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

Mrs. CARSWELL of Cumberland: I am not an attorney, and I see the attorneys disagreeing, but as I check the amendment, it says that any employee of a public or private elementary school can get

these records. I think this is too liberal. I think you are invading the privacy of the students.

I think this amendment should be tabled until somebody straightens it out to clarify it properly.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending the motion by Mr. Kellam of Cumberland that the Senate reconsider Adoption of House Amendment "B".

Senate

Bill, "An Act Providing for Full - time Elected District Attorneys." (S. P. 773) (L. D. 2053)

Which was Read a Second Time and Passed to be Engrossed.

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

Enactors

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

Emergency

An Act Relating to Kindling Out-of-door Fires. (H. P. 1480) (L. D. 1923)

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

An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions. (H. P. 1494) (L. D. 1937)

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

Orders of the Day

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

Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Tabled — March 1, 1972 by Senator Violette of Aroostook.

Pending — Passage to be Engrossed.

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

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

Orders of the Day

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

Bill, "An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts." (S. P. 712) (L. D. 1986)

Pending - Consideration

Mr. Martin of Piscataquis then moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Martin of Piscataquis to Recede and Concur.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1468) (L. D. 1911)

Pending - the motion by the Senator from Cumberland, Senator Kellam, to reconsider Adoption of House Amendment "B".

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mr. Kellam of Cumberland to reconsider Adoption of House Amendment "B".

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

Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Pending - Passage to be Engrossed.

Mr. Violette of Aroostook then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S3-84, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would like to explain this amendment. The first section, which I think is the important part of this amendment, or perhaps the most drastic part, changes to a considerable extent the make-up of the Commission. As the Commission is now constituted, there are three permanent members, made up of the Forestry Commissioner, Commissioner of Parks and Recreation, State Planning Office. And there are four lay members, one who is a public member, one who is a conservation member, one who is a forest products industry member, and one who is a general landowner member. What this does is increase the lay membership of this Commission from four to six members, and changes the number of public representatives on this Commission from one to three. In addition, it makes provisions for a designate of each of the permanent members to take part if a regular member is unable to attend.

I will explain, as well as I can, the reason for making this change. I first proposed a change in the composition of the Commission when this L. D. had its public hearing before the Natural Resources Committee. I am the public member on that Commission and also its Chairman. After this Commission was organized and we started meeting and deliberating, I personally became aware and convinced that the make-up of the Commission was not the best that could be done, for two reasons: First, I felt that the importance of this type of a commission should allow for more lay people or people outside the framework of our state government to participate. This Commission now has in its jurisdiction to establish policies of zoning and land use for roughly one-half of the people of the State of Maine. I think there should be

more than four lay people making an input into this type of a deliberative body.

Secondly, it has always been my feeling — and this is absolutely no criticism of the permanent members, who are now the Forestry Commissioner, the Commissioner of Parks and Recreation, and the State Planning Officer — but these people were members of the Commission more because of the offices they held and possibly the contribution that their offices could make to the Commission, and this I fully recognize and always have so recognized. You know, the Department of Forestry can make an important contribution because we deal with vast areas of our woodland. Also the Director of Parks and Recreation, who has charge of directing recreation in many of our unorganized areas, and this is a growing area, certainly can make very, very valuable input. Likewise the State Planning Officer, who is actually in the Executive Branch, and who also works in the area of planning, zoning and regulating although not in the area of land use.

As we have gone about running the business of the Commission we have run into some very, very serious problems with regards to obtaining the attendance of these people at Commission hearings. All these Commissioners are very, very busy people, they have major departments to run and, in addition, belong to about eight or ten of these Commissions which they are a part of and which they are made members of, and they simply do not have the time to attend the very large number of meetings which this Commission is required to have. Now, this means and has meant in many instances that we have had to cancel meetings because if there happens to be absent one of the lay members as public members, and when I say public, I mean those members who are outside the framework of the state government, we do not have a quorum.

I think that to do the best job for this Commission, and to allow this commission to do the best job that it can with the business that it is entrusted to dispatch, that it

is important that it have more public members, members who can represent the public on this Commission, and will greatly facilitate the orderly operation of this Commission.

Now, I know that some people are objecting to the increase in numbers, and they also are objecting to where the increases are taking place, and they say they are not in the land ownership or not in the forest industry sector. Well, I say that public members who are placed on this Commission would represent the public interest, and I think that the public interest on this major Commission, and it is going to grow and increase in importance, I think ought to have more participation on this commission. Now, I recognize that they have their own interests to serve, and I don't blame them for opposing this, but I think that for the best product this Commission can put out for the people of the State of Maine in the future, it will require more public members on it, and this is what this seeks to do.

Some may say also, well, this thing hasn't had a public hearing, it is too important, and it is a major change. We had a public hearing and this was brought out. Unfortunately, also, this bill came out of the committee prematurely and should have stayed there until the committee itself would have been able to deliberate on this very important amendment. I don't blame anybody for that. But we are where we are now, and this Commission has extremely important business to dispatch between now and the next regular session. We have to promulgate the basic and extremely important rules and regulations on which this Commission is going to operate. We also have to put into effect the basic land zoning districts under this law. There are some major decisions to be made, and I think that more public participation is going to be in the public interest. I would hope that, despite the opposition of the usual people who oppose this, that this would be accepted. Now, this is the first part.

The other parts, I would hope, are more housekeeping changes than substantive changes. These have come up as we, and our counsel, the assistant attorney general attached to our Commission, and who works with us as we go about promulgating our rules and regulations, I think we have come upon items which we feel ought to be changed and which I think will expedite the operation of the Commission. One is that the law now reads: "A complete verbatim transcript record shall be made." We changed that to "verbatim." We will make a complete record of all the hearings but, under the law, we do have to make a transcript and these transcripts are very expensive. Many of these hearings are not judicial type hearings; they are more of an informative type hearing, such as some of the legislative hearings that we hold. Now, it seems to me that in this type of a hearing we should not be required to make a transcript record, because this entails a very major expense. Now, if somebody does appeal from that, well, then certainly the record will be made. The record will be kept, but we will not transcribe it unless there is a request to do this. It will result in substantial savings to the Commission and will certainly work no hardship upon anyone.

Also, the other part is a matter of conducting hearings. On very simple and minor application hearings, applications to make very minor changes, I think these can be handled by the Commission pro forma, without the necessity of a formal hearing. What we will want to do here is be able to dispatch this without requiring a formal hearing, where there is only a necessity of approving something which is not substantial at all, and which only requires a yes or no approval, without making any important changes. This would expedite the operation of the Commission and would be a time-saving factor.

I would hope that this amendment would receive acceptance, but I want to return to the first part, and which is the major part of this amendment. I think it is extremely important that this

Commission be allowed to have the composition of membership that I think it needs to go forward and do the job that you, the legislature, has entrusted it to dispatch. I would hope this amendment would be accepted, and I would ask for a division.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With great reluctance I oppose this amendment, and I do so for the reason that I personally have been involved with this reorganization of the Department of Environmental Protection.

This is one of the areas that I think I have felt and the committee has felt should have been brought in under this department, but we did not because of the insistence or the reluctance of the Land Use Regulation Commission to be absorbed. In view of the fact that they have not made any policies, not made any decisions and, I might add, probably are barely off the ground, this here is an abrupt change.

We did in this original bill, if we pass the original bill without the amendment, in answer to Senator Violette's problem of not being able to get all of the members at one of these hearings, or meetings, or whatever they have, we did with this bill allow them to have a hearing with one person, whether it was two hundred miles, or a hundred miles, which I think was what the problem was there. If we pass the bill without the amendment, I think part of the problem is taken care of. But for us to change this now and, as the Senator said, without a hearing, without the knowledge of some of these different people, I think perhaps we might be a little shortsighted and be changing something that we don't even know today what is going to happen, even with the present Commission. So, I would hope the amendment is not accepted.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the

Senate: I just want to make one answer to my good friend, Senator Johnson. I know that he does not mean our Commission did not want to go into the reorganization structure, and I don't think that is what he was trying to imply. We didn't go in because there was opposition from other quarters to our going in as a Commission, and that is why it didn't go in. I am sure that is what he is trying to convey.

Secondly, the matter of attending hearings is not the important thing, and he is right, we have been given authority to have an employee or any member of the Commission designated by the Chairman to hold hearings. The holding of a hearing is really not the basic and most important function. The deliberations and the meetings to deliberate are the important functions, and this is where the attendance is required. We are meeting every two weeks, and as time goes on we will be even required to meet more than every two weeks. I think it is very, very important that we have such a composition that we can command a quorum at these meetings of the Commission. This is the reason why I am requesting that it be expanded, as well as to get more public input into this Commission.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "B". As many Senators as are in favor of the adoption of Senate Amendment "B" 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 fourteen Senators having voted in the negative, Senate Amendment "B" failed of Adoption.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think there are some features of this amendment and things that have been brought up that might well be incorporated before

this goes for engrossment. Perhaps someone should table this until tomorrow and see if something can be done about this.

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

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Recessed until the sound of the bell.

(After Recess)

Called to order by the President.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1468) (L. D. 1911)

Pending - the motion by the Senator from Cumberland, Senator Kellam, to reconsider Adoption of House Amendment "B".

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to thank the two Senators from Cumberland, Senator Kellam and Senator Carswell, for calling attention to this amendment. We have typed it up with Senate Amendment "A" to House Amendment "B", under Filing No. S-386, and I move its adoption.

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

Senate Amendment "A", Filing No. S-386, to House Amendment "B", as Amended by Senate Amendment "S" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Papers From The House

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

Non-concurrent Matter

Bill, "An Act Relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority." (S. P. 706) (L. D. 1887)

In the Senate February 25, 1972 Passed to be Engrossed as Amended by Senate Amendment "B" (S-361).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" and House Amendments "B" (H-606) and "C" (H-607) in non-concurrence.

On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services." (S. P. 721) (L. D. 2010)

In the Senate March 1, 1972, Passed to be Engrossed as Amended by Committee Amendment "A" (S-353) as Amended by Senate Amendment "B" Thereto (S-377).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-353) as Amended by House Amendment "A" Thereto (H-618) in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The action of the other body killed a Senate Amendment yesterday and, subsequently, adopted an absolutely identical House Amendment. I move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 768) (L. D. 2047)

In the Senate February 29, 1972, Passed to be Engrossed as Amended by Senate Amendments "D" (S-365) and "J" (S-372).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "D" (S-365) as Amended by House Amendment "A" Thereto (H-590), and House Amendments "B" (H-585), "G" (H-601), "J" (H-604), "M" (H-610), "N" (H-611), "P" (H-613), "Q" (H-614), "S" (H-617), "T" (H-621), and "U" (H-622), in non-concurrence.

Mr. Sewall of Penobscot moved that the Senate Recede and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with reluctance that I oppose the motion of the Senator from Penobscot, Senator Sewall, that we recede and concur. Basically we have no objection with regard to any of the amendments, except the amendment from the House, Amendment T, under listing 621, which takes \$4 million from surplus for the MIBA—MSI loan. I think we come back to the question that was quite fully debated at the last regular session in regard to bonding or taking money from surplus to take care of this obligation, and it is our position that it would be better to bond the whole amount than to take \$4 million from surplus.

I think we have all gone as carefully as we can. I know that the Governor, in preparing his call and preparing his budget message for this special session was faced with a great number of demands to reduce them to what he thought was a minimum, and then the Appropriations Committee went on to effect further reductions in that budget, and I suspect it was to try to retain as much of the money or surplus as possible that our state has for other future needs or emergencies. We find ourselves in a position again of having to take sides here on using some of the surplus for the retirement of this loan.

I think we have got basically a \$400 million budget now, and it is going to be quite a while before

the next biennium and before the next regular budget is adopted. Certainly it is hard to say what emergency needs our state is going to face within that period of time. I am aware that there would undoubtedly, as far as present forecasts are concerned, still remain some funds in the surplus, even if we used this \$4 million, but it certainly is depleted to a considerable extent. I guess the arguments are that we have got the money and, in order to effect savings we ought to pay that out of current money that we have. Well, I guess maybe there are two ways to look at it.

I think at this point we would like to see this money preserved for either needs that might arise in this current biennium or, if we reach the next biennium and have a reasonable surplus, then that undoubtedly would go a long way toward meeting some of the needs that might arise at the next regular session and I anticipate that events of the past have shown that there is going to be a tremendous need for additional money.

I don't know what the money will cost if this total amount is now bonded, and I think it is a good idea to bond the full amount now, I don't know what the bonds are going to cost as far as interest is concerned, but maybe others can give those figures. Now, I also think that if you preserve that surplus and put it in the bank, as we do now, that money is earning money probably to at least equal or surpass what it will cost to bond that \$4 million. So at the least, I think, we would get a push-off while preserving this amount in surplus for our needs. It is on this basis that I will oppose the motion to recede and concur.

I hope we are not headed for the situation which we faced last time of an eleventh hour brinkmanship situation.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The use of the word "brinkmanship" brings back horrible memories to all of us here in the Senate of what we went

through here a year ago, and I hope, along with Senator Violette, that we are not going to start down that road again.

We have here a basic difference in philosophy, apparently, where we have money in the bank that is not earning interest, and we have a debt, and yet if we apply the principles that we run our own families by, and run our own businesses by, if we applied them here we would certainly pay off the debt. It appears to me, and I am certainly no expert on the subject of high finance, the way it is today, but it certainly seems to me that the proposal to take \$4 million out of what appears to be a \$10 million surplus for the year ending June 30th is a very sound one. Personally, if I had my way, I would like to see the \$8.25 million taken out of surplus to pay it off in full.

Recognizing the problems that we had a year ago, and recognizing that we are spending something like \$67,000 a month for the privilege of servicing this loan, and thinking of the amount of money that we would have saved if the Governor had been responsive a year ago to the original proposal that was proposed here, I feel this represents a reasonable compromise, which I hope eventually will be accepted.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate recede and concur with the House on Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973."

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Sewall, that the Senate recede and concur with the House will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate recede and concur with the House on Legislative Document 2047. 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, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

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

ABSENT: Senator Levine.

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

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I move we reconsider our action whereby we receded and concurred, and I hope you vote against me.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate reconsider its action whereby it receded and concurred with the House. As many Senators as are in favor of reconsideration please say Yes; those opposed, No.

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

Joint Order

WHEREAS, endowments are frequently made to incorporated public charities in reliance upon the fact that such endowments are to

be used for the chartered corporate purposes of said charities; and

WHEREAS, the donors of such endowments frequently do not contemplate or provide for the contingency that may occur whereby the corporate purposes of an incorporated charity for which the endowment was intended to be used may be changed; and

WHEREAS, state law, Revised Statutes, Title 13, section 934, provides that any corporation organized without capital stock may change its purposes subject only to certain conditions provided in the Revised Statutes, Title 13, section 201; and

WHEREAS, there is, therefore, no assurance under present state law that a donor's funds will be applied as originally intended pursuant to the chartered purposes of a public charity; and

WHEREAS, such law only serves to frustrate the will of a giver and may operate to inhibit future acts of benevolence; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the provisions of existing law which provide a means whereby the chartered purposes and powers of charitable corporations can be amended and to determine whether or not it is in the best interests of the State to amend the law to provide greater assurance that a donor's funds will be applied in the manner intended; and be it further

ORDERED, that the Attorney General is instructed to provide the Committee with such information or technical assistance as the Committee deems necessary or advisable; and be it further

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

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said Attorney General as notice of the pending study.

(H. P. 1602)

Comes from the House, Read and Passed.

Which was Read.

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

Committee Reports House

Ought to Pass-As Amended

The Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Finance and Administration." (H. P. 1546) (L. D. 2002)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-578).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-578), as Amended by House Amendment "A" Thereto (H-586), and House Amendment "C" (H-599).

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

House Amendment "C" was Read.

Mr. Violette of Aroostook then moved that House Amendment "C" be Indefinitely Postponed.

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

Mr. KATZ of Kennebec: Mr. President, I was having a little trouble finding House Amendment "C", I wonder if the Senator would explain what the subject is, please.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: House Amendment "C" was put on by a member of the other body from Portland, I believe. The Committee had no knowledge of this amendment at all. What it does is set a three-year period whereby a present member of the Liquor Commission cannot be appointed to be Administrator of the Liquor Division of this Department.

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

The motion prevailed.

Thereupon, under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts. (H. P. 1543) (L. D. 1999)

Reports that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

Representatives:

SILVERMAN of Calais

MARSTALLER

of Freeport

DONAGHY of Lubec

HODGDON of Kittery

STILLINGS of Berwick

SHAW of Chelsea

CURTIS of Orono

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

BUSTIN of Augusta

GOODWIN of Bath

COONEY of Webster

FARRINGTON

of Old Orchard Beach

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Resolution Passed to be Engrossed as Amended by House Amendment "A" (H-616)

Which reports were Read.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I am not going to oppose the suggestion of the President of this body, but I am going to reserve my comments until this bill comes up for enactment.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Resolution Read Once. House Amendment "A" was Read and Adopted in concurrence and the Resolution, as Amended, Tomorrow Assigned for Second Reading.

Reconsidered Matter

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

Mr. HOFFSES of Knox: Mr. President, with reference to S. P. 727, L. D. 2005, Bill, "An Act Implementing the Reorganization of the Department of Natural Resources", when we accepted the Report "C", Ought Not to Pass, having voted on the prevailing side, I move we reconsider our action whereby we accepted Report "C", and I hope you vote against my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby it accepted Report "C", Ought Not to Pass, of the Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Natural Resources." Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Knox, Senator Hoffses, that the Senate reconsider its action whereby it accepted Report "C", Ought Not to Pass, will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to reconsider did not prevail.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.