

# 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

Thursday, March 15, 1973

Senate called to order by the President.

Prayer by the Rev. Herbert Reid of Fairfield.

Reading of the Journal of yesterday.

### Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Monday, March 19, at 10 o'clock in the morning. (S. P. 460)

Which was Read and Passed.

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

### Senate Ought to Pass

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

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Appropriations for Priority Social Services within the Department of Health and Welfare for the Fiscal Years Ending June 30, 1973, June 30, 1974, and June 30, 1975." (S. P. 461) (L. D. 1412)

Reported pursuant to Joint Order (S. P. 443) that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once.

Thereupon, under further suspension of the rules, the Bill was given its Second Reading.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would like to ask a question through the Chair as to whether or not this is the particular piece of legislation that was discussed two days ago when this body was debating a memorial to Congress?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the

Chair which any member may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: It is my intention to explain this bill at the enactment stage, which I understand will be later on in this afternoon's session. And the answer is in the affirmative.

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

Mr. BERRY: Mr. President, with all due respect to Senator Sewall, I think the answer is that his is not the bill we discussed the other day and dismissed. We dismissed a memorial to Congress.

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

Thereupon, the Bill was Passed to be Engrossed.

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

### House Papers

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

### Communications

#### STATE OF MAINE

Department of Transportation

March 15, 1973

To: Governor Kenneth M. Curtis and

Members of the 106th Legislature

In accordance with the provisions of Chapter 113, Private and Special Laws of 1971, I am pleased to submit the Department of Transportation's report entitled "Maine Transportation 1973".

Respectfully,

Signed:

DAVID H. STEVENS

Commissioner

Maine Department of

Transportation

(S. P. 466)

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

Sent down for concurrence.

### Senate Papers

#### Judiciary

Mr. Brennan of Cumberland presented Bill, "An Act Relating

to the Appointment of Clerks of the Judicial Courts." (S. P. 456)

The same Senator presented Bill, "An Act to Create a Commission to Prepare Legislation Revising the Trial Court System." (S. P. 457)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

### **Committee Reports**

#### **House**

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

Bill, "An Act Relating to Adult Community Education Activities of a Recreational Nature." (H. P. 563) (L. D. 742)

#### **Leave to Withdraw**

The Committee on Education on Bill, "An Act Relating to State Aid for School Construction." (H. P. 245) (L. D. 326)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on Bill, "An Act Relating to Municipal Regulation of Land Subdivisions." (H. P. 736) (L. D. 939)

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.

#### **Change of Reference**

The Committee on Business Legislation on Bill, "An Act to Clarify the Barber Law and Increase Certain Fees." (H. P. 387) (L. D. 516)

Reported that the same be referred to the Committee on Health and Institutional Services.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Health and Institutional Services.

Which report was Read and Accepted and the Bill referred to the Committee on Health and Institutional Services in concurrence.

#### **Ought to Pass**

The Committee on County Government on Bill, "An Act Providing

Fire Protection, Dump Services and Cemetery Maintenance in Certain Unorganized Territory of Piscataquis County." (H. P. 638) (L. D. 853)

Reported that the same Ought to Pass.

The Committee on Natural Resources on Resolve, Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County. (H. P. 722) (L. D. 928)

Reported that the same Ought to Pass.

Come from the House, the Bill and Resolve Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bill and Resolve Read Once and Tomorrow Assigned for Second Reading.

#### **Ought to Pass — As Amended**

The Committee on County Government on Bill, "An Act Creating Sagadahoc County Commissioner Districts." (H. P. 89) (L. D. 109)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-88).

The Committee on Marine Resources on Bill, "An Act Relating to the Taking of Alewives in the Salmon Falls and Great Works Rivers, York County." (H. P. 147) (L. D. 180)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-86).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

The Committee on County Government on Bill, "An Act to Increase Fees of Deputy Sheriffs." (H. P. 297) (L. D. 399)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-87).

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

Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### **Ought to Pass in New Draft**

The Committee on Taxation on Bill, "An Act Relating to Due Date for Payment of Inheritance Taxes." (H. P. 15) (L. D. 15)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1144) (L. D. 1337).

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

Which report was Read.

On motion by Mr. Roberts of York, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### **Senate**

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 Revising the Laws Relating to Guides under Fish and Game Laws." (S. P. 46) (L. D. 103)

Bill, "An Act Prohibiting Smoking on Public Conveyances." (S. P. 129) (L. D. 306)

#### **Leave to Withdraw — Covered by Other Legislation**

Mr. Speers for the Committee on State Government on Bill, "An Act to Repeal the Committee on Maine Public Broadcasting." (S. P. 174) (L. D. 429)

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. Clifford for the Committee on State Government on Bill, "An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service." (S. P. 162) (L. D. 417)

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. Speers for the Committee on State Government on Bill, "An Act to Authorize Application and Service Fees to be Charged by the Maine Municipal Securities Approval Board." (S. P. 219) (L. D. 635)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-33).

Mr. Speers for the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate. (S. P. 292) (L. D. 839)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-34).

Mr. Katz for the Committee on Education on Bill, "An Act to Permit the State Board of Education to Reimburse the City of Portland for School Construction." (S. P. 338) (L. D. 1037)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-35).

Which reports were Read and Accepted and the Bills and Resolution Read Once. Committee Amendments "A" were Read and Adopted and the Bills and Resolution, as Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass in New Draft**

Mr. Huber for the Committee on Marine Resources on Bill, "An Act Relating to Pollution Control in Discharge in Tidal Waters." (S. P. 54) (L. D. 138)

Reported that the same Ought to Pass in New Draft Under Same Title (S. P. 455) (L. D. 1408)

Mr. Clifford for the Committee on State Government on Bill, "An Act to Reconstitute and Place a Consumer Member on the Maine Real Estate Commission." (S. P. 280) (L. D. 852)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Reconstitute and Place a Public Member on the Maine Real Estate Commission." (S. P. 459) (L. D. 1409)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

### Second Readers

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

#### House

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State Liquor Commission for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (H. P. 342) (L. D. 457)

Bill, "An Act Reducing the Amount of Bonds Authorized for Student Housing." (H. P. 340) (L. D. 455)

Bill, "An Act Reducing the Amount of Bonds Authorized for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for Fiscal Year Ending June 30, 1964." (H. P. 343) (L. D. 458)

Bill, "An Act Relating to Custodian for Beneficiary under Uniform Gifts to Minors Act." (H. P. 361) (L. D. 476)

Resolve, Providing for Purchase of Copies of History of Livermore. (H. P. 393) (L. D. 522)

Bill, "An Act Including Representatives of a Council of Governments under State Retirement System." (H. P. 430) (L. D. 579)

Resolve, to Reimburse the Town of Scarborough for Damage to Property by Escapees from the Boys Training Center. (H. P. 443) (L. D. 592)

Bill, "An Act Repealing the Law Requiring Municipalities to Remove Worthless Trees within the Limits of Ways and Streets." (H. P. 491) (L. D. 645)

Bill, "An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit." (H. P. 555) (L. D. 735)

Resolve, Providing Funds for the Purchase of Copies of the "History of Winthrop, Evolution of a Maine Community". (H. P. 640) (L. D. 856)

Bill, "An Act Relating to Change of Name and Shareholders of the

Federal Employees' Credit Union of Maine." (H. P. 673) (L. D. 880)

Bill, "An Act to Clarify the Law Relating to Fishery Inspection." (H. P. 702) (L. D. 907)

Bill, "An Act to Clarify the Law on Handling of Polluted Shellfish." (H. P. 703) (L. D. 908)

Bill, "An Act Relating to Use of Motor Vehicles on Frozen Surfaces of Part of Sasanoa River." (H. P. 1122) (L. D. 1283)

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

#### Senate

Bill, "An Act Relating to Registration and Enrollment of Voters." (S. P. 238) (L. D. 689)

Bill, "An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness." (S. P. 445) (L. D. 1377)

Bill, "An Act Relating to Animal Welfare." (S. P. 42) (L. D. 98)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Bilingual and Bicultural Education." (S. P. 62) (L. D. 165)

Bill, "An Act Relating to Educational Research." (S. P. 99) (L. D. 244)

Which were 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 Motor Vehicle Licenses for Persons on Active Duty in the Armed Forces. (H. P. 322) (L. D. 440)

An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law. (H. P. 456) (L. D. 605)

An Act to Increase Payments to Forestry Department for Forest Fire Protection in Baxter State Park. (H. P. 570) (L. D. 749)

An Act Relating to Field Trials for Sporting Dogs. (H. P. 609) (L. D. 807)

An Act Relating to Trapping Muskrats and Beaver on Lands of

the Passamaquoddy Indian Tribe. (H. P. 612) (L. D. 810)

An Act to Revise the Maine Weights and Measures Law. (H. P. 967) (L. D. 1152)

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 the Cultivation of Coho Salmon. (H. P. 286) (L. D. 360)

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

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

Bill, "An Act Relating to Permits for State Entry of Animals and Birds." (H. P. 331) (L. D. 449)

Tabled — March 14, 1973 by Senator Shute of Franklin.

Pending — Enactment.

On motion by Mr. Anderson of Hancock, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-37, was Read and Adopted.

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

Mr. SPEERS: Mr. President, I wonder if the Senate might have some enlightenment as to the purpose of this amendment?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed an inquiry through the Chair which the Senator from Hancock, Senator Anderson, may answer if he desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: The bill as it was written wouldn't

allow anybody to come into the State of Maine with a pet, a little poodle dog. They would have to go to a veterinarian and get a certificate, and then they would have to get a license from the Department of Inland Fisheries and Game. I don't think this would be conducive to good public relations, therefore, this would exempt them from it.

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

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

Sent down for concurrence.

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

Bill, "An Act Relating to Recording Municipal Ordinances Relating to Land Control." (H. P. 858) (L. D. 1001)

Tabled — March 14, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby it Adopted Senate Amendment "A".

On further motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "C", Filing No. S-36 was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: In moving adoption of Senate Amendment "C", I would just point out that the only difference is that plans and zoning changes passed by municipalities shall be only filed with the registry, and not recorded. This amendment has been worked out, I think, with most of the attorneys in the body, and we really are doing nothing here but passing the bill in its original intent and now, hopefully, in proper form.

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

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

Sent down for concurrence.

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

House Reports — from the Committee on Election Laws on Bill, "An Act Relating to Content of Ballots." Majority Report — Ought Not to Pass; Minority Report — Ought to Pass. (H. P. 442) (L. D. 591)

Tabled — March 14, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "A", Filing No. H-80, was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Health and Institutional Services on Bill, "An Act Relating to Permits to Practice Hairdressing and Beauty Culture." (H. P. 312) (L. D. 414) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — March 14, 1973 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

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

Mr. TANOUS: Mr. President, could I have the status of this bill at present?

The PRESIDENT: The Secretary will give the report on the bill from the committee.

The SECRETARY: The Majority Report is Ought Not to Pass, signed by Senators H i c h e n s, Greeley and M i n k o w s k y; Representatives Dyar, Berry, Morin, Lewis, McCormick, and Santoro. The Minority Report is Ought to Pass, signed by

Representatives Goodwin, Whitzell, LaPointe, and Soulas. It was passed to be engrossed in the House on March 13, 1973 without amendment.

Thereupon, Mr. Tanous of Penobscot moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I would like briefly to state three reasons why we should adopt the Minority Ought to Pass Report.

The first reason is that presently an individual can make an application to take an exam to become a hairdresser or cosmetologist in the state and be eligible to take the exam immediately. But if they come in and they want to just request a permit they have to wait six months before they can get a permit, so it is really inconsistent as a practical application of the law. They can take an exam immediately, and yet they have to wait six months to get a permit. That is a practical problem.

The second reason why I feel we ought to adopt the bill is that I am convinced after reading some Supreme Court decisions that all residency clauses in statutes are unconstitutional. I think the courts have ruled in this area. In fact, the Bar Association last session, I guess, led the way by doing away with their residency clauses. I would feel that constitutionally all we are going to do is someday force some poor young hairdresser to have to hire a lawyer to go to the Supreme Court to prove that the bill as it stands is unconstitutional, and I would hate to put someone in that particular position of having to hire a lawyer and pay exorbitant legal fees to do it.

The third reason why we should enact this bill is that it is endorsed by the Maine Hairdressers Association, Ladies and Gentlemen, so I hope you will support the Ought to Pass Report. Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Minority Ought to Pass Report of the Committee.



The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I rise to differ with the Senator from Penobscot, Senator Tanous, and would urge that you go along with the acceptance of the Majority Report, as we voted originally yesterday. I would thus ask for a division on the motion.

This bill grants privileges for out-of-state hairdressers. It puts on more pressures and limits the job opportunities for those attending school in the State of Maine.

The restriction may be unconstitutional, as declared by the Senator, but it has not been proven as yet. Similar bills were introduced and opposed by the barbers and nurses' association last session and were subsequently defeated by the legislature. If these restrictions may be unconstitutional, I would suggest that a study committee be appointed to delve into the problem and suggest that corrections be submitted to the legislature at a later date. Therefore, I ask for a division on this motion.

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

Mr. TANOUS: Mr. President and Members of the Senate: Just to repeat the final argument, if the Hairdressers Association agrees with the amendment, I don't see why we should oppose our own group. I am sure they should realize the need for such an amendment to the bill, and certainly if they don't feel it is going to interfere with their residential status I don't see why the legislature should take the attitude that it will.

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

Mr. HICHENS: Mr. President and Members of the Senate: In answer to that assertion, at the hearing that was held the hairdressers all weren't in agreement with this. There was opposition to it, and that opposition was listened to by the Committee.

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 Minority Ought to Pass Report of the Committee.

A division has been requested. As many Senators as are in favor of the motion to accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted in concurrence.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

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

#### Papers From the House Enactor

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

#### Emergency

An Act Providing Appropriations for Priority Social Services within the Department of Health and Welfare for the Fiscal Years Ending June 30, 1973, June 30, 1974 and June 30, 1975. (S. P. 461) (L. D. 1412)

Which was Read.

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

Mr. SEWALL: Mr. President and Members of the Senate: I rise to move the enactment of this, in my opinion, very important piece of social legislation. It is a new departure for state government in that within this legislation is set up formulae for the matching of local monies, whether they be private or public in nature, by monies derived from the general fund.

This bill will call for local responsibility in these programs in

that it will require at least twenty-five percent of the local monies be derived from municipal or from county sources. In this fashion we sincerely hope that many of these welfare programs, or I should say quasi-welfare programs, social service programs, will once again be placed back into the responsible areas of local government.

I think all of us would agree that probably the criticism that is most generally heard on these types of programs is that they proliferate too fast, they run out of control, it is a bottomless barrel, and so on and so on. I think that the Federal Congress has acted responsibly in sending monies back to the states which will be administered by the states and by the local municipalities. This legislation takes cognizance of this philosophy.

Very briefly, if you will recall, Senator Brennan, the good Senator from Cumberland, submitted a bill as a result of federal cutbacks back in January, which requested one million dollars to continue certain social service programs throughout the state until June 30 of this biennium. The Appropriations Committee saw fit to amend this bill down to \$350,000 to enable it to study these programs with a degree of thoroughness that we did not have back in January. Since that time, through the able assistance of Robert Frates, who is the Legislative Assistant at this point and time, the Appropriations Committee, together with leadership from both sides of the aisle, has designed the document which is in front of you today. This calls for funding of seven broad categorical programs from March 15, which is today, until the end of this biennium, June 30, in the amount of \$400,000. This will continue the programs which the Appropriations Committee recommends to you at a one hundred percent level. However, it does cut out certain other smaller programs which are local in nature, and I will not dwell or color them at this time, but this information would be available to anyone who is interested.

This document does call for funding on a matching basis commencing July 1, 1973 for the

next biennium, in the amount of \$1.2 million for the first year of the biennium and \$1.4 million for the succeeding year. The total appropriation in L. D. 1412 is therefore approximately \$3.0 million. We are very much in hopes that through this legislation these social welfare programs will be responsibly administered and the State of Maine will set a good course for the future of this type of legislation. Thank you very much.

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

**MR. KATZ:** Mr. President and Members of the Senate: Addressing my remarks to the structure of this bill, I must say that I am pleased at the direction the structure is taking us. I have been one of those who have long felt that we should have a method of program review, and in the nature of this bill we have program review of the very best type because the Appropriations Committee has very cleverly decided this is not a continuing program, but a program that will expire at the end of the biennium, and in that way we are forced to look at how we are spending our money on a regular basis. I think this is a step in a great direction.

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

**MR. SPEERS:** Mr. President and Members of the Senate: A number of days ago this body voted upon a memorialization to Congress having to do with the problem of the cutting off of federal funds. It was suggested at that time that that was not the appropriate time or the appropriate vehicle to express the sentiments of this body having to do with funds to provide the services with which this particular bill deals. It was suggested at that time as well that a vehicle would be forthcoming, a bill would be forthcoming, on which it would be appropriate to express the sentiments of this body. That bill is now before us, and I feel it is entirely appropriate to go on record expressing our sentiments as to the funding of the services

which are provided in this particular bill. I would ask that when the vote is taken that it be by roll call.

The PRESIDENT: A roll call is requested.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: Frankly I am very hesitant to speak as things seem to be going rather smoothly. I just want to commend the Appropriations Committee for acting so expeditiously and so responsibly.

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

Mr. CONLEY: Mr. President and Members of the Senate: I can only concur with the words expressed by the Chairman of the Appropriations Committee, the good Senator from Penobscot, Senator Sewall, but there is one thing, I think, that should be clearly stated and spelled out, that the matching monies we are talking about clearly are from the sources of county, state, or municipal government. There were many of us who felt that public monies, that is from other social service agencies, should be part of the municipal government's contribution, or along with the municipal government's contribution to the state, to be able to match these funds.

Just recently, in fact, as recently as yesterday, we noticed that Senator Muskie and some other members of our congressional delegation have already stated that the administration is going to change their guidelines in respect to the monies relative to outside sources of government to help assist so many needed programs that have been cut off. So, irrespective of the fact that this Senate the other day did kill the social service resolution to be sent to Congress, the Administration has done exactly or is going to do exactly what we requested.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Enactment of "An Act Providing Appropriations for

Priority Social Services within the Department of Health and Welfare for the Fiscal Years Ending June 30, 1973, June 30, 1974 and June 30, 1975.

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 passage it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. A "Yes" vote will be in favor of Passage of the Bill to be Enacted; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Berry, Brennan, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Anderson and Cianchette.

A roll call was had. Thirty-one Senators having voted in the affirmative, and none voting in the negative, with two 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.

#### Joint Resolution

State of Maine  
In the Year of Our Lord One  
Thousand Nine  
Hundred and Seventy-Three  
In Memoriam

WHEREAS, there is sadness in the depths of our hearts on the sudden passing of the Honorable Henry W. Hodgdon of Kittery; and

WHEREAS, Henry was a man of great dedication, of happy disposition and friendship who was

actively serving his second term in the Maine Legislature; and

WHEREAS, he always came carefully prepared, listened intently, deliberated and reached his own right conclusions; and

WHEREAS, our society is a little more aware of goodness and kindness because of him and that which he represented; now, therefore, be it

RESOLVED, that We, the Members of the One Hundred and Sixth Legislature of the State of Maine assembled this day in regular session, pause in our deliberations to express a common sorrow and sadness on the loss of this distinguished Member and to inscribe this token of our enduring affection and esteem for his memory and extend our deep and sincere sympathy to his proud and devoted wife, Louise, and our understanding to all others who share in the loss; and be it further

RESOLVED, that a copy of this Resolution, suitably engrossed and attested on behalf of our presiding

officers, be transmitted forthwith to the family of the deceased; and be it further

RESOLVED, that when the Legislature adjourns this day, we shall do so in honor and out of respect to his memory. (H. P. 1182)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair would ask the Senate to indicate their approval of the adoption of this Resolution by rising for a moment of silence.

Thereupon, the Members of the Senate stood for a moment of silent tribute, and the Joint Resolution was Adopted in concurrence.

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The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Sewall of Penobscot, adjourned until Monday, March 19, 1973, at ten o'clock in the morning.