

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

Wednesday, March 8, 1972

Senate called to order by the President.

Prayer by the Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

Papers From The House Non-concurrent Matter

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)

In the House March 6, 1972, Passed to be Enacted.

In the Senate March 7, 1972, Failed of Final Passage, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Anderson of Hancock moved that the Senate Adhere.

Mr. Conley of Cumberland then moved that the Senate Recede and, subsequently, Mr. Hoffses of Knox requested a division on the motion.

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

Mr. KATZ of Kennebec: Mr. President, I would like to address an inquiry: The House has enacted this, as I understand, so would not the motion to Recede be equivalent to enactment by this body and, if so, will a two-thirds vote be required?

The PRESIDENT: The Chair will inform the Senate that before this resolve is finally passed it will take a two-thirds vote of this body.

Thereupon, a division was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion to Recede prevailed.

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

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 March 6, 1972, Passed to be Engrossed as Amend-

ed by Senate Amendment "B" (S-361) and House Amendment "C" (H-607) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" and House Amendments "C" and "D" (H-626) in non-concurrence.

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

Mr. Violette of Aroostook then moved that the Senate reconsider its action whereby it voted to Recede and Concur.

Thereupon, on motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending the motion by Mr. Violette of Aroostook that the Senate reconsider its action whereby it voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Implementing the Reorganization of the Department of Environmental Protection." (S. P. 772) (L. D. 2051)

In the Senate March 1, 1972, Passed to be Engrossed as Amended by Senate Amendment "A" (S-374).

In the House March 3, 1972, Passed to be Engrossed as Amended by Senate Amendment "A" and House Amendment "A" (H-594), in non-concurrence.

In the Senate March 6, 1972, the Senate voted to Insist.

Comes from the House, that Body having Insisted.

On motion by Mr. Johnson of Somerset, the Senate voted to Recede and Concur.

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

Senate Papers

Mr. Wyman of Washington 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 JOINT RESOLUTION PETITIONING THE HONORABLE WILLIAM P. ROGERS, SECRETARY OF STATE, AND THE MAINE CONGRESSIONAL DELEGATION FOR UNITED STATES CUSTODY OF

MARINE RESOURCES ON THE CONTINENTAL SHELF

WHEREAS, the living resources found in the waters adjacent to the State of Maine and associated with the continental shelf and slope of the United States are essential to the seafood needs of the State of Maine and the nation; and

WHEREAS, these living marine resources are gravely endangered from unrestrained harvesting and fishing; and

WHEREAS, the United States, because it lacks adequate jurisdiction over all domestic and foreign fishing in the area in which these resources are found, is unable to provide proper protection and management for the conservation of these living marine resources; and

WHEREAS, the State of Maine has traditionally depended upon its commercial fishing industry for a major portion of its coastal income; and

WHEREAS, the State of Maine believes that, because of a further decline in the fish stocks in this area as a result of continued heavy fishing pressures by foreign distant waters fleets, the living marine resources are in danger of critical depletion; and

WHEREAS, the State of Maine is convinced that the harvesting of these living marine resources on a sustained basis can be continued only if a greater measure of jurisdiction is given to coastal authorities; now, therefore, be it

RESOLVED: That We, the Members of the 105th Legislature of the State of Maine now assembled in special session, go on record as petitioning the Honorable William P. Rogers, Secretary of State for the United States, and members of the Maine Congressional Delegation to use every effort at their command to establish a legal basis so that the United States shall become the custodian of all living marine resources on the continental shelf and its slope, including all such living resources in the water column above the continental shelf and its slope, so that these resources may be harvested in a manner which would provide proper conservation and wise utilization; and that in addition to such management, the

United States would have the rights to the preferential control and use of such living marine resources on the bottom and in the water column above the continental shelf and its slope as is now provided for the nonliving resources of this area; and that such fishery jurisdiction be qualified to permit controlled harvesting inside said United States fishery zone of species not fully utilized by United States vessels; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State of the State of Maine, be transmitted forthwith by him, to said Secretary of State of the United States and to each member of the Maine Congressional Delegation with our thanks for their prompt attention to this vitally important matter. (S. P. 788)

Which was Read.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Briefly, our fishing industry is in a disastrous situation. The Russians, the Poles, and now the Japanese have ships off our shores which are as large as ocean liners. A recent survey made from Newfoundland to North Carolina found 447 of these ships fishing off our shores. Generally speaking, they have stripped the ocean waters in the remainder of the world pretty much of fish, and now they are here taking our fish.

I am not sure how much good this resolution will do, but at least it will be the voice of one more state protesting the fact that these nations are destroying our fishing industry and, hopefully, it will encourage our State Department to push harder for some kind of a joint agreement with these other nations to preserve the fishing which we still have left off our shores.

It seems to be admitted that we own and control the ocean bottom as far as the continental shelf, and it just seems logical that we should also control the fisheries which are in this water. Some nations have arbitrarily extended their boundaries in which other ships cannot fish as much as 200 miles off shore.

I think Bolivia is one of them. It would be difficult for us to enforce under these conditions, but I do hope that this will help a little with our Department of State in their negotiations.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I would just like to add to what the Senator from Washington, Senator Wyman, has said, that some of these ships have nets that are eighteen miles long and they just simply comb the bottom and take everything that is on the bottom.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to concur with everything the good Senator from Washington County, Senator Wyman, has said. I have lived on the coast all of my life, my people have derived a great deal of their livelihood from the sea, and we are all concerned about our natural resources out there.

Now, having been on the Sea and Shore Fisheries Committee, which is now Fish and Wildlife, I have been very conscious of the problems we have faced there. I am also conscious of the circumstances surrounding any extension of the limitations. We have down in the gulf states a situation where it would create some hardship for our American fishermen down there fishing along the shores of the Central American countries, but we have got to do something about this raping of our natural resources in our Atlantic waters. I certainly hope that this resolution will be passed and that we can limit some of the situation which has been going on and is getting progressively worse day by day.

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

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

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the Regular Session of the 105th Legislature by Joint Order (S. P. 541) provided for a feasibility study of a Conference Center on Peaks Island by a Legislative Committee and

WHEREAS, this Committee has reported to the Special Session of the Legislature under (S. P. 786), now, therefore be it

ORDERED, the House concurring that 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 and be it further

ORDERED, that there is appropriated the sum of \$4,500 from the Legislative Account for the purpose of the study. (S. P. 789)

Which was Read and Passed.

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

Second Readers

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

Senate

Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." (S. P. 787) (L. D. 2059)

Which was Read a Second Time.

Mr. Anderson of Hancock moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. Dunn of Oxford then requested a division on Passage to be Engrossed.

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

(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.

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

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)

Pending — Final Passage.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would hope we would pass this amendment. I think we are seeing across the nation right now people as young as 18 years old running for municipal offices and running for many types of offices, and I would have no objection to allowing the voters of Maine to make their own decision as to whether they think a person 20 years old is too young to serve in the House. I hope we would pass this amendment and allow the people of this state the right to have their say on it. This is no final decision on our part, and I think we should allow the people of our state the right to be heard on this and the right to decide whether they do want people of that age to become members of the House.

I personally would endorse the idea of 20-year-olds being able to serve in this body, so I hope this legislation would be adopted, and I ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of the 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 final passage of Resolution, Proposing an Amendment to the Constitution to Reduce the Age of Qualification as a Member of the Maine House of Repre-

sentatives to Twenty Years. This is a Constitutional Amendment and requires a two-thirds vote of those Senators present and voting for final passage. A Yes vote will be in favor of final passage; a No vote will be opposed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I might also add that this, I guess, affects nobody in this body actually. It does affect the other branch, and that branch has voted to enact this legislation. I guess we ought to be concerned too because we are citizens, but that is the branch that is more directly affected and they have voted to enact this legislation. So I hope we would follow suit and go with them.

The PRESIDENT: A Yes vote will be in favor of final passage; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEA: Senators Bernard, Carswell, Chick, Clifford, Conley, Danton, Graham, Greeley, Harding, Johnson, Kellam, Marcotte, Minikowsky Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Violette and Wyman.

NAY: Senators Anderson, Berry, Dunn, Hichens, Hoffses, Katz, Moore, and President MacLeod.

ABSENT: Senators Fortier, Levine and Martin.

A roll call was had. Twenty-one Senators having voted in the affirmative, and eight Senators having voted in the negative, with three Senators absent, and twenty-one being more than two-thirds of those Senators present and voting, the Resolution was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State for submission to the people.

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

Mr. CONLEY of Cumberland: Mr. President, having voted the prevailing side, I now move that we reconsider final passage of this Resolution, and hope everyone will vote against it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate recon-

sider its action whereby this Resolution received 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.

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

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

Pending — the motion by Mr. Violette of Aroostook to reconsider whereby the Senate voted to Recede and Concur.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby the Senate receded and concurred with the House?

The motion prevailed.

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

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

Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." (S. P. 787) (L. D. 2059)

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed and, under suspension of the rules, sent down forthwith for concurrence.

(See action later in today's session.)

Papers From the House

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

Communications

State of Maine
House of representatives
Office of the Clerk
Augusta, Maine 04330

March 8, 1972

Hon. Harry N. Starbranch
Secretary of the Senate
105th Legislature
Special Session

Sir:

The House today voted to adhere

to its former action on 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) whereby it had indefinitely postponed Reports and Bill in non-concurrence.

Respectfully,
/s/ BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Enactors

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

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

An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County. (S. P. 777) (L. D. 2056)

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

Emergency

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)

This being an emergency measure and having received the affirmative votes of 24 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. CLIFFORD of Androscoggin: Mr. President, a point of order on Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." (S. P. 787) (L. D. 2059)

The PRESIDENT: The Senator may state his point of order.

Mr. CLIFFORD: It was my understanding that there was a division requested this morning and then the matter was tabled until

later on in today's session. The matter was not voted upon, but went under the hammer, as I understand it.

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: Is it now the pleasure of the Senate to suspend the rules that the bill which was sent to the House forthwith may be recalled from the House?

Thereupon, under suspension of the rules, the Bill was recalled from the House.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby Bill, "An Act Implementing the Reorganization of the Department of Business Regulation", was passed to be engrossed?

The Chair recognizes the Senator from Aroostook, Senator Harding.

On motion by Mr. Harding of Aroostook, a division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed.

The PRESIDENT: The pending question is passage to be engrossed of Bill, "An Act Implementing the Reorganization of the Department of Business Regulation."

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. Clifford of Androscoggin requested a division.

Mr. Berry of Cumberland then requested a roll call.

The PRESIDENT: A roll 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 Senors 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 that Bill, "An Act Implementing the Reorganization of the Department of Business Regulation", be passed to be engrossed. A Yes vote will be in

favor of passage to be engrossed; a No vote will be opposed.

The Secretary will call the roll.

Roll Call

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

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

ABSENT: Senators Fortier and Levine.

A roll call was had. Fouteen Senators having voted in the affirmative, and sixteen Senators havng voted in the negative, with two Senators absent, the Bill Failed of Passage to be Engrossed.

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

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

In the Senate March 3, 1972, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I am going to request that the vote again be taken by the Yeas and Nays, and I would like to make a comment on this bill. We have had a lot of fun with it, and it now ranks with those important bills such as Millimagasset Lake, Moose River, and innumerable other really important bills up for consideration at a special session. We all should be home instead of down here fooling around with a thing like this.

This has been tabled something on the order of ten or twelve times,

but the issue remains the same now as in its previous defeats: whether Dresden or any towns should be so favored to create a special law directly contravening the intent of the liquor laws.

The people in Dresden have had their opportunity to vote on this question. They have turned down questions 2 and 4 on two separate occasions; the last one 155 no, 103 yes, and 146 no, 110 yes in 1968. The law is clear. The law provides Dresden or any community the opportunity to petition the state in order to vote on any liquor question at any general election.

There has been no public clamor from the citizens of Dresden to change the law in order to vote in a special town meeting. Consider all of the other municipalities that would like to receive the special favor of the legislature departing from the norm. This type of treatment that you are considering giving Dresden should be offered to other communities. So if we are going to give one town that privilege, why not let us give all of the towns the same privilege. I would vote for a bill whereby you would provide the opportunity for any community during a regular town meeting in an off-year, a non-election year, to vote in town meeting on whether or not they should adopt any liquor question. But in an area as sensitive as liquor laws, let's not risk a change in order to satisfy the unproved need for a roadhouse in Dresden.

The PRESIDENT: Is the Senate ready for the question? 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 enactment of An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions. A Yes vote will be in favor of enactment; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEA: Senators Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Graham, Hoffses, Johnson, Katz, Kellam, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, and Tanous.

NAY: Senators Anderson, Greeley, Harding, Hichens, Shute, Violette, Wyman, and President MacLeod.

ABSENT: Senators Fortier and Levine.

A roll call was had. Twenty-two Senators having voted in the affirmative, and eight Senators having voted in the negative, with two Senators absent, and twenty-two being two-thirds of the entire elected membership of the Senate, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. BERRY of Cumberland: Mr. President, with considerable satisfaction, I am happy to move reconsideration, and I hope everybody votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of the motion to reconsider will please say Yes; those opposed, No.

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

On motion by Mr. Hoffses,
Recessed until the sound of the bell.

(After Recess)

Called to order by the President.
Papers From The House

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

Enactors

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

Emergency

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)

Comes from the House, Passed to be Enacted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It was somewhat of a pleasant surprise to see this supplemental journal before us today, and I think before we take the vote on the matter it is imperative that we all understand what is involved here.

I have heard quite a lot of talk about what should be done if we can't get the votes to enact the budget, and I am very happy that the other body has seen fit to enact it because some of the talk I have heard I don't like. There has been talk that if it fails of enactment to leave it and go home. There has been other talk of issuing a joint order which, on a majority vote, would report out the same bill without the emergency enactor. I think this would be a terrible thing to do. It would be denying a lot of funds that need to be spent right now and not wait for ninety days. I don't need to go down through this item by item and point out to you the many worthy causes here that are screaming for financial help. So it is for this reason that I am very happy that we have the bill before us in a position where it can be passed to be enacted. I consider these other methods dire emergencies which we really shouldn't give any attention to at all.

So I hope we would all vote for enactment of the bill, and I would request a roll call when the motion for enactment is voted.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. Violette of Aroostook then moved that the Bill be tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Berry of Cumberland, a division was had. Twelve Senators having voted in the affirmative, and eighteen Senators having voted in the negative,

the tabling motion did not prevail.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think some of us are just as mindful as some others of what is involved in this budget and who it concerns, so it is not due to lack of concern that I oppose enactment of this bill today.

With regard to the vote in the other body, I met with our Democratic leaders and told them that as a matter of expediency I had no objection if they voted it out of the other body and sent it over here, but I don't think we are ready today to enact this bill, and it is no lack of consideration for what is in the bill at all. So I had hoped that the matter would not have been pressed to the extent that it is.

At this point we are not going to agree to enactment of this bill, so I would hope that it would be placed in a situation or a position where at least those of our party can give it more consideration and further consideration. That is about all I have to say. I wouldn't want to jeopardize the bill at this time by running the enactment of it. We are going to refuse enactment at this time, I think, for very, very good reasons, of which I think enough people are aware.

The PRESIDENT: Is the Senate ready for the question? The pending question is enactment of 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 recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: At this late stage in the session, I cannot comprehend the remarks of the Minority Floor Leader. I am sure he isn't suggesting deals because we have nothing to deal about. All the legislation here we have been doing our best to pass, the budget document has been gone over with a fine toothed comb, we have gradually day by day put a greater strain on our members by staying here, we are wasting the public's money if

we stay here beyond Friday night, we have a very, very small number of items to further consider, and I can't see any reason—I would like to hear a reason—the only reason I understand now that this isn't going to be enacted this afternoon is because the Senator from Aroostook, Senator Violette, says he is going to withhold the votes.

I don't call this statesmanship, and I don't call this expressing a great deal of concern for the citizens of the state, the purposes for which the money is being appropriated.

I would point out again the expense of legislative delay, and I would like to hear one good reason why we shouldn't enact this bill this afternoon.

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. This is an emergency measure and, under the Constitution, in order for its enactment, it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. A Yes vote will be in favor of final enactment.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, has asked for a reason, and I will give him just one of them. That is the \$4 million item which was inserted into this budget at a late hour. It was not part of the original budget, there was no bill introduced to consider this thing, and the matter had no public hearing.

Now, there were a lot of economies sought to be made during the Governor's consideration of this budget, considerations and cuts that he himself made which he would have liked very much to accommodate, things certainly that he felt had justification to be

included in his own budget, but which he refused to do in order to keep it down as much as possible and in order to leave as much money as possible in surplus to take care of future problems of the state.

Now, when the people of the State of Maine voted by constitutional amendment to authorize money for bonding Maine Industrial Bonding Authority projects, they at the same time voted to bond any monies which the state would have to pay out, if it ever became obligated to do so. The people of the State of Maine have indicated that they are perfectly willing to allow this money to go to bonding. They have already spoken on it, and here, after this bill has been voted out of committee, amendments are added to attach a \$4 million rider and increase in this appropriations bill. This is what we object to, we object to very strenuously, and I think it is a justifiable reason at this time. We don't like to have this pushed down our throats, so to speak, and having it said "You have got to like it." We don't like it that much, and that is the reason today we are not ready to enact this appropriations bill. I think it is a justifiable reason.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I thank the Senator from Aroostook, Senator Violette, for his explanation.

I hope I do not see here an invitation for a full-blown debate on the need and the background of the monies necessary for paying off the Maine Sugar Industry's defaulted loan. If this goes over until tomorrow, I can assure the Senator from Aroostook County that there will be a debate on the subject in depth, with all the personalities and historical background that is necessary to provide this body with all the information that is needed to arrive at an intelligent discussion of the disposition of the \$4 million.

There was presented to the Governor and Council this week three orders providing for the transfer of money from this document that is before us now for

consideration to the Health and Welfare Department for current use to pay for legally required payments for the blind, aid to dependent children, and several other important Health and Welfare requirements. This is the sort of thing that is now being held up while we make our minds up.

Now, I hope with this information it will be possible for us to get the two votes necessary from the party of Senator Violette of Aroostook so that we can pass this bill to be enacted.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If for no other reasons, now we have an extremely compelling reason why this should be held over until tomorrow, because if there is some secret information which has been held, which the good Senator from Cumberland, Senator Berry, has that ought to be brought to the public's attention, then certainly it should be brought to the public's attention. We don't want the press here to feel that something is being concealed or kept from the public's eye.

So there are many of us who feel that we don't like to skip the rope every time the good Senator from Cumberland, Senator Berry, snaps the whip. And for all of these reasons, I hope my Democratic friends will vote "No", so that we can hear from the good Senator tomorrow morning of all this information he has, and that some of the rest of us may have a chance to deliberate on this matter. It is not asking very much really, because we have got to be here in the morning anyway, and we will be sure that we legislate more wisely, I think, if we do it this way.

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

Mr. KATZ of Kennebec: My President and Members of the Senate: I would like to translate the argument why we should not use surplus into business terms or into political terms. The major reason we should not use surplus in this bill to pay off the bonded indebtedness of this state is because it will

make it more difficult for the Executive next session to recommend expanded programs. I can't see any other justification, because it will lead to an increase in taxes, or it will lead to a hold the line on new and expanded services. That is a problem for the next legislature.

There isn't any secret information except that our leadership is aware that some of us who served in the 101st Legislature are very tender about the subject of Mr. Vahlsing. They know that most of us voted wrong when the question of the Prestile Stream came up. They remember that we were hurried, pushed, jostled, and asked to buy things on faith. And we bought things on faith. And then this past week a report from EDA surfaces which, to my mind, stinks of improprieties in the operation of MSI. I think that the people of the State of Maine have been stuck for over \$3.0 million, \$8.0 million of dirty money that they shouldn't have been stuck for.

It is not a question of bad business practice, in my mind, after I read the EDA report of the Department of Commerce. It is shady business practice at the very, very least, an improper diversion of funds between one corporation and another owned or controlled by the same man, and perhaps even subject to further legal action. This sticks in our craw.

Leadership asks us not to bring these things up now because in a bi-partisan spirit we are trying to get votes so that we can end this darn session and go home and vote for the necessary services. I can think of no reasonable justification for delaying until tomorrow. This bill is no surprise to anybody. This budget is no surprise to anybody. If an additional conference with the Governor was desirable, it might have been held yesterday instead of a trip to New Hampshire, if some people did go to New Hampshire. But the idea that somehow the Democratic Party or any of us are going to get any wiser over the night, I say let us recess right now, take the time necessary right now to bash it out, and let's decide it. If this were early in the session,

the courtesy, the ordinary courtesy that should be extended from one party to another would be appropriate, but the hour is late and I, for one, feel that we should have adjourned a week ago. I am increasingly embarrassed by my constituents who ask me what are we still doing up here.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I don't know where the Senator from Aroostook, Senator Violette, finds the word "secret" in anything that I said. Amongst my many failings, secrecy is not one, and I don't want him to put his head on his pillow this evening and wonder about tomorrow.

It is my intention tomorrow, not to talk about secret matters, but to talk about the record, to talk about the record of the 102nd Legislature and there are members in this room, Senator Violette from Aroostook was one, who made some very interesting votes, and I, for one, made several interesting votes in the 102nd. And Senator Muskie during that period took several interesting positions, and he has taken some subsequently which seem to be in contradiction to this. We received information ever since the 102nd of things that are wrong in this connection. They are all public; they are not secret. We are not going to pull any rabbits out of a hat tomorrow. What we are going to have tomorrow is a factual recital of what has happened during the 102nd and since. If this is the price we pay, then we will have to, of course, with the votes, because the refusal to appropriate \$4 million is the nub

of the problem. As Senator Katz from Kennebec has said, it doesn't look too good with some of the things we hear and see in this connection, but if this is what Senator Violette and his party want, per force we must do it.

The PRESIDENT: Is the Senate ready for the question? The pending question is enactment of 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. A roll call has been ordered. A Yes vote will be in favor of final enactment of this bill; 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, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Fortier and Levine.

A roll call was had. Eighteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with two Senators absent, and eighteen being less than two-thirds of the entire elected membership of the Senate, the Bill Failed of Enactment in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.