

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, March 13, 1973

Senate called to order by the President.

Prayer by the Rev. James J. Smith, Jr. of Hallowell.

Reading of the Journal of yesterday.

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

Bill, "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State." (S. P. 151) (L. D. 385)

In the Senate February 26, 1973, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-18).

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

On motion by Mr. Shute of Franklin, the Senate voted to recede from its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-30, was Read.

The PRESIDENT: It is now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would like to pose a question through the Chair, if I may, to anyone who would answer it: What does the bill do in its present form?

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair to the Senator from Franklin, Senator Shute, who may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: L. D. 385 is the result of a committee meeting held for six successive times from the last of September until mid-January, a committee that was formed at the request of the Secretary of State's Election Division to remodel some of our election laws and bring them up to date in conformity with congressional action and with Supreme Court decisions. And some of the bills being offered in the 106th Legislature attempt to accomplish these purposes.

Some of the bills were considered controversial enough so they were being offered by individual sponsors, both in the House and in the Senate. One of the larger bills yet to be reported out of committee, because of the complexity of its nature, hopefully will be reported out of committee this afternoon. But this is the major thrust of the work of this Election Laws Study Committee, comprising Democrats, Republicans, clerks, registrars, and people knowledgeable about election laws from all over the state.

In addition to work on legislation on Title 21, this committee made other recommendations to the Secretary of State. As a result of public hearings, conferences among the town officials, registrars, clerks, boards of registration, and from my personal experience for two years in the Election Division, I believe that one of the most progressive steps forward for the Election Division would be to create an office of liaison — and we have called it "municipal coordinator"; we believed that "field examiner" was an unfortunate choice of words because it connotes being examined by someone from the state, and this is not so — this is the type of individual who would be hired through the Personnel Division and would have to qualify as a person who has the art of gentle persuasion as his prime function; he has got to be a diplomat of the highest order, and he must convey to the municipal clerks and

the boards of registration the necessity for following through with some of the laws under Title 21.

Now, perhaps some of you will recall that after the primaries last June it was revealed that in some communities, just in some communities, and I venture to say there may be even more were the truth known, there were more registered voters on the voting lists than there were citizens in the community under the 1970 population list. So it is evident to those who are working with election laws that not all of the voting lists in all of the communities are up to date. This is just one area.

Another area where this individual would prove to be of extreme value to the people in the Election Division and to the various municipalities would be in conducting schools for election workers, for ballot clerks, throughout the state. Now, this has been done on a limited basis by the Deputy Secretary of State for the past many years, but he can cover just so much territory and see so many people, where this would be a full-time job with the individual traveling throughout the 496 municipalities in the state.

So I think this is the background of the reasoning for this bill. We regret that the choice of words was an unfortunate one, but we have attempted in our amendment, which we have just presented to you, to change this so it reads as it really should be: "a municipal coordinator". We have also eliminated one position, and this may be a burdensome thing for the Election Division, but at least we can try it this way, using what staff we have in the Election Division and, with this Municipal Coordinator working in the field and using existing personnel, at least see how the operation can be conducted.

So this is the background and the reasoning for L. D. 385. I hope that you will approve S-30 and pass it on to the other body.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

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

Sent down for concurrence.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Prohibiting Use of Airplanes and Snowmobiles on Frozen Surface of Part of Sasanao River." (H. P. 90) (L. D. 111)

Bill, "An Act Concerning the Opening of Vital Records to Genealogists." (H. P. 256) (L. D. 336)

Bill, "An Act Providing for the Payment of Expenses to Members of Institutional Boards of Visitors." (H. P. 344) (L. D. 459)

Bill, "An Act Relating to Legislation Affecting Penobscot Tribe of Indians." (H. P. 350) (L. D. 465)

Bill, "An Act Creating a Second Assistant County Attorney for Somerset County." (H. P. 403) (L. D. 532)

Bill, "An Act to Terminate Use of Identifying Numbers of Scrapped or Junk Cars." (H. P. 666) (L. D. 872)

Change of Reference

The Committee on Human Resources on Bill, "An Act Relating to Schooling of Indian Children." (H. P. 557) (L. D. 767)

Reported that the same be referred to the Committee on Education.

The Committee on Human Resources on Resolve, Appropriating Funds for Construction of Early Childhood Facility for the Passamaquoddy Tribe at Pleasant Point. (H. P. 615) (L. D. 813)

Reported that the same be referred to the Committee on Education.

Come from the House, the reports Read and Accepted and the Bill and Resolve referred to the Committee on Education.

Which reports were Read and Accepted and the Bill and Resolve referred to the Committee on Education in concurrence.

The Committee on Human Resources on Bill, "An Act Prohibiting Hunting, Trapping and Fishing on Indian Lands by Non-Indians." (H. P. 351) (L. D. 466)

Reported that the same be referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Fisheries and Wildlife.

Which report was Read and Accepted and the Bill referred to the Committee on Fisheries and Wildlife in concurrence.

Leave to Withdraw

The Committee on Human Resources on Bill, "An Act Requiring Municipal Consultation on Aid to Dependent Children Applications." (H. P. 80) (L. D. 93)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act to Annex Certain Territories to the Town of Howland." (H. P. 231) (L. D. 311)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Medical and Other Personnel in Certain Industries." (H. P. 238) (L. D. 319)

Reported that the same be Granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act to Provide for Freedom of Information." (H. P. 278) (L. D. 356)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Freedom of Access to Meetings of Local Agencies." (H. P. 276) (L. D. 382)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Penalty for Breaking and Entering in the Daytime." (H. P. 428) (L. D. 577)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw — Covered by Other Legislation

The Committee on Agriculture on Bill, "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses." (H. P. 18) (L. D. 18)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Election Laws on Bill, "An Act Relating to Committee Functions at State Political Conventions." (H. P. 599) (L. D. 790)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

The Committee on Health and Institutional Services on Bill, "An Act Changing the Name of the State Board of Hairdressers to the State Board of Cosmetology." (H. P. 284) (L. D. 358)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-83).

Which report was Read and Accepted in concurrence and the Bill Read Once, House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Relating to Beano or Bingo Licensing." (H. P. 431) (L. D. 580)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-81).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Election Laws on Bill, "An Act Relating to Registration and Enrollment at a Municipal Caucus." (H. P. 441) (L. D. 590)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1087) (L. D. 1255)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act Relating to Content of Ballots." (H. P. 442) (L. D. 591)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
JOLY of Kennebec

Representatives:

WILLARD of Bethel
HANCOCK of Casco
ROSS of Bath
KELLEY of Machias
HOFFSES of Camden
BINNETTE of Old Town
DUDLEY of Enfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CIANCHETTE

of Somerset

Representatives:

SNOWE of Auburn
BOUDREAU of Portland
TALBOT of Portland

Comes from the House, the Minority Report Read and

Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-80).

Which reports were Read.

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

Senate

Leave to Withdraw — Covered by Other Legislation

Mr. Conley for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Reduce the Institutional Reserve Fund under the State Contingent Account." (S. P. 166) (L. D. 421)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Roberts for the Committee on County Government on Bill, "An Act Authorizing Piscataquis County to Collect and Dispose of Solid Waste on a Regional Basis." (S. P. 270) (L. D. 795)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Conley for the Committee on Appropriations and Financial Affairs on Bill, "An Act Authorizing a Deficiency Appropriation to the Department of the Attorney General for the Present Fiscal Year." (S. P. 267) (L. D. 825)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-28).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Resolve, to Repeal Certain Special Resolve Pensions. (H. P. 291) (L. D. 365)

Bill, "An Act Increasing the Compensation of the Governor." (H. P. 460) (L. D. 609)

Bill, "An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons." (H. P. 482) (L. D. 626)

Resolve, Authorizing the Commissioner of Parks and Recreation to Convey by Sale the State's Interest in Certain Real Property at Lubec. (H. P. 499) (L. D. 652)

Bill, "An Act Providing for the Observance of Veterans Day on November 11th." (H. P. 22) (L. D. 22)

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

House — As Amended

Bill, "An Act Relating to Identity of Defendant in Suspension Cases under Motor Vehicle Laws." (H. P. 311) (L. D. 413)

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

Senate

Bill, "An Act Relating to Definition of Dealer under Maine Securities Law." (S. P. 209) (L. D. 553)

Bill, "An Act to Establish a Bureau of Property Taxation Within the Department of Finance and Administration." (S. P. 56) (L. D. 163)

Bill, "An Act Repealing Certain Provisions of the Legal Fence Law." (S. P. 245) (L. D. 696)

Bill, "An Act Relating to Municipalities Providing Funds for Local Development Corporations." (S. P. 235) (L. D. 667)

Bill, "An Act Increasing the Number of Superior Court Justices and Official Court Reporters." (S. P. 61) (L. D. 187)

Bill, "An Act to Clarify Certain Provisions of the Maine State Retirement Law." (S. P. 76) (L. D. 193)

Bill, "An Act Relating to Purchase of Back Service Credits for Local Participating Districts and

Individual Employees under Maine State Retirement System." (S. P. 183) (L. D. 491)

Bill, "An Act Providing Funds for the State Osteopathic Loan Fund." (S. P. 249) (L. D. 700)

Bill, "An Act Relating to Taking Smelts in the Town of Surry, Hancock County." (S. P. 438) (L. D. 1284)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Insurance Rate Filings." (S. P. 225) (L. D. 660)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Apportionment of Cost of Reconstruction of Railroad Grade Separation Structures on Nonfederal Aid — State Aid Highways. (S. P. 136) (L. D. 348)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Emergency

An Act Relating to High School Equivalency Certificates. (H. P. 272) (L. D. 379)

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

Orders of the Day

On motion by Mr. Berry of Cumberland, recessed pending the sound of the bell.

After Recess

Called to order by the President.

Joint Order

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

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out an emergency bill for appropriation to the Department of Health and Welfare for high priority social service programs. (S. P. 443)

Which was Read and Passed.

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

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

Bill, "An Act Relating to Biennial Elections of the Passamaquoddy Tribe of Indians." (H. P. 827) (L. D. 972)

Tabled — March 8, 1973 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

Mr. Hichens of York presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-27, was Read and Adopted.

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

Senate Amendment "B" was Read and Adopted.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair to any Senator who may answer, if they so desire, as to what the effect of the two amendments would be.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: Senate Amendment "B" puts an emergency preamble on this bill. Senate Amendment "A" gives the Passamaquoddy Indian Council the right to have an election for a new president of the tribe of Indians. Under present circumstances right now the President of the Council is in the hospital with self-inflicted

injuries and the tribe is without any leader, so they wanted this bill amended so that they have a right to have the election.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed in non-concurrence?

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Joint Resolution in Protest of Federal Restrictions and Cutbacks on Human Services. (H. P. 1119)

Tabled — March 12, 1973 by Senator Berry of Cumberland.

Pending — Adoption.

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

Mr. BERRY: Mr. President and Members of the Senate: The Joint Resolution contains quite a lot of excellent statements of intent and concern with human needs, with which I am sure all of us in the Senate are intimately and keenly concerned.

The nub of the Joint Resolution is contained in the first and third specific items mentioned there, and really that is the problem we are discussing today. The slight delay which has been caused by tabling this item has permitted me to investigate the background and need in the area brought about by the Joint Resolution, and I am most anxious to pass this on to the members of this body.

The problem deals only, in spite of all the other wording, only with the matter of seed funds, what happens to them, and how they get federal matching money. There is no other problem that this Joint Resolution does cover. The action by the federal government which has caused this concern originated with the Senate Finance Committee of the present Congress, and the Senate Finance Committee directed the Administration to investigate the problem raised by the administration of the private seed money and all its implications. And why the Senate Finance

Committee was concerned was that inadvertently the trap door had been found to the federal treasury. This is probably an objective we have all tried to attain, but this is the only time that we know it has ever happened. They found an uncontrolled way to get into the federal treasury, and this is literally the truth. So even the rather spendthrift Congress said back then "We have got to do something about it." So, as I said, they directed the Administration to look into it. They did, and we are now aware of the controls that are being put on it.

Now, what is the problem generated by private seed money? Well, first I indicated the problem is the uncontrolled aspects. Anybody can go and get three- to-one matching funds, three parts of federal funds and one part of private seed money, with any kind of a program in the areas covered by this Joint Resolution.

I might point out that it was the original intent of Congress that the seed money be governmental seed money, that it be the local community, the county, or the state; that this type of governmental unit would put up the seed money and generate the three times matching federal funds, and then the private source of the funds would set up and administer the program. But, as I point out, the problem was that this was totally uncontrolled. There wasn't even a waiting line. You just backed your wheelbarrow under the chute and got your money.

So this is what we are talking about. The federal government has decided this is wrong, and thank goodness they decided it. The Congress has decided it, and the President and the Administration are going along with it. Accordingly, it seems to me that we humble people back here in Augusta have probably seen many, many programs being implemented at the state level, and we feel that where is the money coming from and are these programs right. Well, we are not addressing ourselves to "Are the programs right", because they probably are. But here we are being

asked to go on record in the Federal Register, and it is probably not the most earth-shaking decision the 106th ever made, but I do feel that we should stand up for principles too.

We are being asked to endorse a program that even Congress, even the Senate Finance Committee, said "No". It seems to me we would be flying in the face of facts to endorse this principle when people, parties, and institutions with these credentials indicate that the programs just don't work. These are going off into orbit, these programs, literally sky-rocketing, and they have finally found a way to at least stop them.

Now, we are going to be discussing the problems and the solution to this particular problem a little bit later in the session with some other legislation that is coming along, where we will have a chance to determine what the State of Maine wants to do. So with all these points in mind, Mr. President and Members of the Senate, I hope you would join in supporting my motion to indefinitely postpone the Joint Resolution.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that House Paper 1119 be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: As I see this Resolution, it merely asks Maine to go on record to protest these narrow restrictions on the use of private seed money.

As an example, I believe there is an outfit in Portland that provides homemaker services. And I think most people agree that homemaker services really make a lot of sense. They send somebody out into the home and they keep people out of hospitals. In the long run it is a lot cheaper for government. Now, if these restrictive federal guidelines go into effect in a few days, that program is going to be cut by some 80 percent. I would strongly say that it would be a ridiculous and false economy to urge that to take place.

Now, Senator Berry has spoken about no control. I don't think that

is true. These contracts have to be approved, as I understand it, by the Department of Health and Welfare, and I think they have to be approved by the Governor and the Council. And generally they are approved by some advisory group at the local level.

I think traditionally we have always tried to urge private interests to get involved in these human resource situations or these human services situations, and without the use of this private seed money we are not going to be able to do that.

The other thing that bothers me is that if we oppose this now, I think it could be readily construed by these agencies and by the Administration in Washington that Maine is saying, in effect, that we don't want to use that private seed money; let's keep it all in the public sector. I think once a resolution like this is introduced, if it is opposed and defeated, it can have a very negative effect. So, for just that reason alone, I would hope you vote against the motion of Senator Berry to indefinitely postpone. And when the vote is taken on this Resolution concerning human services, I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

MR. CONLEY: Mr. President and Members of the Senate: I sat very attentively listening to what the good Senator from Cumberland, Senator Berry, had to say relative to the wheelbarrow situation in the federal coffers, and many of the things he has said are true. Some of the federal programs that were financed by the federal government were a waste of money.

However, we are all aware of the fact that not too long ago this legislature was faced with a bill that called for a million dollars in emergency funding to take care of some of the already existing programs. This legislature approved a measure for \$350,000, I believe, to make sure that these programs continued on. The fact was that we were hesitant to fund the entire million dollars because we ourselves had reservations as

to the validity of some of these programs and wanted an opportunity to have an evaluation made.

The Senate this morning just gave approval that the Appropriations Committee report out a bill to take care of some of these needs, and we are talking today about the same thing that this Joint Resolution calls for. It would take care of the situation to assist and to prevent those people who are not on welfare from going onto welfare.

Now, we all know — and many of us have contacted some of our delegation in Washington — we know that the Administration today is very, very uptight as to the decision it made relative to the three-to-one matching funds and, from all the indications that we have, there is going to be a turnabout. But I think for us to turn thumbs down on the Resolution, it just states clearly and emphatically that we are very much concerned with the problems that do exist in our cities and towns throughout the state and that because of the fact, if Congress or the Administration does not change its policy, that we are going to have many, many more of our people who are off welfare on welfare.

I am disturbed because of the fact that, being a member of the Appropriations Committee and knowing what we are doing right now in the sense of this order that was presented, that we are talking about putting before the taxpayers, or a cost to the taxpayers of this state, a very large amount of money to be used on a matching basis to help prevent some of our citizens from going on welfare. If the government does take a turnabout, then this program that we are talking about financing will cease and desist and it will not cost the taxpayers of this state any money at all.

It seems to me though that when you have private contractual groups, such as the Bureau of Human Relations, United Community Services, and many, many others who are interested in doing what they consider to be a humane effort in trying to help our citizens who are having such difficult problems, then I think it is a slap

in the face from this legislature to turn this Resolution down, and I would only agree with the Minority Floor Leader, Senator Brennan, that we should support a vote against the indefinite postponement of this measure.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In support of the motion to indefinitely postpone this memorialization of Congress, I would point out or reiterate the comment made by the Senator from Cumberland, Senator Berry, that initial concern with the apparently bottomless pit into which it has dropped itself initiated from the Congress.

Secondly, I strongly support the concept of participation by the private sector, as it is called, and that covers a lot of ground. I am strongly in favor of encouraging participation by them in meeting the human needs of Maine people, and I am going to prove that when I get an opportunity to vote — and I hope we all will go along with that — an opportunity to vote on what I hope the Appropriations Committee will report as a bill designed to encourage continued participation by private charities in these human services programs.

We are talking today about a memorial to Congress which will, in effect, say that they didn't know what they were doing when they asked the Administration to cut back on some of these programs, and I, for one, want no part of it. The more important issue that we ought to be determining here is whether or not we are going to vote to appropriate the necessary monies at a later point in this session, hopefully within the next few days, to encourage participation by the private sector. For that reason, I hope you will bear that in mind when you vote today, and I would urge you to vote in favor of the motion to indefinitely postpone.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would

concur in the comments made by the Senator from Cumberland, Senator Richardson, and would like to point out very strongly that the background of this particular issue is that the Congress, the Democratically controlled Congress realized a serious problem in the manner in which these programs were being administered, directed the Administration to look into this problem, which the Administration then did and came up with the decisions that it has made.

Now, the issue that is before us right at the moment is not whether or not we agree with the concept of seed money and private money generating public funds. The issue is simply whether or not we should memorialize Congress to rethink its decision when it in turn asked the Administration to look into the administration of these programs. The real test of the sentiment of the individual Senators of this body is not going to come on this Resolution, but will be before us when we debate a bill which we have some power to pass or defeat when we debate an issue that will be coming out of the Appropriations Committee that will give us an opportunity to actually do something instead of simply registering a sentiment of this body to the Congress. When we get that bill, that is the moment to debate the concept of private seed money generating public money, and not a simple expression to the Congress of the United States.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, the appropriations bill is not before us right now; what we are concerned with is a resolution. And there has been talk about control. The problem is that this regulation that has been published in the Federal Register makes it an absolute bar against the use of private seed money. That is the problem. If you want more control, there is nothing wrong with some restrictions, some more control; that is fine. But this absolute bar of private seed money, that is what this Resolution is protesting, and

I say again that if we oppose this Resolution we are sending a message down to Congress, we are sending a message to HEW, that maybe we like that program not to use private seed money. That is why I think it is terribly significant that everybody in this Senate vote for it, including the Republicans.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Joint Resolution in Protest of Federal Restrictions and Cutbacks on Human Services, (H. P. 1119) be indefinitely postponed.

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 will state the question once again. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Joint Resolution in Protest of Federal Restrictions and Cutbacks on Human Services, (H. P. 119), 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, Berry, Cox, Cummings, Graffam, Greeley, Hichens, Joly, Katz, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Clifford, Conley, Cyr Danton, Fortier, Kelley, Marcotte, and Minkowsky.

ABSENT: Senators Cianchette and Huber.

A roll call was had. Twenty-one Senators having voted in the affirmative, and ten Senators having voted in the negative, with two Senators being absent, the Joint

Resolution was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Transportation, Bill, "An Act Relating to Exemption of Fire Trucks from Motor Vehicle Inspection." Majority Report — Ought Not to Pass; Minority Report — Ought to Pass. (H. P. 424) (L. D. 573)

Tabled — March 12, 1973 by Senator Shute of Franklin.

Pending — Acceptance of Either Report.

Thereupon, on motion by Mr. Greeley of Waldo, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

HOUSE REPORTS — from the Committee on Judiciary, Bill, "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass." Majority Report — Ought Not to Pass; Minority Report — Ought to Pass. (H. P. 58) (L. D. 70)

Tabled — March 12, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. BERRY: Mr. President, I wonder if the Secretary would read the signers of the several reports.

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Ought Not to Pass Report is signed by Senator Tanous, Representatives Baker, Perkins, Dunleavy, Wheeler, Henley, Carrier, Senators Speers, Representative Kilroy, Senator Brennan, Representatives McKernan and White. The Ought to Pass Report was signed by Representative Gauthier.

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

Mr. TANOUS: Mr. President, in view of the overwhelming Ought Not to Pass Report of the Committee, I so move.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I oppose that motion. I voted with the majority, and the principal reason was that I felt the bill as drafted and presented to the committee was unconstitutional. I felt that five hundred acres was probably an unreasonable classification and would not meet the constitutional test requiring reasonable classifications. However, shortly after that the Maine Supreme Judicial Court came down with a decision, I believe, dealing with our Site Selection Law, and I think in that decision they said twenty acres was a reasonable classification. So I was somewhat concerned as to how you could pick or put on a particular figure in reference to classification, and that is the reason I voted against it at that time.

Now, I have since looked at the law and there seems to be some more serious questions in reference to the constitutionality. Frankly, I will not vote for it if I think it is unconstitutional, and a member of this legislature has made a request from the Attorney General's Office for an opinion in reference to the constitutionality. In essence, the question is down to this factor now: Is it a denial of due process to require a landowner to pay extra to keep his land private? If this bill would pass, in essence, if he is going to have to pay a dollar more an acre, he would have to pay more to keep it private. So there is some serious constitutional question.

These questions have been forwarded to the Attorney General's Office, our legal experts, for an opinion. It is my further understanding that the Assistant Attor-

ney General, a fellow named Lee Schepps, is going to work on that. He couldn't work on it in the last few days because he was tied up with settling the Baxter State Park situation. So, since he is working on it, and I think we want to act from a position of knowledge and intelligence and know what the constitutionality aspects are, I would really urge someone to table this for two days so we can get that opinion.

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

Mr. Shute of Franklin then moved that the Bill be tabled and Specially Assigned for March 15, 1973, pending the motion by Mr. Tanous of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

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

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

Mr. BRENNAN: Mr. President and Members of the Senate: Just very briefly, I don't expect too much success, in view of the last vote, but I think a bill of this nature should get some attention. Apparently there are some serious problems in this State right now with big outside interests coming in and buying up a lot of property and tying it up so many Maine citizens do not have access to it, and I think this bill serves the purpose to focus on that particular problem. I understand there is a particular problem with ITT in the Franklin County area, and I think that is how this bill was generated.

I would urge you at this time to vote against the motion to indefinitely postpone and for those who are opposed to it, maybe we can make it a little more palatable to them. When the vote is taken I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: It is true that this legislative document originated as a result of a problem in the Franklin County area. My personal experience with ITT has not been of such a nature that would prompt me to introduce such legislation because I have found these people to be very reasonable. I think it is a matter of keeping the lines of communication open, so I wouldn't fault ITT any more than I would fault the International Paper, Scott Paper, Great Northern, or any of the large landowners.

I think the problem here is a simple one, that Maine people who desire to go back in the wilderness territories desire to do so without being hindered by threats, by gates, and by armed guards. It is as simple as that. People who desire to walk into the wilderness area or take a snowmobile, or to go snowshoeing, can do so without being arbitrarily told that they cannot trespass on this territory. I think that this is what we are talking about.

If you look at the amendment, the House Amendment offered to L. D. 70, you will find that it is in quite different form than the original bill. It is Filing H-72.

I don't believe that you should discard this summarily. I think you should look this over and understand that this is a basic right of every individual in this state to walk upon the wildlands without regard to trespass signs as they relate to no hunting. What is happening here with the purchase of these large lands tracts is that a person will put up a no trespassing sign and use it for private hunting domain. We are going right back to the dark ages when we start encouraging this sort of practice. This is what L. D. 70, with the amendment, is designed to prevent, and I would oppose the indefinite postponement or acceptance of the Majority Report.

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

Mr. FORTIER: Mr. President and Members of the Senate: I am not competent to discuss the constitutionality of this act, and I

am not going to attempt it. But I would like to bring to your attention the fact that a one dollar fee on posted land is practically confiscation of these lands.

It is quite generally accepted by the landowners that they cannot afford to pay much more than a dollar a year for expenses to maintain wildland. In a great many cases this amount is now exceeded, although the average is somewhat lower, but there is not a single parcel of wildland in this state that, if you add that dollar to it, a landowner could not afford to keep it indefinitely. Consequently, the question comes down to this: either you do not post your land or you give it up. It is about as simple as that.

Now, I am very sympathetic to the nature lovers who would like to keep these lands open. I hope some day we can find the solution to this, but there are real reasons why some lands should be posted. For example, when an operator is actually working in the woods he has spent thousands and thousands of dollars to open up private roads. These private roads during the operation are jammed with traffic, heavy trucks handling this pulpwood, logs, or what have you. We find that people have gone into these territories during a logging operation and that they have carried away everything that can be carried away. One owner called me up the other day and told me he had a twenty-ton bulldozer that was driven into a swamp and that he had to get derricks in there to pull it out again. Another one told me about some of his trucks being taken, hauled off and dumped along the side of the road where they were damaged, and at considerable cost had to be brought back onto the road. So these people do have a problem, and I don't agree with the idea of saying to these people either you leave your land open or you lose your land, and this is what this bill amounts to. I hope you go along with indefinite postponement.

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

Mr. SHUTE: Mr. President and Members of the Senate: There are

a few areas I would like to comment on in relation to the remarks made by the good Senator from Oxford, Senator Fortier. Vandalism occurs in every walk of life everywhere, not only in the wildlands. It occurs in the main streets and off the side roads. Vandalism in wildlands of gasoline from a bulldozer is not an unusual occurrence because it happens everywhere and is a fact we have to live with.

The one dollar fee that would be charged to these landowners, as you noticed if you looked at the House Amendment would accrue to the Parks and Recreation Department for the development of more areas for the public to use. The bill and the amendment specifically prohibits people from going into an area where cutting operations are taking place. So this part has been taken care of, this objection has been taken care of, by the amendment. So, again I appeal to you to help us close off these private game preserves and pass this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass".

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot,

Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence on Bill, "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass." A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Cummings, Fortier, Graffam, Greeley, Joly, Minkowsky, Olfene, Peabody, Roberts, Schulten, Sewall, Tanous, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Clifford, Conley, Cyr, Danton, Hichens, Katz, Kelley, Marcotte, Morrell, Shute, and Speers.

ABSENT: Senators Cianchette, Huber, and Richardson.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with three Senators absent, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Content of Ballots." (H. P. 442) (L. D. 591)

Pending — Acceptance of Either Report.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.