

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, March 7, 1972

Senate called to order by the President.

Prayer by the Rev. Fr. Paul M. Ouelette of Augusta.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matter

Bill, "An Act Relating to Per Diem Allowances and Expenses for Members of the State Board of Barbers and State Board of Hairdressers." (H. P. 1580) (L. D. 2037)

In the House February 29, 1972, Passed to be Enacted.

In the Senate March 1, 1972, Passed to be Enacted, in concurrence.

Recalled from Governor's Office by Joint Order (H. P. 1603)

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-360), as Amended by House Amendment "A" Thereto (H-625), in non-concurrence.

On motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending consideration.

Joint Order

WHEREAS, the Legislature is greatly concerned with the responsibility for care of the mentally ill at the Bangor State Hospital; and

WHEREAS, the Legislature is also concerned with the problems of administration of said hospital; and

WHEREAS, the problems involved are financially complex and of such magnitude that the institution could well be closed; and

WHEREAS, the accreditation of said hospital is of vital concern to citizens of 5 northern counties; now, therefore, be it

ORDERED, the Senate concurring, that there is created a special committee of inquiry consisting of 3 members of the Senate appointed by the President of the Senate and 4 members of the House appointed by the Speaker of the House of Representatives to survey conditions as they exist at Bangor State Hospital and to

report its findings and recommendations in the form of meaningful legislation forthwith to the next regular session of the Legislature; and be it further

ORDERED, that the special committee shall have authority to employ such professional and clerical assistance as they deem necessary within the limit of funds provided; and be it further

ORDERED, that the special committee shall serve without compensation but shall receive all reasonable expenses incurred in the performance of their duties; and be it further

ORDERED, that there is allocated from the Legislative Account to the special committee \$10,000 to carry out the purposes of this Order.

(H. P. 1607)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, the Lions of Belfast Area High School have, for the first time in the history of the school, qualified to play in the Eastern Maine Class "A" Basketball Championship; and

WHEREAS, this spirited group of courageous young men have demonstrated a style of sportsmanship and skill only possessed by champions; and

WHEREAS, the City of Belfast and the Towns of Morrill, Belmont, Searsmont, Swanville and Northport can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the Maine 105th Legislature now assembled in special session, take this opportunity to commend the Lions of Belfast Area High School and Coach Jim Willis for winning a berth in the Eastern Maine Class "A" Basketball Tournament for 1972 and wish them continued success; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the respective municipalities, and the principal and coach

of Belfast Area High School in honor of the occasion.

(H. P. 1608)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, Maine School Administrative District Number 17 has a specialized language activities program for rural disadvantaged students; and

WHEREAS, the program provided by the district is unique and is being used as a model by schools across the country; and

WHEREAS, it is an unstructured program focusing on oral language skills rather than on reading as designed in the fall of 1968 by Dr. Richard L. Knudson; and

WHEREAS, District 17's program has been named as one of 11 programs in the nation to receive certificates of merit by the President's National Advisory Council on Supplementary Centers and Services; and

WHEREAS, the Members of the Legislature have learned of this outstanding achievement and exceptional accomplishment; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 105th Legislature now assembled in special session take this opportunity to acknowledge and extend our congratulations to Dr. Knudson, the administrative personnel and municipalities of School Administrative District Number 17 for their outstanding leadership in the field of education; and be it further

ORDERED, that this official expression be transmitted forthwith bearing the Great Seal and Motto of the State of Maine in token of our proud acknowledgement. (H. P. 1606)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, the Wildcats of York High School are the winners of the 1972 State Class "C" Basketball Championship; and

WHEREAS, this talented group of courageous young men have demonstrated a style of team play and skill only possessed by champions; and

WHEREAS, the Town of York can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature, now assembled in special session, take this opportunity to commend the Wildcats of York High School and coach, John Griffin, for winning the State Class "C" Basketball Championship for 1972 and wish them continued success in the field of sports; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Town of York and the principal and coach of York High School. (H. P. 1605)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Order

Out of order and under suspension of the rules, on motion by Mr. Wyman of Washington,

WHEREAS, the Royals of Jonesport-Beals High School have won the State of Maine Class "D" Basketball Championship for 1972; and

WHEREAS, this is the third consecutive year the Royalists have emerged victorious in state tournament play; and

WHEREAS, Jonesport-Beals has achieved an accolade of greatness long to be remembered and cherished by sporting enthusiasts of this State; now, therefore, be it

ORDERED: That the Members of the Senate of the 105th Legislature of the State of Maine now assembled in special session take this special opportunity to acknowledge and congratulate this championship team and its coach, Ordie Alley, for their outstanding accomplishments in the field of sports and wish them continued success in their efforts which have brought great honor to their towns, school and state; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Jonesport-Beals High School in token of the sentiment expressed herein.

Which was Read and Passed.

Communications

Report of the Maine Legislative Committee to Study the Feasibility of a Conference Center on Peaks Island.

The Committee to Study the Feasibility of a Conference Center on Peaks Island was named by the Maine Legislature in 1971 and was directed to report to the special session of the Legislature in 1972.

The Committee has held several meetings, has toured the proposed site on Peaks Island, has reviewed available material on the project and has reviewed and approved a study of the subject prepared by New England Learning and Research, Inc. The Committee is in general agreement with the broad conclusions of the study which indicates that the proposed center could reasonably anticipate meeting its operational costs but that the lack of a completed operational plan and a budget at this time do not make it possible to conclude to what extent the proposed center could pay construction costs.

A brief summary of the general conclusions of the study is attached to this report. Copies of the complete study which is about twenty pages in length are available on request either from the Office of the Legislative Research Director, from the Maine State Library or from Committee Chairman Sen. Richard Berry. Since the study is not in itself the report of the committee and in order to preserve the limited funds of the Committee, it was decided to limit distribution only to persons who have a definite interest in the material.

The Committee feels that the project is an unusual one which would yield many benefits not only to the Portland area but also to the entire state. It respectfully requests that the life of the Committee be extended for further review of the project and its total economic feasibility and that the

Committee be directed to make a final report to the next regular session of the Legislature in January 1973.

(S. P. 786)

Signed
s Richard N. Berry
Sen. Richard N. Berry
Committee Chairman

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

Sent down for concurrence.

Senate Papers

Mrs. Carswell of Cumberland presented the following Joint Resolution and moved its adoption:

State of Maine

In the Year of Our Lord

One Thousand Nine Hundred

and Seventy-two

IN MEMORIAM

WHEREAS, the Members of the Legislature have learned of the passing, on February 10, 1972, of Mr. Jack Laurence of South Portland, Maine; and

WHEREAS, Mr. Laurence was one of the most devoted and well loved sports promoters of our time; and

WHEREAS, it is beyond reach to detail the many persons he helped directly or indirectly, the number of performers whose careers he fostered, the thousands of spectators' lives he enriched; and

WHEREAS, his remarkable career has left enduring marks in or about the arenas and halls and their occupants literally around the world; and

WHEREAS, less known were his many quiet acts of charity and civic mindedness which have made bonds global in scope that may never be severed; now, therefore, be it

RESOLVED: That We, the Members of the 105th Legislature of the State of Maine now assembled in special session, take this moment to inscribe this token of lasting affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, duly attested by the President of the Senate and

the Speaker of the House, be immediately transmitted by the Secretary of State to the bereaved family.

(S. P. 781)

Which was Read and Adopted.

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

Committee Reports Senate

Divided Report

The Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." (S. P. 729) (L. D. 2011)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-389)

Signed:

Senator:

JOHNSON of Somerset

Representatives:

BUSTIN of Augusta

GOODWIN of Bath

HODGDON of Kittery

STILLINGS of Berwick

COONEY of Webster

FARRINGTON

of Old Orchard Beach

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

DONAGHY of Lubec

SHAW of Chelsea

SILVERMAN of Calais

CURTIS of Orono

The same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft Under Same Title (S. P. 787) (L. D. 2059)

Signed:

Senator:

WYMAN of Washington

Representative:

MARSTALLER

of Freeport

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Senate Accept the Ought Not to Pass Report "B" of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would oppose this motion. This is the Ought Not to Pass Report on the Bill. We spent a lot of time and we have come up with three reports here.

The first report, Ought to Pass, without the amendment, combines the Department of Banks, the Insurance Department, the MIBA, the MRA, the Maine Municipal Securities Approval Board, the Running Race Commission, the Real Estate and Boxing Commissions.

I would say the Committee has bent over backwards to allow the banks, who have opposed this bill - not from the beginning, but at a much later date than I felt they should have opposed it; they got into the act here as we got well along toward the end, and I think they could see the handwriting on the wall long before this time - we have protected their interests as far as policy-making is concerned, and we feel that to do the job right this combination should be accomplished.

I hope we oppose this motion of Senator Clifford's on Report "B", and then, if that is the case, I would move that we accept Report "A". However, if we do not accept Report "A", I would be willing to accept, and I am sure the majority of the Committee would, Report "C".

The difference between Report "A" and Report "C" is this: In Report "A" the Commissioner appoints the Director of the Bureau of Banks, with the consent of the Governor and Council. In Report "C" the Director is appointed by the Governor, with the Council, without going through the Commissioner, plus another amendment on there, on the new draft, which would allow the Banking Department to make their own budget and their own controls which, to me, is ridiculous to a certain extent because the Commissioner would have no say at all really.

But this combination should be put together in view of the fact,

and I think we will all agree, that the banks, the savings banks will one of these days probably be in the life insurance business, and with annuities, real estate and everything else being tied in with banks and insurance now, it is obvious that in the future, and the future is today, we should combine these two. So I would oppose the motion of Senator Clifford that we accept Report "B", which is the Ought Not to Pass Report.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I think the members here realize that on most of these reorganization bills I have been supporting them and I have been signing the Ought to Pass Reports of the Committee, but on this particular reorganization bill I have very serious reservations.

My hesitation about forming this newly created department stems from the fact that the banks are included with insurance. I think there may be some conflict of interest on the part of a would-be commissioner in this department, and that is one of the reasons why I signed as I did sign. I think that everybody here will agree that any commissioner of a proposed department in these reorganization bills will have a great deal of influence in running the department, particularly in the area of matters of budget.

Included in this particular bill are several new bureaus, including Insurance, Banks, and, as Senator Johnson said, Running Races, Real Estate Commission and the Boxing Commission, along with the MIBA, the Maine Industrial Building Authority, the Maine Recreation Authority, and the Maine Securities Approval Board.

I am going to give you an example of one area where I think a commissioner, if this department were formed, a commissioner might be placed in a possible conflict of interest, and this is where I have my reservations about creating this new department. I will give you a hypothetical example if I might. Let's assume for a moment that a new industry wants to

settle in a depressed area of this state, and let's assume further that this industry is risky, as most of these are, but that the MIBA, who is going to guarantee the loan, thinks that the risk involved will be justified by the fact that many jobs might be created as a result of this new industry settling here. Now, the commissioner, who is going to oversee the MIBA under this new set-up, along with the banks will either be industry orientated or he will be orientated towards the banks. Let's assume for a minute that he pushes hard to get this new industry into the area, and let's assume further that the banks in the area where this new industry is proposed feel otherwise, that they don't think that the risk involved is justified, that they think this new industry is a sure thing to go down the drain. Now, the commissioner is in a rather delicate position, in a position where he can put a lot of pressure on the banks of this area to make this loan against their will.

I only point this out as a possibility, and this is only in one particular area. I am sure if you look at these two large industries, the insurance industry and the banking industry, you can find many more where there might be a possible conflict of interest, where you might be putting the commissioner of this newly created department in a possible conflict of interest situation in choosing one side against the other.

As I said, I supported most of these bills, but I have serious reservations about this particular one and, for that reason, I signed the Ought Not to Pass Report, and I urge you to support me in my motion to accept this report. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is one of the bills that Senator Johnson's Committee has put a great deal of time and effort into, and I think their efforts should neither go unrecognized nor unrewarded. We are recognizing their efforts, and I think the

reward should be a very sincere effort on our part to pass a bill.

I agree with Senator Johnson's position, however, I should emphasize that I differ from him in my enthusiasm for Report "C" in place of Report "A", and it would be my hope that Report "C" would prevail, which I think Senator Johnson subscribes to.

The differences between Reports "A" and "C" are significant. As Senator Johnson has said, Report "A" puts the Banking Department completely and totally in the new department. It was obvious as we were making progress in the reorganization plans that there was opposition on the part of all bankers to the bill and, I think, in an attempt to recognize the political facts of life and to save the bill, that we all got our heads together and made meaningful compromises. The bill as reported out in Report "A" does not contain these meaningful compromises. I find no fault with it, however, as a political realist, I subscribe to Report "C", and I will outline to you very, very briefly the differences between Report "A" and Report "C".

Report "C" has as its intent to keep the Banking Department exactly as it is now, but put it under the new department perhaps technically and on paper. It would provide that, as is done now, the Bank Director would be appointed by the Governor and Council. And a most important point, it provides that the affairs of the banking industry, professional responsibility, as exercised by the Director of Banking, stops there at that Director, just the way it is now. If, for instance, a branch bank is desired and the Banking Director turns down the application, there is no appeal to the Commissioner of the department. The applicant, if dissatisfied, can go to the courts just as he can now. Now, this matter of professional responsibility stopping at the Bank Director removed the biggest concern that the bankers had, that they would be subordinate and have their affairs run by somebody unfamiliar with their operations, and this was a very, very valid objection. I consider this the most important concession that was made.

Another thing that Report "C" does is permit the Bank Director to do just as the Bank Commissioner does now, and this is appoint his subordinates.

Now, you would ask the very logical question: Why consolidate them if we have done this? There are still benefits accruing. In the first place, the banking industry, as represented by its department now or its bureau in the future, is not going to be left out in limbo, the target of future legislation in a continual source of questioning as to why this was done by this legislature, why were they omitted. It would significantly weaken the legislation if the Banking Department were left out completely and, in my opinion, I think we should oppose the formation of the department at all if we are going to leave out the Bank Department.

The benefits of the consolidation as provided by Reports "A" and "C" both are that the Banking Department will have several functions coordinated. It is provided in Report "C" that the budgets shall be coordinated or consolidated and prepared by the Commissioner. This means that the budget as submitted by the Bank Director will be included in toto with the Commissioner's budget. The Commissioner obviously is going to consolidate and coordinate obvious overlappings that appear in the budget, but he is not going to be in the position to totally cut down or make wholesale cuts. There will be consolidation of purchases, there will be consolidation of vehicle operation and public relations operations, and we will have the manifestations of a consolidated department.

I can assure the members of the Senate that there has been a great deal of give and take here, and I think that the best interests of the banking industry itself will be served by the adoption ultimately of Report "C". I hope you vote against Senator Clifford's motion, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I, too, would like to com-

mend Senator Johnson and his Committee for the work they have done on these reorganizational bills. However, I have been concerned from the start that there is not the savings in many of the reorganization bills that have been anticipated.

We have passed quite a few already at this session, and I feel that we should wait on some of these larger reorganizational bills to see if they can make savings with the ones we have already passed.

My chief objection to this bill, and one or two that are to come before us at a later period, is that I feel very strongly if they are to work they should have an administrator at the head of the department, that they shouldn't take the Insurance Commissioner, as in this case, or the Banking Commissioner, and expect him to efficiently supervise the consolidation of these various activities. So, for that reason, mainly, I rise to support the motion of the Senator from Androscoggin, Senator Clifford, to accept Report "B".

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on this L. D. 2011, I move it be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I don't wish to belabor this item this morning, but I think that the Majority Floor Leader has certainly spelled out very well and expressed his sentiments very well this morning with relationship to this reorganization bill.

I am another one who has been around the state house during the summer on many occasions and know only too well how hard the Committee has worked on reorganization, and it would be my hope that the Senate would go along with rejecting the motion of the good Senator from Androscoggin, Senator Clifford, and try to work out some sort of a compro-

mise either on Report "A" or Report "C".

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Ought Not to Pass Report "B" of the Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." 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 of those present having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Ought Not to Pass Report "B" of the Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." 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, Bernard, Carswell, Chick, Clifford, Danton, Dunn, Greeley, Hoffses, Marcotte, Moore, Schulten, Tanous, and Wyman.

NAYS: Senators Berry, Conley, Graham, Harding, Johnson, Katz, Kellam, Martin, Minkowsky, Peabody, Quinn, Sewall, Shute, and President MacLeod.

ABSENT: Senators Fortier, Hichens, Levine, and Violette.

A roll call was had. Fourteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative with four Senators absent, the motion did not prevail.

Mr. Johnson of Somerset moved that the Senate Accept the Minority Ought to Pass Report "C" of the Committee.

Mr. Clifford of Androscoggin then moved that the Bill be tabled

until later in today's session, pending the motion by Mr. Johnson of Somerset that the Senate Accept the Ought to Pass Report "C" of the Committee.

On motion by Mr. Berry of Cumberland, a division was had. Twelve Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report "C" of the Committee?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would request a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that the Senate accept Report "C", Ought to Pass in New Draft, on Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." A Yes vote will be in favor of accepting Report "C"; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Conley, Graham, Harding, Johnson, Katz, Martin, Minkowsky, Peabody, Sewall, Shute, Wyman and President MacLeod.

NAYS: Senators Anderson, Bernard, Carswell, Chick, Clifford, Danton, Dunn, Greeley, Hoffses, Kellam, Marcotte, Moore, Quinn, Schulten, and Tanous.

ABSENT: Senators Fortier, Hichens, Levine and Violette.

A roll call was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with four Senators absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as amended Report "A" of the Committee?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the acceptance of Report "A", Ought to Pass as amended, of the Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." A Yes vote will be in favor of accepting Report "A" of the Committee; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Conley, Graham, Kellam, Wyman and President MacLeod.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Clifford, Danton, Dunn, Greeley, Harding, Hichens, Hoffses, Johnson, Katz, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute and Tanous.

ABSENT: Senators Fortier, Levine and Violette.

A roll call was had. Five Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, with three Senators absent, the Ought to Pass as Amended Report "A" of the Committee was not Accepted.

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 further Consideration.

Enactors

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

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

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

Mr. ANDERSON of Hancock: 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 enactment of An Act Implementing the Reorganization of the Department of Educational and Cultural Services. A Yes vote will be in favor of Enactment; A No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Graham, Harding, Johnson, Katz, Kellam, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman and President MacLeod.

NAYS: Senators Anderson, Dunn, Greeley, Hichens and Hoffses.

ABSENT: Senators Fortier, Levine and Violette.

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

An Act Relating to Full-time Prosecuting Attorneys. (S. P. 775) (L. D. 2055)

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I believe that this bill was fully debated last week, therefore, I do not intend to go into any of its details. I would just like to express my party's feeling as to the fact that it is unfortunate for the Maine Legislature and also the citizens of this state that we

couldn't have worked in a spirit of compromise by reporting out a bill that would have benefitted all the citizens of the state.

It is unfortunate also that this issue has grown to such a blossom that even a Governor's veto has already been forecast prior to the passage of this document, and I would just state, before the final vote is taken on this bill, that we still have at least one more chance to try to reconsider our position, and try to act in a responsible manner by trying to compromise on the basis of having these full-time prosecuting attorneys elected. I feel only too sure that if this bill is enacted it is very likely that we could have the bill back before us in a veto message either this afternoon or very possibly tomorrow morning. So, Mr. President, I move the indefinite postponement of this item.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Bill, An Act Relating to Full-time Prosecuting Attorneys, Legislative Document 2055, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I will ask for a roll call on the motion which I oppose.

I can't remember ever speaking on a prosecutor bill, but I want the Senate to know that I have voted for so darn many prosecution bills during the sessions I have been in this legislature that I have got it up to here.

Now, my people don't care two hoots about some of these glamorous reorganization bills that have been flying by here amidst all the words of praise. They really don't care about the reorganization of the Department of Education, Health and Welfare, or Banking and Insurance. It doesn't affect them. But this does affect them, and I thought we had reached a spirit of compromise. And I am here to stand this morning and say to the members of the Democratic Party in this Senate that in all the times the incumbent Governor has sent us veto messages, not once, not once, has the Democratic Party in this Senate stood up and

acted like individual legislators, not once. And in all these times you can't tell me that the Governor is 100 percent correct.

Now, this is going to develop into a question of who is right and who is wrong, but I will tell you what the people are saying; they are saying: "A plague on both of your houses."

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 Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I had hoped for some statesmanship from the members of the Minority Party. I had hoped that all those members of the Democratic Party who voted for this legislation at the regular session would be consistent. I had hoped that the members of the Democratic Party would be aware of crime in the streets. I had hoped that the members of the Democratic Party would pay no heed to the prejudgment of the Chief Executive. I had hoped, apparently, for too much.

It was quite apropos, I think, that the message from the Democratic Party, the edict from the Democratic Party, was given by the Senator from Cumberland, Senator Conley. It was very apropos for several reasons. The crime problem in Cumberland County is the biggest in the State of Maine, and one would think that Senator Conley from Cumberland would be in the forefront of doing everything possible to permit the proper administration of justice in his county and in the state.

The Senator from Cumberland, Senator Conley, is a very good friend of the present County Attorney, former Representative Joseph Brennan, and I had hoped that the awareness of the Senator from

Cumberland, Senator Conley, of the problems of his friend might possibly produce a viewpoint in Senator Conley that would permit him to help his friend, County Attorney Brennan, in the administration of justice in Cumberland County.

It is a coincidence that the top part of the Portland paper this morning is devoted to this problem, and I am sorry that he hasn't seen fit to take this opportunity of helping out, straightening out, and alleviating the fantastic load in our court in Cumberland County.

We have, as somebody said, seen several of these reorganization bills flick by, and many of us in the Republican Party have labored long and hard in the vineyards on what has frequently been called the Governor's Reorganization Program. Some of us have been criticized for being critical of these programs at various stages of the game, but the facts were, and are, that everyone I know in the Republican Party has tried to come to meaningful compromises but, lo and behold, when something comes along that doesn't please the Governor, the members of the Democratic Party in the Senate seem to forget the issues involved, the crime in the streets, the law and order, the drug program. They seem to forget all of the problems we have that can be immeasurably solved by strengthening our prosecuting system.

I guess we had hoped for too much, but I am going to be very disappointed to see recorded today this change of vote by these Senators of the Democratic Party who worked so hard and so long at the regular session and then, for some inexplicable reason, have turned tail and run from the defense of all these things that are just screaming, just pleading, to be taken care of. It seems to me there is a time to put aside the mantle of partisanship, and to work cooperatively.

I can't help but recall the words of Senator Kellam during a recent debate in which it was indicated that the personalities involved here have a great deal to do with this legislation. It seems amazing that we can't put ourselves above personalities. How is it that we

can neglect completely this crime problem? How is it we can sit here and say just because the Governor is going to veto this we are going to vote against it?

I hope you will vote to enact this bill and put it on the Governor's table, and I would hope that you might be able to convince the Governor of your own viewpoints. I would suggest that the members of the Senate who have changed their viewpoint go back and talk with the Governor and ask him if he would please sign this so that we can accomplish some of the good that the measure will permit.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If there is one gentleman certainly in this Senate who can bring me to my feet, it is my good friend from Cumberland, Senator Berry. The issue really here is: do you want a campaign issue or do you want to do something about the county attorney thing?

I would remind all of the Senators here that I worked very hard to convince not only the Governor but the members of my party to go along with the appointive system. I don't know of anything which I worked any harder on, and I don't know of anything which I found any more resistance on. I told you before that we tried it once and we failed. So, here again, we are just doing the same thing again which so many of us tried so hard on before and we were not successful at.

There is a great deal of opposition, not only in the Democratic Party, but in the Republican Party throughout the state and among judges, and among individuals to this type of thing.

There are only five states in the nation that have this type of an appointive program. There are possibilities of grave corruption and there are other things which people object to in this. It is not just the Governor. I mean, the Governor is under very strong pressure from people on the county level, on the state level, and the judiciary. This was very much

debated and it was not just his personal view.

We have already been through this once and we failed, and so now you are asking us, as the Senator from Cumberland, Senator Berry, said, to try the same thing over again. Now, I don't call that a meaningful compromise, and the Democratic Party has been willing to compromise. We have been willing to have an elective system or to improve the existing system, but we found no area of compromise whatsoever. What you are asking the Governor to do is to reject the position which he took before, after a great deal of effort, after a great deal of study, and which so many of us tried to get sold but were unable to.

So, the issue here is: do you want a campaign issue, or do you want to have full-time prosecutors? I would suggest that the Majority Party has decided that they want to try to have a campaign issue, and I think this is very, very regrettable.

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 state my personal resentment, and this is the first time I have ever used those words, at the notion that anything as important to me, my party, and the people of the state is being created as a campaign issue. It is nonsense.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I sat back and listened very attentively to the remarks made by the Majority Floor Leader, the good Senator from Cumberland, Senator Berry, and he has brought into his debate here this morning the very able County Attorney of Cumberland County, County Attorney Joseph Brennan, when we are well aware, particularly the Senators from Cumberland, of the particularly high case load that presently does exist in Cumberland County. But I am sure that the good Senator, Senator Berry, would agree that

long since has there been such a qualified County Attorney as the present one now holding office down in our county.

I have known over the years, the last two years in particular, as Senator Berry has pointed out, that Mr. Brennan and I are very close friends, and I drop in very frequently to see him at his office, both at the courthouse and at his home. Mr. Brennan has all the faith in the world in the electorate system and, I might interject at this time, that Mr. Brennan is one of those who stands very strongly opposed to the present bill before us. I think the record will show that Mr. Brennan also served on the commission that was established by the Governor, and his position at that time was to try to present a bill or bring a bill in here that would be in the area of electing our full-time prosecuting attorneys.

I don't want to get into a real partisan issue here. It just seems to me to be ridiculous that we are running the same old measure here through the wringer again. As I stated the other day, I brought this bill before the Reference of Bills Committee at the time it had its hearings, and I honestly stated that I did not know what the position of the Governor was going to be relating to the bill that was passed in the last session. But he vetoed it, and there is very little change in the present measure that is now going to him.

I congratulate the good Senator from Penobscot, Senator Tanous, because I feel that Senator Tanous did, in all fairness to him, sit down with the Democrats and try to work out a compromise, but it is only too clear, even to Senator Tanous, that his party is not going to stand for a compromise on this issue, and this thing is going to be bullied through the Senate and onto the Governor's desk.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Senator Conley from Cumberland evokes memories of a committee, and I found the operations of that committee quite

interesting. He, of course, is referring to the Governor's appointed committee to study this bill.

One suspects that when a Governor appoints a committee such as this that it conceivably might have people on it that shared the viewpoint of the Governor, who is opposed to the bill. Lo and behold, when the report of the committee came out, it was eight to seven against the bill. That is almost a split vote in favor of the bill, by one vote.

Now, I would say, Mr. President and Members of the Senate, that if there is sincerity on the part of the leaders of the Democratic Party, and if they are consistent with their feelings on this bill as they were last spring, that all they need to do is don't give a worry to the Governor's veto; just find four good Democrats who will be consistent, and vote again like you voted then, and we will override the veto.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am not going to go back and say what I said last week when we discussed this bill before, but you can rest assured that I firmly believe in everything I stated at that time, and I would incorporate by reference today the various things I did discuss.

I didn't plan to get up on the bill at all today since it has become a matter whereby the Republican Party has decided that they are going to feel that this is something of an issue with them and they would like to have it. Since they do want it so badly, I suppose we ought to give it to them, for what it is worth.

Since my colleague from Cumberland County, my good friend, Senator Berry, has referred to the crime in the streets problem in Cumberland County, I think I ought to make a few comments relative to that particular aspect. I had checked with the County Attorney's office there over the weekend and asked them if they had a few figures I could have, since I am somewhat familiar with their activities.

The activity of the Cumberland County Attorney's office has been, of course, very extreme in the last year since the incumbent took office, and for years before, for that matter. One of the main reasons I object to this particular bill is that it is a step backwards, and if you wish to look at the figures of convictions for major crime in Cumberland County, and just compare what the batting average is of the County Attorney's office with the batting average of the Attorney General's office, which does handle some cases, you will find that the County Attorney's office is far better, despite the fact that it is working with a staff which has been virtually unchanged for many years, and despite the fact that in the Attorney General's office, it is an every other day affair, almost, that we add a few more people. We are going to have to completely remodel the building again, I think, to take care of all the Attorney General's staff someday simply because we keep adding two or three.

In the last fourteen months, the figures I have are that 262 felony cases have been disposed of in Cumberland County. This is a large number of cases. They also had about 800 or so misdemeanor cases. Of these felony cases, three of them have been found not guilty by the judge and, I believe, three of them not guilty by the jury. Actually, I think, there were six not guilty by the jury, but three of them were convicted on companion cases. Of the three that were not guilty by the jury, I believe that two of them were rape cases that weren't particularly strong anyway, and the third one was an aggravated assault between a couple of drinking buddies. I won't go into the record of the Attorney General's office, but I assure you the percentage is far worse.

I personally do not want to detract from the present prosecution in Cumberland County and, consequently, I do not want the Attorney General's office to be appointing some more people out of law school to prosecute cases there, who may have very good potential as lawyers, but certainly are inexperienced when they take

the job. We have had quite a few falls in the past by prosecutors from the Attorney General's office and, like all of us, they do learn, and I would say now that the Attorney General's staff that is prosecuting cases are doing a far better job than they did a few years ago. But that is no reason why we should bring a dozen more in and take a beating in the courts until they learn their experience. I would far rather have attorneys who have represented defendants taking their lumps, and have a few people sent to prison who might have gotten off with a little bit more astuteness; I would rather have the loss go that way. Consequently, I feel there is virtually no merit whatever is the many words that the good Senator from Cumberland, Senator Berry, has had to say. It is just a case that this is a very, very bad bill, and I hope that we will stick to our guns on it.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, An Act Relating to Full-time Prosecuting Attorneys, Legislative Document 2055, be indefinitely postponed. A roll call has been ordered. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

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

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

ABSENT: Senators Fortier, Levine, Sewall and Violette.

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

A roll call was had. Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with four Senators absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by

the Secretary presented to the Governor for his approval.

Constitutional Amendment

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)

The PRESIDENT: 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 Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was really unaware that this constitutional amendment was going to meet any opposition here this morning on enactment. My only purpose for standing up and saying a few words on it is that I think this matter should be actually a question for the people to determine.

I firmly believe that the people ought to be given a choice to decide whether the age ought to be reduced or not. I certainly think it is a constitutional right of the people, and the question can't come to them unless we give it to them, and I would urge your support. Ultimately it is the people that will decide whom they elect for office, and certainly I feel they should be given that decision. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I concur with the remarks of the good Senator from Penobscot, Senator Tanous. It seems strange to me that this constitutional amendment sets out only the House of Representatives.

I think probably it is unfortunate that it does not include the State Senate.

The other body overwhelmingly passed this amendment the other day, and it just seems strange to me that where we have given the eighteen-year-olds the right to vote, and also full adult rights, it seems also within the same line of thinking that we should allow twenty-year-olds to be able to participate in their government by being elected representatives to the House of Representatives. I would, therefore, hope that we would pass this constitutional amendment.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: It seems ironical, the way the law is made up, that the people have to vote on whether we can have twenty-year-olds in our legislature, but not have the right to vote on whether eighteen-year-olds should have adult rights in our State. Last week this was passed in the Senate and other body, and was signed by the Governor, to give these young people adult rights at eighteen, and yet it has to go to the people on whether they have the right to serve in our legislature. I think that under those conditions, where they did not have that right to vote on the eighteen-year-old adult rights we could go ahead and do what we want this morning.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Some of you may recall that in the regular session I was the sponsor of this bill which lowered the voting age to age twenty in the House of Representatives, and the sponsor of a similar bill which would lower the voting age in the Senate to twenty-one, I believe.

I did not vote for adult rights the other day, and I have several reasons for not doing so. I think this is a different situation in that age twenty is a reasonable age and, as far as Senator Hichens objections are concerned, these are spelled out in our Maine Constitu-

tion, and this we haven't suggested to change.

I am going to support the constitutional amendment today, and I hope it is passed by this body and passed by the people in the fall.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would only like to point out one thing which I think we should consider, and that is that the Supreme Court has ruled the rights of eighteen-year-olds to vote, all very true, but I would call your attention to the fact that the Congress of the United States has not seen fit to lower the age of those who will serve in the Congress of our United States.

The PRESIDENT: The pending question before the Senate is final passage of 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. A Yes vote will be in favor of final passage; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Chick, Clifford, Conley, Danton, Graham, Greeley, Harding, Johnson, Kellam, Marcotte, Minkowsky, Schulten, Shute, Tanous and Wyman.

NAYS: Senators Anderson, Berry, Dunn, Hichens, Hoffses, Katz, Martin, Moore, Peabody, Quinn, Sewall and President MacLeod.

ABSENT: Senators Fortier, Levine and Violette.

A roll call was had. Seventeen Senator having voted in the affirmative, and twelve Senators having voted in the negative, with three Senators absent, and seventeen being less than two-thirds of those Senators present and voting, the Resolve Failed of Final Passage in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President, I would move the Senate reconsider its action whereby this Resolve failed of final passage.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby this bill failed of final passage. As many Senators as are in favor of reconsideration will please say Yes; those opposed No.

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

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

Orders of the Day

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

Bill, "An Act Relating to Penalty for Sale of Certain Drugs." (H. P. 1582) (L. D. 2040)

Tabled — March 6, 1972 by Sen. Berry of Cumberland.

Pending — Enactment.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: This bill has been debated time and time again, and I imagine that this morning it will probably get enacted. Before it does, I certainly want to express my opposition to the enactment of the bill.

I think it is wrong, I think we are depriving the courts of the prerogative which they have to determine sentencing, and I think it is going to greatly harm law enforcement.

There isn't one penologist in this country, and there wasn't one person who was connected with the field of drug treatment who appeared before our committee, doctors and psychiatrists, who favored mandatory sentences of any type, especially in this area, and it grieves me to feel that some of us think this will be a deterrent to future activities. It grieves me because legislation of this type will force the real seller, the real pusher, to go underground and, by doing this, he will be even less susceptible to arrest than he is today.

There was an article that appeared in the Portland Press Herald on March 2nd, the title of which was "Turkish Court Gives Boy Six-year Term for Drugs." Six

years in jail for drugs. It wasn't really drugs; it was hashish, a stronger form of marijuana. This boy apparently was traveling through Turkey with his mother and brothers and sisters. He came from India and was going to England. This is what the article said: "Timothy", this is the kid, "said his family had no money and he trusted 'Footsie', an elusive American, he said, who got him to transport the hashish across the country." A fourteen-year-old boy.

We have fourteen-year-old boys in this state, we have thirteen-year-old boys, we have twelve, and we have fifteen, who could be subject to elusive people of this type and, gentlemen, when you vote for this you are going to vote to jail these young people who have been trapped by the elusive peddler. Thank you.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: We did debate this very thoroughly on several different occasions in the past. My feelings haven't changed on this bill. I still think it is a needed bill, I intend to support it, and I also intend to ask for a roll call, and ask those who supported this, to the extent of giving it a resounding eighteen to eleven favorable roll call the last time around, again for their support at the enactment stage.

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

Mr. MARCOTTE of York: Mr. President and Members of the Senate: I have always had a tremendous amount of respect for the judgment of our attorneys in this body, and I still do, but in this particular case I find the rhetoric imbecilic.

Now, the pushers of drugs are a definite threat to our society, to the youth of our state and the entire country, and I think they should be dealt with accordingly. I had even considered offering an amendment that would place a bounty on the pushers. This is how strongly I feel about it. But at this stage of the game I will be merely content to support this bill.

The PRESIDENT: Is the Senate ready for the question? 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. A Yes vote will be in favor of enactment; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Chick, Danton, Dunn, Greeley, Hichens, Hoffses, Johnson Marcotte, Moore, Schulten, Sewall, Shute, and Wyman.

NAYS: Senators Carswell, Clifford, Conley, Graham, Harding, Katz, Kellam, Martin, Minkowsky, Peabody, Quinn, Tanous, and President MacLeod.

ABSENT: Senators Fortier, Levine and Violette.

A roll call was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with three Senators absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Papers From the House

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be directed to report out a bill to provide funds to assist County Attorneys in the administration of the Court System.

(H. P. 1612)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

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

JOINT ORDER: (S. P. 753) Relative to Legislative Research Committee study subject matter of Bill, "An Act Relating to Animal Welfare" (S. P. 705) (L. D. 1886)

Tabled — February 7, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage.

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

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

JOINT ORDER (H. P. 1578) Relative to Legislative Research Committee study subject matter of "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act." (H. P. 1481) (L. D. 1924)

Tabled — February 22, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

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

JOINT ORDER (H. P. 1586) Relative to Legislative Research Committee study of Laws and Regulations re Health Manpower.

Tabled — February 24, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

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

JOINT ORDER (H. P. 1602) (Relative to Legislative Research Committee study state law Revised Statutes, Title 13, Section 934.

Tabled — March 2, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

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

JOINT ORDER (S. P. 784) Relative to Legislative Research Committee study feasibility of using a cost plus formula for computing reimbursement to boarding and nurses homes.

Tabled — March 6, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Providing Police Communications Operators for State Police. (H. P. 1451) (L. D. 1894)

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

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

Resolve, to Reimburse Certain Persons for Displacement Costs Because of Property Taken by State. (S. P. 691) (L. D. 1872)

Resolve, in Favor of Cole's Express for Truck Damage. (H. P. 1490) (L. D. 1933)

Resolve, to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway Maintenance. (H. P. 1491) (L. D. 1934)

Resolve, in Favor of Robert D. Lust for Automobile Damage. (H. P. 1492) (L. D. 1935)

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

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

An Act to Make Additional Allocations from the General Highway Fund for the Fiscal Year Ending June 30, 1973. (S. P. 708) (L. D. 1889)

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

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 first matter tabled earlier in today's session, by Mr. Minkowsky of Androscoggin:

Bill, "An Act Relating to Per Diem Allowances and Expenses for Members of the State Board of Barbers and State Board of Hairdressers." (H. P. 1580) (L. D. 2037)

Pending — Consideration.

In the Senate March 1, 1972, Passed to be Enacted.

In the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-360), as Amended by House Amendment "A" Thereto (H-625), in non-concurrence.

Thereupon the Senate voted to Recede and Concur.

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

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

JOINT ORDER — Relative to Special Committee of Inquiry concerning Bangor State Hospital. (H. P. 1607)

Pending — Passage

Thereupon, the Joint Order received Passage in concurrence.

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

SENATE REPORTS from the Committee on State Government on Bill, An Act Implementing the Reorganization of the Department

of Business Regulation. (S. P. 729) (L. D. 2001), Report "A", Ought to Pass as Amended by Committee Amendment "A" (S. P. 389); Report "B", Ought Not to Pass; Report "C", Ought to Pass in New Draft (S. P. 787), (L. D. 2059).

Pending — Further Consideration.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby it failed to Accept the Ought to Pass in New Draft Report "C" of the Committee.

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

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

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I oppose suspending the rules.

The PRESIDENT: As many Senators as are in favor of suspending the rules will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Bill was tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair is very pleased to recognize the presence in the Senate Chamber this afternoon of one of our beautiful young ladies in Aroostook County, Miss Martha Getchell from Limestone, who is Maine's Potato Queen this year. The Chair would ask the Sergeant-at-Arms to escort Miss Getchell to the rostrum for any remarks she may care to make.

Thereupon, the Sergeant-at-Arms escorted Miss Getchell to the rostrum where she addressed the Senate as follows:

Miss GETCHELL: Thank you very much for allowing me the time to come up and say a few brief words to the Maine Senate. I would like to remind you that March 15th through the 25th is Maine Potato Week. So, please support your Maine potatoes because they are the best. Thank you again very much.

Thereupon, the Sergeant-at-Arms escorted Miss Getchell from the Rostrum to the rear of the Senate Chamber, amid the applause of the Senate, the Members rising.

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 to Revise the Site Location of Development Law." (S. P. 767) (L. D. 2045)

In the Senate March 1, 1972, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-620) in non-concurrence.

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

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

Joint Order

WHEREAS, the Wolverines of Schenck High School of East Millinocket are the winners of the 1972 State Class "B" Basketball Championship; and

WHEREAS, this talented group of courageous young men have demonstrated a style of team play and skill only possessed by champions; and

WHEREAS, the Towns of East Millinocket and Medway can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature, now assembled in special session, take this opportunity to commend the Wolverines of Schenck High School and coach, Ronald Marks, for winning the State Class "B" Basketball Championship for 1972 and wish them continued success

in the field of sports; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Towns of East Millinocket and Medway and the principal and coach of Schenck High School.

(H. P. 1611)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports House

Divided Report

The Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Human Services." (H. P. 1551) (L. D. 2012)

Reports in Report "A" that the same be referred to the 106th Legislature.

Signed:

Representatives:

DONAGHY of Lubec
SILVERMAN of Calais
HODGDON of Kittery
STILLINGS of Berwick
MARSTALLER

of Freeport
CURTIS of Orono
SHAW of Chelsea

The same Committee on the same subject matter reports in Report "B" that the same Ought to Pass in New Draft under Same Title (H. P. 1609) (L. D. 2060)

Signed:

Senator:

WYMAN of Washington

Representatives:

FARRINGTON
of Old Orchard Beach
GOODWIN of Bath
BUSTIN of Augusta
COONEY of Webster

The same Committee on the same subject matter reports in Report "C" that the same Ought to Pass in New Draft under Same Title (H. P. 1610) (L. D. 2061)

Signed:

Senators:

JOHNSON of Somerset
CLIFFORD

of Androscoggin

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

Which reports were Read.

Mrs. Carswell of Cumberland then moved that the Senate Accept Report "A" of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, moves the Report "A" of the Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Human Services", that the same be referred to the 106th Legislature, be accepted.

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, and would speak briefly. I hope that the Senate would accept Report "C" of the State Government Committee Report. Hopefully, we will defeat Senator Carswell's motion and have an opportunity to vote on Report "C" of the State Government Committee.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel somewhat in an awkward position because Report "C" is my report. However, I had the privilege, and I so say "the privilege" of listening to the debate in the unmentionable branch this morning, and I completely understand the confusion which exists. I just feel that human services is such an expansive department, with Health and Welfare, Mental Health and Corrections, and all of its bureaus and divisions, and I just feel that this is too much to heap onto the legislature at the last minute like this. Reports "A", "B" and "C", particularly "B" and "C", were redrafts, and I feel that accepting Report "C" will serve no useful purpose at this late date. So, I hope that you will vote with me to accept Report "A" when the division is taken.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Carswell, that Report "A" of the Committee on State Government be Accepted,

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 sixteen Senators having voted in the negative, the motion did not prevail.

Mr. Clifford of Androscoggin then moved that the Senate Accept the Ought to Pass in New Draft Report "C" of the Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Ought to Pass in New Draft Report "C" of the Committee on State Government.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, does a motion for indefinite postponement take precedence over the motion made by Senator Clifford?

The PRESIDENT: The Senator is correct.

Mr. TANOUS: I so move, and I would ask for a division.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Bill, "An Act Implementing the Reorganization of the Department of Human Services", be indefinitely postponed, and a division has been requested.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I move that when the vote is taken it be taken by the Yeas and Nays.

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

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

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: As I said before, I feel that there is a great deal of confusion surrounding this legislative document, and I am opposed to last minute amendments. I do feel that if Report "C", which is my report, is accepted that this matter would go to the other branch, and goodness knows what kind of amendments would come back, and we probably would end up with the original bill, which is just a monstrosity.

I have done a tremendous amount of studying on this, and I have read the book that they call the Bible. Every time I read a few more pages I find that somebody else's federal funds will be jeopardized. Last week I read a few more pages and I saw Maine Law Enforcement Agency Funds in there, so I called Jack Leet. He didn't know anything about it. He came up and looked at the Bible, and sure enough, he had an amendment made. Well, every time I find something objectionable, I call somebody and tell them and there is an amendment ready. So you can imagine the Pandora's box that this would open up if this Report "C" were accepted today. I could go on and on and on, I have an envelope full of material.

I do have one thing I think I should read. This speech here was made by Governor Curtis before the Special Session of our 104th Legislature. On governmental reorganization he mentions about the Citizens Task Force. Well, I say that the citizens didn't have very much input into this legislative document, and that upsets me greatly. Also the legislative document takes the voice away from the people. It gives the power to one individual, the sole say as to where community mental health funds will go, alcoholic rehab. funds, funds for children and youth, law enforcement funds wherein youngsters are concerned, well, let me get back to the speech by the Governor.

It says, "The Citizens Task Force on Governmental Reorganization has reported its findings which emphasize the need to con-

sult state agencies and to better coordinate programs. It is clear that major changes in state government structure need to be accomplished step by step rather than abruptly." Well, this legislative document is the most abrupt we have had in the session. It takes too many bureaus and divisions and places them together, and I say it does nothing but create impenetrable bureaucracy, without the citizen's voice being heard. Further on there are many, many recommendations from the Citizens Task Force Committee, which got little or no consideration.

So, I just will say again that when I presented a redraft of 2012 my intention was to have an individual with a Masters Degree in Business Administration take over these reorganized departments, which would be Human Services, which would include Mental Health and Corrections and Health and Welfare. I felt that an individual with a Masters Degree in Business Administration would be certainly an innovative idea and it would be new input. The Commissioner of Health and Welfare, Dr. Fisher, could have his input into this plan, and Commissioner Kearns could have his input. Then the Business Administrator would be the team man who would set up standards of performance, in mid-year he would measure the standards of performance, and he would come back to the next session of the legislature.

Now, I am doing a good job, I feel, at pleading my case here. However, at the last minute, after having heard the debate in the other body today, I just feel that this would further confuse the issue.

I won't mention any names but one individual said that this was a personal vendetta, but each member of the Senate heard me debate yesterday for the Bill of Senator Graham from Cumberland, which would give the Department of Health and Welfare an extra agency, because I felt that agency belonged there. But any time that you disagree with a department head, all of a sudden they start crybabying and it is a personal vendetta. Well, I have been here

long enough to know that you get nowhere if you attack individuals, and I don't intend to do that. I just say that right now we are not accomplishing any useful purpose if we get everything all fouled up with amendments. It is too late to study the amendments and, from the studying I have done already, I feel that it is a big mess and I just hope we kill this now.

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

Mr. JOHNSON: Mr. President and Members of the Senate: I think all of us here would agree, and I am sure the good Senator from Cumberland, Mrs. Carswell, will agree, that we have a lot of problems in these two departments. There is no doubt in my mind, and there never has been a doubt in my mind for a long time that we have had problems with these departments. I feel that this fine Senator has done a great deal of work piecemeal to accomplish something that would correct these deficiencies, perhaps, or errors, or mismanagement, whatever you wish to say.

However, I would like to say that this bill was redrafted and many of the objectionable parts were taken out. And if you recall, the bill the Senator presented, of course, has to do with the organization and, if you read page two of the segment on the organization, "The commissioner shall prepare legislation to be presented to a regular session of the 106th to amend, repeal and rearrange statutes to reflect this department's powers responsibilities and organization."

Of course, we have gone over this thing with a fine comb, and it is a complicated bill. Yet we feel that if we don't do something, it is going to be 1974-75-76 before anything is done. There has been a lot of money spent through the department, I believe from federal grants, to upgrade and update this department. I think if we plan to do anything that we should do it now. If we plan to do nothing, why we can just prolong the agony and have the same pitches and the same fights we have had now, as I recall, for the past ten years.

There is nothing wrong with this bill. We can implement it so that the present Commissioner, if he is appointed to this job, can start out and do his reorganization and, as I believe, his decentralization, which is what many of us want. He can then be asked to present to the next session of the legislature how far he has gone and what he has been able to accomplish. If we are not satisfied with it, we can certainly change the course, with no problem.

As far as I am concerned, I don't think there is anybody in this State that knows enough about the operation of this department, including the legislature, and I might add the gentleman in the corner office, to really have a comprehensive knowledge of what is going on in this area, and we have been through it for a year almost. How you tackle it and do it constructively and effectively is a very difficult proposition to outline or describe. However, if you plan to make a start, and I am sure the good Senator from Cumberland has tried to make starts in a very, very small way that really amounts to something, but it is the mountain and the mole hill. I would suggest that we do one of two things here: we either accept the Ought to Pass Report or we accept Report "C."

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Bill be Indefinitely Postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Katz, Moore, Peabody, Quinn, Shute, and Tanous.

NAYS: Senators Berry, Clifford, Conley, Danton, Graham, Harding, Johnson, Kellam, Marcotte, Martin, Minkowsky, Schulten, Sewall, Violette, Wyman, and President MacLeod.

ABSENT: Senators Fortier and Levine.

A roll call was had. Fourteen Senators having voted in the af-

firmative, and sixteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

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

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

Sent down for concurrence.

Enactors

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

An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature and a Pay Raise for Members of the Legislature and Indian Representatives at the Legislature. (H. P. 1450) (L. D. 1893)

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

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (H. P. 1550) (L. D. 2009)

Comes from the House, Failed of Final Passage.

A division was had. Eighteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, and eighteen being less than two-thirds of those Senators present and voting, the Resolve Failed of Final Passage in concurrence.

Constitutional Amendment

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)

Comes from the House, Failed of Final Passage.

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

Mr. **CLIFFORD** of Androscoggin: Mr. President and Members of the Senate: I see this resolution as being nothing more than a pure, unadulterated, partisan, political measure, and I would ask that the Democrats join me in voting against it.

In the City of Portland, where I believe there are eleven House seats, to divide the city up into single member districts, as proposed in this bill, would perhaps hurt the Democratic Party considerably. This is just one area. I can even visualize the City of Lewiston, which is the bastille of our Democratic Party, as possibly losing a Democratic seat, plus possibly losing one seat in the City of Waterville. I can see us possibly losing two seats in the City of Auburn. In short, I don't think it is going to help my party one single bit. For this reason, I hope you would vote against this measure.

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

Mr. **KATZ** of Kennebec: Mr. President and Members of the Senate: I merely want to express my personal gratitude to the Senator from Androscoggin, Senator Clifford, for explaining the implications of this bill.

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

Mr. **BERRY** of Cumberland: Mr. President, I request a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the final passage of Resolution, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representa-

tives into Single Member Districts. A Yes vote will be in favor of final passage; 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, Graham, Harding, Kellam, Mar-

cotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Fortier and Levine.

Eighteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with two Senators absent, the Resolution failed of Final Passage in concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.