

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, May 14, 1973

Senate called to order by the President.

Prayer by Father Royal J. Parent of Eagle Lake.

Reading of the Journal of yesterday.

Senate Papers**Labor**

Mr. Tanous of Penobscot presented Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers." (S. P. 618)

(Approved by a Majority of the Committee on Reference of Bills Pursuant to Joint Rule No. 10.)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for 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 Limiting the Number of Lobster Traps Per Person." (H. P. 7) (L. D. 7)

Bill, "An Act Closing Cape Porpoise Harbor to Lobster Fishing." (H. P. 514) (L. D. 680)

Bill, "An Act Requiring Applicants for a Lobster and Crab Fishing License to Derive 75 Percent of their Income from Commercial Fishing." (H. P. 1266) (L. D. 1642)

Bill, "An Act to Include a License to Take Shrimp within the License to Take Lobster and Crab." (H. P. 1311) (L. D. 1741)

Bill, "An Act Relating to Trespass in a Vehicle on Posted Land." (H. P. 1145) (L. D. 1478)

Leave to Withdraw

The Committee on Judiciary on Bill, "An Act to Define Public Place under the Criminal Laws of Intoxication." (H. P. 1323) (L. D. 1737)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on Bill, "An Act Relating

to Count Limit of Shrimp." (H. P. 905) (L. D. 1193)

Reported that the same be granted Leave to withdraw.

The Committee on Marine Resources on Bill, "An Act Providing for a Closed Season on Shrimp." (H. P. 903) (L. D. 1191)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Creating the Uniform Probate Code." (H. P. 28) (L. D. 35)

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 Marine Resources on Bill, "An Act to Establish Lobster Fishing Districts, Closed Season on Lobsters and to Limit Number of Traps which May be Fished." (H. P. 1107) (L. D. 1443)

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

The Committee on Marine Resources on Bill, "An Act Relating to the Marking of Lobster Traps." (H. P. 1109) (L. D. 1445)

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate the Amount of \$1,460,000 for Parking Garage Facility for the Capitol Complex at Augusta." (H. P. 726) (L. D. 932)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on Bill, "An Act to Expand Human Resources by Rehabilitating Recipients of State Aid." (H. P. 1363) (L. D. 1819)

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.

Ought to Pass — As Amended

The Committee on Natural Resources on Bill, "An Act to Establish a Water Quality Related Great Ponds Program in the Department of Environmental Protection." (H. P. 730) (L. D. 936)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-357).

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 Taxation on Bill, "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax." (H. P. 221) (L. D. 294)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate." (H. P. 1492) (L. D. 1920)

The Committee on Business Legislation on Bill, "An Act Relating to Expenses for Examination of Insurer." (H. P. 492) (L. D. 646)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1494) (L. D. 1922)

The Committee on Taxation on Bill, "An Act Exempting Trucks Purchased by Nonresidents from the Sales Tax." (H. P. 1272) (L. D. 1646)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Exempting Motor

Vehicles Purchased by Nonresidents from Sales Tax." (H. P. 1493) (L. D. 1921)

Come from the House, the Bills in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Veterans and Retirement on Bill, "An Act Relating to State Police Retirement System." (H. P. 40) (L. D. 55)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-358).

Signed:

Senators:

RICHARDSON

of Cumberland

SHUTE of Franklin

DANTON of York

Representatives:

PRATT of Parsonsfield

KELLEY of Machias

THERIAULT of Rumford

GAHAGAN of Caribou

LYNCH

of Livermore Falls

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

Signed:

Representatives:

HENLEY of Norway

BERRY of Buxton

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

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

Mr. BERRY: Mr. President, I wonder if a member of the Committee might give us an explanation of the situation.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: L. D. 55 is the legislation which has occasioned so much mail to all of you. What it really boils down to is whether or not five

employees who are presently with the state police are going to be permitted to continue on into the apparently indefinite future or whether or not they can be asked to retire.

Committee Amendment "A" to L. D. 55 permits these gentlemen to have until the end of June of 1974, the end of the next fiscal year, within which to make their decision on retirement. The bill has received a report, as indicated, all three members of this body agreeing that this is a reasonable compromise.

The basic idea is that these elderly men who are serving in the state police do in fact constitute a roadblock to promotions within the state police, and that this specific exemption for them on retirement is not in the best interests of good morale in the state police.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to thank the Senator from Cumberland, Senator Richardson, for his explanation.

The issue before the Senate appears to be an attempt, regardless of the motives, an attempt to abrogate an understanding that five people had when they took employment with the state. As I understand the situation, the retirement system was put into effect after these five people entered the state employ and, therefore, this legislation changes the signals on them. I think on this basis we should approach passage of the legislation cautiously.

In favor of passage of the legislation would be arguments that retention of these five people constitutes an undue restraint on the promotions of personnel within the State Police Department at the present time.

Weighing the two factors together, it would appear to me to be a breach of faith on the part of the state to, by statute, force these people out. I expect, like most people in the uniform service of the state, the wardens, the state police, and so forth, that

men of this type are the first to recognize their incapacity to do their duty. I think all five individuals involved can discharge their duties to the welfare of the state.

It seems to me that the issues are just these two simple things: Are we abrogating an agreement that these men had when they first entered the state employ, and is their retention until what cannot be a too distant future decision to retire going to adversely affect the morale of the department? My viewpoint is that the first point is overriding. I think we would be setting a dangerous precedent when by pressure we can change what amounts to a contract, a party to which is the State of Maine. It is possible, I suppose, that a future date could be picked. I do not believe that one year from now is adequate, but there could be a mandatory time, I suppose, beyond which we could say that you must retire. But I think we should remember that this was not told to these men when they first entered the state employ.

I would think that perhaps if this problem arises that a future legislature can handle it, however, I am sure that as the problem arises individually with these gentlemen they will retire. Accordingly, I am opposed to the passage of the bill in its present form and would reluctantly ask you to vote against acceptance of the Majority Report of the Committee.

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

Mr. SHUTE: Mr. President and Members of the Senate: I cannot help but agree to a great extent with the views held by Senator Berry from Cumberland. However, I do believe that the Veterans and Retirement Committee in this instance displayed a great deal of compassion.

Here we have a situation of five employees who are grandfathered in by virtue of the Maine State Retirement System. That is, they were employed prior to the retirement arrangement made by this legislature. As a matter of fact, some of these may not have

contributed to the retirement system.

The youngest member who would retire under this bill is a 60-year old trooper from Jackman. All of the rest of them are older than this and are officers higher on the scale in the Maine State Police system. Current law requires that troopers retire at age 55. So what we are saying to these five individuals who are reluctant to retire, who may not have contributed to the retirement system, "Yes, we will go beyond the requirements of the bill as printed and not insist that you retire 90 days after this legislature goes into history, at least the first session, but we do have compassion for your problem and we will give you better than a year in which to get your house in order and make plans for retirement."

One of the men who testified indicated that as far as he was concerned he was going to quit in a couple of years anyway. He was in his 70's. Well, I think that when you get beyond 60 years of age, and you are in the law enforcement business, I should think that one would be thinking seriously of retirement. Granted, these are desk jobs, by and large, and they could be jobs to be held by women; they could be replaced by women. So I see nothing wrong with L. D. 55 as it is reported out by the committee, and hope you would go along with the Majority Ought to Pass Report as amended by the committee amendment.

The PRESIDENT: As many Senators as are in favor of accepting the Majority Ought to Pass as Amended Report of the Committee in concurrence will please say "Yes"; those opposed "No".

A viva voce vote being taken, the Ought to Pass as Amended Report of the Committee was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Authorizing Beano or Bingo on

Sunday at Agricultural Fair Associations." (H. P. 1213) (L. D. 1564)

Reported that the same Ought to Pass.

Signed:

Senators:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

Representatives:

CAREY of Waterville
FECTEAU of Biddeford
BRAUN of Oakland
SHAW of Chelsea
COTE of Lewiston
CONNOLLY of Portland
FAUCHER of Solon

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

Signed:

Representatives:

SHUTE

of Stockton Springs
DUDLEY of Enfield
EMERY of Rockland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence.

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

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Prohibiting Geographic Price Discrimination by Financial Institutions." (H. P. 860) (L. D. 1145)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot
MARCOTTE of York
KATZ of Kennebec

Representatives:

TRASK of Milo
MADDOX of Vinalhaven
DONAGHY of Lubec
JACKSON of Yarmouth
HAMBLEN of Gorham
O'BRIEN of Portland
BOUDREAU of Portland

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

Signed:

Representatives:

CLARK of Freeport

TERNEY of Durham

DESHAIES of Westbrook

Comes from the House, the Minority report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

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

Mr. SHUTE: Mr. President and Members of the Senate: The individual who has an interest in this bill in the other body is proposing an amendment to this document—

The PRESIDENT: The Chair would ask the Senator not to refer to either past actions or proposed future actions by the other body.

Mr. SHUTE: I am sorry, Mr. President. I would move that we accept the Ought to Pass Report of the Committee, and I would like to speak to that motion.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate accept the Minority Ought to Pass Report of the Committee in non-concurrence.

The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: I think that an amendment can be offered to this bill which would make it much more palatable to the three Senators who signed the Ought Not to Pass Report in here, and I would request that it be permitted to go to second reading so that we may offer this proposed amendment. I do make the motion that the Ought to Pass Report be accepted.

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

Mr. COX: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, it would seem to be in order to have the purport of the amendment explained at this time by the Senator from Franklin, Senator Shute.

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

Mr. SHUTE: Mr. President and Members of the Senate: It was proposed that an amendment be offered on this bill, L. D. 1145, which would prohibit geographic price discrimination by financial institutions, and the thought was that the original proposal was not germane. However, we do have an amendment which we feel is germane and which would amend the bill to read as follows: "The Banking Commissioner, in addition to any other powers granted him in this title, shall have the power to promulgate rules and regulations prohibiting geographic pricing practices of financial institutions." Now, the original proposal was "governing practices of financial institutions", and it was suggested that this was not germane. So we have changed it and suggest this is germane, and that you put this legislation in a position where we can offer this amendment on a second reader.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I wonder if one of the majority signers would explain the thinking of the majority. By just looking at the bill, it seems like a pretty good idea to prohibit geographic price discrimination. I would also like to know if the Banking Commissioner takes any position on this bill.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair which any member of the committee may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: The majority of the members of the committee opposed this bill, I think, because it does away with the practice of negotiating. I am talking of not only individual loans but business loans, where you have good credit and good ability to pay, that therefore you enjoy a lower interest rate. It is my under-

standing of this bill that if an interest rate was in effect in Bangor that for the same bank it would have to be in effect in another community, and it doesn't take into consideration your own ability to negotiate or to do otherwise. I just felt it was a restraint of trade and voted against it for that reason.

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

Mr. BERRY: Mr. President and Members of the Senate: As I understand the amendment, as explained by Senator Shute of Franklin, the bill as amended would give the same powers to the Banking Commissioner that the statute would have had if the bill was passed. So really the amendment doesn't do anything, and we are really talking about the basic principle.

I believe the bill might have been introduced by what we would say are banks who are very concerned about competition and are quite anxious to perhaps strengthen their hand, and this is what would come about: Let's say one of the big banks would by law have to have uniform rates wherever their branches are. Knowing what this rate was, any other institution in any one of those branch towns or cities where they are could set a rate lower and, thus, legally take away the business.

I think that Senator Cox of Penobscot has put his finger on the problem, and that is that passage of the bill would remove the bargaining powers that the borrower has to be able to get the best possible interest rate. If the central office sets a uniform rate policy, as would have to be done under the bill, then there is no room for bargaining depending on the collateral involved or the type of security behind the loan. I think the consumer would benefit more by non-passage of the bill.

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

Mr. COX: Mr. President and Members of the Senate: I have to disagree with the good Senator

from Cumberland, Senator Berry, in that the amendment would give the Bank Commissioner the authority that the bill would give the legislature the authority to do, and it accomplishes the same thing.

I think the consumer is going to lose under it, because when you go into uniformity, I think, you go to the higher rates rather than to the lower, and people are enjoying lower rates as a result of negotiation. Therefore, I have to oppose the amendment.

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

Mr. SHUTE: Mr. President and Members of the Senate: I believe that we are talking about unfair practices in pricing of money. I think you would liken it to a situation whereby you are operating a radio station in a small community, and you are getting by. Then one day the Federal Communications Commission, in its wisdom, decided that perhaps there should be a competitive radio station in the area and they made the award. Lo and behold, they have sufficient resources in back of them to come into this community and, by their practices of pricing their rates at a lower level than the existing station, and through their resources which are in back of them, they are able through this method to drive the existing station out of business.

This is what we are talking about in the banking business; it is as simple as that. This has happened, where a bank holding company or one of the big banks in the state has moved into another area and has reduced its pricing practices, its rate that it charges to a town if they want to borrow in anticipation of taxes, or any large individual or large corporation, and they will deliberately price their interest rates at a lower level in order to attract that business and get it away from the existing banking institution. This is what we are talking about; nothing else. This is what has happened, and this is what this bill would prevent. It would prevent the geographic price discrimination that is existing.

Now, someone will say that there are laws on the books to prevent this. This is true; there is the Sherman Antitrust Law which prevents it, but it is not enforced. At least, if this bill were passed into law, we would have something on the books that would prevent this type of discrimination. I urge you to accept the Ought to Pass Report of the Committee so that we can move this on and propose this amendment.

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

Mr. FORTIER: Mr. President and Members of the Senate: In view of the fact that there is now a committee which is doing a very extensive study of all our banking laws, our banking code, the committee generally known as the Spanogle Committee, I believe that anything we do in regard to banking might have a tendency to handicap or to limit the study and the findings of this committee. Consequently, I feel that we should be very, very careful in regards to putting any laws at all on our state books this session which will limit in any way our Bank Commissioner. I hope you will vote in favor of the Ought Not to Pass Report.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Minority Ought to Pass Report of the Committee in non-concurrence. A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Health and Institutional Ser-

vices on Bill, "An Act Relating to the Prohibition of the Advertising of Drug Prices." (H. P. 930) (L. D. 1227)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY

of Androscoggin

Representatives:

DYAR of Strong
BERRY of Madison
SOULAS of Bangor
MORIN

of Old Orchard Beach

LEWIS of Bristol
McCORMICK of Union
SANTORO of Portland

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

Signed:

Representatives:

GOODWIN

of South Berwick
WHITZELL of Gardiner
LaPOINTE of Portland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Cox of Penobscot, tabled and Specially Assigned for May 16, 1973, pending Acceptance of Either Report.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, to Reimburse Berkshire Mutual Insurance Company for Damage to Property of Leonard Smith by Highway Construction. (H. P. 353) (L. D. 468)

Ask leave to report: that the House recede from its action whereby it accepted the Majority Ought Not to Pass report of the Committee; accept the Minority Ought to Pass report; adopt Conference Committee Amendment "A" (H-363) submitted herewith; and Pass the Bill to be Engrossed, as Amended by Conference Committee Amendment "A";

that the Senate recede and concur with the House.

On the Part of the House:

SHAW of Chelsea
MARTIN of Eagle Lake

On the Part of the Senate:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed as Amended by Conference Committee Amendment "A".

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur with the House.

Senate Ought to Pass

Mr. Katz for the Committee on Education on Bill, "An Act Relating to Conferring Degrees by Portland School of Art." (S. P. 189) (L. D. 496)

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. Wyman for the Committee on State Government on Bill, "An Act to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts." (S. P. 534) (L. D. 1687)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-122).

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.

Ought to Pass in New Draft

Mr. Shute for the Committee on Election Laws on Bill, "An Act Relating to Petition for Articles on Municipal Ballots and Warrants." (S. P. 563) (L. D. 1704)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 616) (L. D. 1929)

Mr. Clifford for the Committee on State Government on Bill, "An Act to Encourage Investment of Revenue Sharing Funds in Local Interest Bearing Accounts." (S. P. 533) (L. D. 1686)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 619) (L. D. 1930)

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Providing Funds for Director of Volunteer Services in the Division of Probation and Parole." (S. P. 429) (L. D. 1299)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington

Representatives:

COONEY of Sabattus
CURTIS of Orono
GAHAGAN of Caribou
GOODWIN of Bath
NAJARIAN of Portland
BUSTIN of Augusta

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

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

CROMMETT
of Millinocket
FARNHAM of Hampden
SILVERMAN of Calais
STILLINGS of Berwick

Which reports were Read.

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

Mr. CLIFFORD: Mr. President, in view of the fact that the two members of the Senate who signed the Majority Ought to Pass Report are not present, I would request that this matter be tabled for one legislative day.

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

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

Second Readers

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

House

Bill, "An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees." (H. P. 589) (L. D. 780)

Bill, "An Act Relating to State Aid for School Construction." (H. P. 1370) (L. D. 1827)

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

House — As Amended

Bill, "An Act Prohibiting the Acceptance of Money for Enrollment of Voters." (H. P. 1270) (L. D. 1645)

Bill, "An Act Relating to Compensation and Specific Periods for Injuries under Workmen's Compensation Act." (H. P. 1173) (L. D. 1510)

Bill, "An Act Revising the Laws Relating to Oil Burner Men's Licensing." (H. P. 652) (L. D. 915)

Bill, "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties." (H. P. 415) (L. D. 564)

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

Senate

Bill, "An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention." (S. P. 481) (L. D. 1548)

Bill, "An Act Relating to Maine Sardine Inspection Service." (S. P. 615) (L. D. 1927)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Membership in State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals." (S. P. 140) (L. D. 352)

Bill, "An Act Providing Pensions for Former Governors and their Widows." (S. P. 363) (L. D. 1077)

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 Fees of Clerks of Courts. (S. P. 171) (L. D. 426)

An Act to Authorize York County to Raise \$800,000 for Construction of a County Jail. (S. P. 529) (L. D. 1659)

An Act Relating to Dealers in Used Personal Property. (S. P. 578) (L. D. 1769)

(On motion by Mr. Richardson of Cumberland, Tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Service Retirement for Certain Members of the State Police. (H. P. 1009) (L. D. 1323)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area. (H. P. 1077) (L. D. 1400)

(On motion by Mr. Richardson of Cumberland, temporarily set aside.)

An Act Establishing a State Register of Natural Areas. (H. P. 1160) (L. D. 1493)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly. (H. P. 1228) (L. D. 1618)

(On motion by Mr. Sewall of Penobscot, Placed on the Special Appropriations Table.)

An Act to Provide for Secret Ballots by Alternative Means at Town Meeting. (H. P. 1298) (L. D. 1684)

An Act Relating to Reburial of Indian Bones and Skeletons. (H. P. 1471) (L. D. 1896)

An Act Relating to State Income Tax Deduction for Student Tuition Payments. (H. P. 1473) (L. D. 1898)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to the Registration of Private Employment Agencies. (H. P. 1474) (L. D. 1899)

An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County. (H. P. 1475) (L. D. 1900)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to the Disposal of Junked Cars. (H. P. 1476) (L. D. 1901)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to the Disposal of Junked Cars. (H. P. 1476) (L. D. 1901)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Raising the Maximum Age of a Juvenile Offender. (H. P. 489) (L. D. 643)

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

The President laid before the Senate the matter temporarily set aside at the request of Mr. Richardson of Cumberland:

An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area. (H. P. 1077) (L. D. 1400)

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

Mr. RICHARDSON: Mr. President, I would inquire of some member of the Committee on Transportation as to whether or not this is not in fact a departure from established procedures with respect to the Maine Turnpike? That is, we are permitting the placing of a sign by the Maine Turnpike Authority to the advantage or to serve the needs of a private development enterprise. I wonder whether or not the Senate could be advised of the reason for what I understand to be a departure from precedent?

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed an inquiry through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: As a member of the Transportation Committee, I will try to answer the question of the Senator from Cumberland, Senator Richardson. It is my understanding and I think the understanding of the committee that this Evergreen Valley Area was not to promote especially a private enterprise. It is an area consisting of several towns, and the committee amendment removed the names of those particular towns from this L. D. to stay in compliance with other signs of a similar nature, Sugarloaf Mountain and other recreational areas. After looking the statutes over, the existing laws relating to signs on the Maine Turnpike, we felt that this was in complete agreement with other signs of this nature. Therefore, we felt there was no reason not to allow this sign, and it would be a service to the public to allow it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Thereupon, on motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

Orders of the Day

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

House Report — from the Committee on Veterans and Retirement — Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Barbara Goodwin. (H. P. 1225) (L. D. 1600) Ought to Pass as amended by Committee Amendment "A" (H-335)

Tabled — May 10, 1973 by Senator Richardson of Cumberland.

Pending — Acceptance of Report. Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

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

Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (H. P. 341) (L. D. 456)

Tabled — May 10, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Committee Amendment "A" (H-326)

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for May 16, 1973, pending Passage to be Engrossed.

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

House Report — from the Committee on Labor — Bill, "An Act to Repeal the Seasonality Provisions of the Employment Security Law." (H. P. 519) (L. D. 684) Ought to Pass as amended by Committee Amendment "A" (H-319).

Tabled — May 10, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

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

House Report — from the Committee on Natural Resources — Bill, "An Act Classifying Certain Inland Waters of Saco River Basin." (H. P. 765) (L. D. 998) Ought to Pass.

Tabled — May 11, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for May 16, 1973, pending Acceptance of the Committee Report.

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

House Report — from the Committee on Legal Affairs — Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (H. P. 473) (L. D. 620) Ought to Pass as amended by Committee Amendment "A" (H-310).

Tabled — May 11, 1973 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I think the first thing I might do in reference to this particular bill, to create a little debate, is move for indefinite postponement of this bill and all accompanying papers, and I would speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that Bill, "An Act Establishing the Lewiston-Auburn Airport Authority", be indefinitely postponed.

The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President and Members of the Senate: If this was the year 1968 instead of 1973, possibly I would have some different feelings about an airport authority for the Cities of Lewiston and Auburn, because during that segment of time I believe we had the ample opportunity in which to expand our airport facilities and make it adequate for the people in that area. But since that particular segment of time we are speaking of two additional large airports, in Portland and in Bangor, which really are the major airports here in the State of Maine. You take the distance between Lewiston and Portland or from Lewiston to Bangor in air miles, and it doesn't amount to that much.

What this airport has been serving at the present time is very, very few people, but primarily air freight traffic, and what we are asking in this particular authority is to spend a great deal of money for something which cannot

possibly exist or exist presently under its present setup.

The paradox of this entire thing is strange in one respect, simply because here we are in a municipality of Lewiston-Auburn, we cannot solve the transportation problem, that is, insofar as buses are concerned, for our workers and for our senior citizens; yet we are asking for an authority to spend equally on a 50 percent basis to serve hardly anybody at all because most of these people really travel to Portland, to Bangor, or even to Boston.

Now, in essence, this would really be a very, very high cost for actually no benefit to the area at all, and the sharing of the cost would be predicated, according to this particular bill, in many areas, including landing fees. Landing fees is fine, but we have one small commercial operator there that more or less really serves private aviation, and I think the base major amount of fees would be so great that we would drive this particular business right out of the airport actually.

Mr. President, at the present time this really is a very poorly drafted bill, it does not serve the general needs of the people of Lewiston-Auburn, and I think it would be really an atrocious gimmick to send this thing as amended to referendum to these people, because it will still be defeated by them because they cannot get their dollars' worth out of this particular airport, and it is going to be an additional tax burden to the taxpayers of Lewiston-Auburn.

I would like to point out that the Council of Lewiston accepted this particular bill on a four to three vote, and the City of Auburn four to one, but in my estimation, I think if they really analyzed it and had any really clear-cut hearings in that area about all of the ramifications of this particular bill, then I think the councils would have voted unanimously to not go along with this particular measure.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I am

opposed to the motion of the good Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone L. D. 620, which is an Act Establishing the Lewiston-Auburn Airport Authority.

Lewiston-Auburn is the second largest metropolitan area in the State of Maine, and we do have real transportation problems in the area, not only with public transportation or busing, but also with air transportation.

The Lewiston-Auburn airport is jointly owned by the Cities of Lewiston and Auburn. In my opinion, Mr. President and Members of the Senate, it is a real asset for the community, not in a sense that it is going to become a jetport such as Bangor and Portland have, but it is an important freight terminal and can be a much more important one, especially for our area which is an industrial area. It serves a limited passenger purpose as well with a commuter airline serving the area with several flights a day to Portland and Boston. That commuter airline is happy with the present situation or with the present market, and indicates that there is in the future a greater market in the area.

The Transportation Study done in 1968, the last major transportation study for the area, recommended the formation of an airport authority for the Lewiston-Auburn Airport, which is what this bill does. The Airport Authority would provide the kind of continuity which is needed and it would provide the authority and the ability to run the airport on a day to day basis without city council's in both cities approval for minor matters, leases, etc., which are not required because there is no official body except the two city governments running this airport.

There is excellent control under this bill. The membership, which was a question, is now clarified by an amendment. There are two members from each municipality and a fifth member is chosen by those two. The cities, under the bill as amended, have to approve any borrowing that the airport authority gets into. There is a referendum amendment, which I

feel is an attempt to defeat the bill, and if this motion is defeated today, and it foresees an initial passage, I propose to add at the second reading a further amendment to require municipal approval of both cities of the annual airport budgets.

The Auburn City Manager would become a member of the airport authority and the Lewiston Controller, who is the closest thing that the City of Lewiston has to a City Manager. As I indicated, the referendum, I feel, is an attempt to defeat this bill and I would later on move to kill that particular amendment. The bill is favored by the mayors of the City of Lewiston and the City of Auburn, it is favored by a majority of the members of the city council in both cities and, with the further amendment which I would propose to add at the second reading, it certainly would provide the kind of control that the cities would desire to have on this bill. It is an important asset, and I think that the airport would be better run by an authority than by having the city councils attempt to run it as we do today. Therefore, I would oppose the motion of my good friend, the Senator from Androscoggin, Senator Minkowsky.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I believe very sincerely with my very dear friend, Senator Clifford, the only relative part of the presentation pertains to the fact that it is not serving an adequate need for the people of Lewiston-Auburn at the present time, I think through his own admission, and with an authority, with the added costs of an airport manager, the acquisition of land, and everything else about it, bonding, etc., that it is not going to solve the problem that we have in that area at the present time. This is not the time to do it. And I sincerely believe, in the name of keeping the costs of operation down, and just really serving a very, very small portion of the people of that area insofar as air traffic is concerned, that

they are much better off to go to Portland or Bangor, or even to Boston. But to go through this high cost, regardless of the study made in 1968 — I believe if that study was revived they would have to reassess their entire position and say that it is not feasible and adequate at the present time to implement such a study — I would sincerely hope that the Senate would go along with the indefinite postponement of this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act Establishing the Lewiston-Auburn Airport Authority", be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Four Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion did not prevail. Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" and House Amendments "B" and "C" were Read and Adopted in concurrence. House Amendment "D" was Read.

On motion by Mr. Clifford of Androscoggin, House Amendment "D" was Indefinitely Postponed in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

(See action later in today's session.)

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

Bill, "An Act Relating to Licenses to Carry Weapons." (H. P. 936) (L. D. 1235)

Tabled May 11, 1973 by Senator Tanous of Penobscot.

Pending — Adoption of House Amendment "A" (H-359).

House Amendment "A" was Adopted in concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to Reconsider its prior action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Labor — Bill, "An Act Relating to Interest on Awards in Workmen's Compensation Cases." (H. P. 1150) (L. D. 1481) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 11, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Thereupon, 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 eighth tabled and specially assigned matter:

House Reports — from the Committee on Business Legislation — Bill, "An Act Regulating Bank Branching." (H. P. 861) (L. D. 1146) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 11, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

The Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

On motion by Mr. Shute of Franklin, the Senate then voted to Reconsider its action whereby the Majority Ought Not to Pass Report of the Committee was Accepted.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: Here is a companion piece of legislation with L. D. 1145, and my remarks

earlier in reference to 1145 can also be applied to some parts of 1146.

The amendment that was placed on this piece of legislation by the other body simply asks for a moratorium on further branch banking. This does not prohibit a bank presently doing business in Millinocket or Portland from establishing a branch bank in its own territory, but this legislation does prohibit a bank from going into a territory like Farmington if they are not privileged under the current law to go there. It would prohibit them from going into an area until the Spanogle Committee made its report.

Now, Senator Fortier made reference to the Governor's Committee studying banking, and this bill, if it became law, would no longer be in force 90 calendar days after final adjournment of the regular or special legislative session that takes action on or reviews the report of the committee study on banking and bank laws now being conducted by the Governor's Banking Study Advisory Committee.

So this merely would say that we have gone far enough in our extension of banks, we would like to have a moratorium until this committee reports, and this is what L. D. 1146 asks.

I fully expect that many of the Senators have been contacted over the weekend with reference to both of these documents. The Minority Ought to Pass Report is one which I hope you would accept, and I would now move that we permit this document to be accepted and House Amendment "A" to L. D. 1146 to also be accepted to provide a moratorium.

The PRESIDENT: The Senator from Franklin, Senator Shute, now moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: L. D. 1146, as it has been rewritten, also prohibits mergers and acquisitions of any financial institutions as well as the branching. And when I saw the amendment Friday, I had some feeling towards the moratorium be-

cause the study committee is working on it, but the first thing I want to point out is that many members of the committee voted against this bill because the study committee is studying this very problem.

After reading the amendment, I find that it includes national banks, which I understand are under federal control and probably should be excluded from this amendment. And if you exclude national banks, then you are discriminating against the rest of the banks in Maine where they could not merge, acquire or branch in any other locations. Therefore, I would have to go against the Minority Report and move acceptance of the Majority Ought Not to Pass Report.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I guess basically what I have is a question. As I understand our set-up, we have a lot of commissioners and their essential responsibility is to protect the public interest. I think that is their function. Now, I wonder if some member of the Committee could tell us what the Banking Commissioner's position was on this bill?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Being a member of the Commission to which reference has been made, I can answer that question. The Bank Commissioner is against this bill. The Bank Commissioner and the members of the Committee do feel that there should be no significant legislation passed in the banking field until the legislature considers the Committee report at the next special session.

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

Mr. BRENNAN: Mr. President, I wonder if some member of the

Committee could tell me whether or not the Banking Commissioner appeared at the public hearing and took a position categorically against it?

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed another question through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President, he appeared at the hearing but I cannot remember what position he took.

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

Mr. SHUTE: Mr. President and Members of the Senate: I have a strong feeling I am getting into deep water here, but I think that this is an important piece of legislation for the small banks.

Now, only ten years ago we had 100 banks in the state. Do you know how many we have got now? This is commercial banks; I am not speaking of savings banks. This amendment doesn't affect savings banks, incidentally. And while we are talking about national banks, the state does have jurisdiction over national banks, as well as the federal government. But today we have got something in the order of 26 banks. Now, these include six large holding companies and one large bank, but the rest of them are small banks like the Farmington National Bank, the First National Bank of Farmington, and like the Livermore Falls Trust Company.

Now, what this bill would ask of these banks, these large holding companies, these people who control perhaps 82 per cent of the assets in the entire state, is that we want you to hold up on further branching until the Spanogle Committee reports. This is all it does. This is a very simple piece of legislation, and whether or not the Commissioner opposes it or approves it, I think, matters little.

I wouldn't be speaking on this if I didn't think this was fair, that this was just, and that some of

the small banks that are trying to do business in the face of banks that control 82 percent of the assets in the state are really having a rough time of it. They don't want to be swallowed up by big business. This is all that we are talking about. We are talking about well-entrenched business that is getting bigger all the time and, without the benefit of this kind of legislation, we are going to wind up with no competition whatever. I urge you to vote in favor of the Ought to Pass Report and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE: Mr. President, could we hear the Committee Report on this please?

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

The SECRETARY: The Majority Ought Not to Pass Report was signed by Senators Marcotte, Cox and Katz; Representatives Trask, Maddox, Donaghy, Jackson, Hamblen, O'Brien, and Deshaies.

The Minority Ought to Pass Report was signed by Representatives Boudreau, Clark, and Tierney.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Regulating Bank Branching." 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 motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act

Regulating Bank Branching." A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Danton, Kelley, Minkowsky, Richardson, Shute.

NAYS: Senators Aldrich, Anderson, Berry, Cianchette, Clifford, Conley, Cox, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Marcotte, Olfene, Peabody, Roberts, Schulten, Tanous, MacLeod.

ABSENT: Senators Cummings, Katz, Morrell, Sewall, Speers, Wyman.

A roll call was had. Six Senators having voted in the affirmative, and 21 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, 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 ninth tabled and specially assigned matter:

Bill, "An Act Relating to Consolidating Reports of State Departments and Agencies." (H. P. 1484) (L. D. 1911)

Tabled — May 11, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

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

House Report — from the Committee on County Government — Bill, "An Act to Annex Town of Brunswick to Sagadahoc County." (H. P. 1326) (L. D. 1738) Ought to Pass as amended by Committee Amendment "A" (H-313).

Tabled — May 11, 1973 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I guess the first motion I will make is for indefinite postponement of this bill, and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that Bill, "An Act to Annex Town of Brunswick to Sagadahoc County", be indefinitely postponed.

Mr. MINKOWSKY: Mr. President and Members of the Senate: The reason I got myself involved in this particular bill primarily is because part of the Senatorial District I had, which encompasses the Towns of Richmond, Bowdoin, Bowdoinham and Topsham, is in Sagadahoc County, and apparently there has been quite a controversy throughout the years with reference to the school administrative district and now, recently, the Cumberland County Civic Center. And I have been looking at this, hopefully, objectively in that the Town of Brunswick has been very, very flexible in one direction or the other.

I would say that when the towns in Sagadahoc County originally wanted to form a school administrative district, Brunswick wanted to stay out of it, and continued to stay out of it because even today they are a single school unit. Now that they find themselves in a precarious situation in Cumberland County, with the county building the civic center, the rhetoric down there has been that now they want out and to be merged with Sagadahoc County.

Well, I don't look upon county lines as being very sacred — in fact, I wish the whole thing would be an elimination of county government, insofar as I am concerned — but on that particular basis, Mr. President, I am moving that this bill be indefinitely postponed.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't rise as a Senator from Androscoggin to oppose my good friend, Senator Minkowsky from Androscoggin, but as a member of

the County Government Committee which heard this bill.

I thought it was a fairly important bill, and the evidence which came before the Committee, which was presented by the proponents of the bill, was that practically every conceivable factor which should govern as to the political alliance or allegiance pointed to the fact that the Bath-Brunswick area is really one community. Also pointed out was the fact that Cumberland County is by far the largest county in population, Sagadahoc is the smallest, and that even if this should come about, the annexation of Brunswick to Sagadahoc, Cumberland would still be the largest and Sagadahoc, I believe, would still be the smallest.

The report of the Committee was unanimous in favor of annexation, provided — and this is in the bill — that the Town of Brunswick approved in referendum and that the citizens of Sagadahoc County approve in referendum.

I think though, besides the fact that all the evidence indicated that the sphere of interest of Brunswick really was toward Sagadahoc County and the Bath-Brunswick area, I think the more important principle which is involved, Mr. President, and makes it an important bill, and not just a regional bill, I think the question is: can political boundaries ever be changed or are political boundaries going to become frozen and cemented so that they never can be changed, despite the fact that circumstances may change, justifying a change in the political boundaries? Does the dog wag the tail, really, or does the tail wag the dog, I think is the question here.

County lines have changed over the years. I believe that York County was the only county in the State of Maine at the start of the history of the State of Maine. Androscoggin broke off from Lincoln County and Cumberland County. So that the political boundaries, the county boundaries, have changed as circumstances were dictated. When Maine broke off from Massachusetts, a

referendum was held in Maine and none was held in Massachusetts.

I am a great believer, having served in city government, that one of the real problems we have in municipal government is the boundary lines, that circumstances have changed and municipalities which formerly formed a separate community now form an overall community with surrounding municipalities. I think if we are going to solve the whole problem of county government, municipal government, and regional government, that the governments are going to have to change those boundaries. So I think that is the principle involved in this bill.

One of the aspects which bothered me in the committee hearing was the suggestion by a member of the Cumberland County Commission that the voters of Cumberland County be allowed to vote on this. The other body, as I understand it, has added an amendment so that all the voters of Cumberland County will be voting on this in its present form. This was discussed at the hearing, and this was rejected by the entire membership of the County Government Committee. There was no referendum when we broke off from England. There was no referendum when Maine broke off from Massachusetts. It does call for the people involved to vote, or at least it should in its proper form, the people in Brunswick and the people of Sagadahoc County. I think having the entire Cumberland County vote on it is a little bit like — well, it just smacks to me as something a little bit like the Iron Curtain; that these people are never going to get out of our county because they have certain financial and fiscal obligations that we are not going to let them out of.

I think the issue of the Civic Center in Portland, certainly, I am sure it is one of the motivating factors in the Town of Brunswick, but it is also a factor on the other side. So I think that one cancels out the other. Sure it is a factor in Brunswick, but it is also a factor in some of the other towns that don't want to assume Brunswick's obligations. But as far as Brun-

wick is concerned, they have obligations in Cumberland County which they pay to the county tax which they would be relinquishing, but they would also be picking up obligations in Sagadahoc County, so I don't think they are going to come out any better or worse than they are here.

Really the issue, it seems to me, is the community of interest. It is the fact that Brunswick is really tied into the Bath-Brunswick community. And I think it is important that governments are able to change their boundaries when the circumstances justify it. So I would oppose the motion of the Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone this bill, and then I would hope later that we could indefinitely postpone House Amendment "A" to Committee Amendment "A". Thank you, Mr. President.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am really not a fan of county government; I think a lot of times it makes very little sense, but I don't think that this is helping the situation to put Brunswick over to Sagadahoc. I personally support the concept of maybe five or six regional type governments throughout the state where we have a regional police force, a regional jail, and I think we would get the economies of scale that we ought to have for good government. I would support the motion to indefinitely postpone this.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: It is interesting to listen to the debate of my very dear friend from Androscoggin, Senator Clifford, who can speak along the lines of indefinitely postponing the amendment to this bill and say that the people of Cumberland County do not have a right to make this decision as a county, but yet Sagadahoc as a county has a right to do it. The paradox between the two just doesn't add up.

I concur fully that regional government in time would be the most important, the most efficient thing, but I think the precedent we are setting at the present time is truly very, very dangerous. I think we should really honor the feelings of the people in Sagadahoc County. And as I brought out these two different examples, Brunswick has put itself in a very, very flexible position and has been able to move back and forth in any direction they desire. I think it is about time the Maine Legislature lays the law down very clearly that they will stay where they are until we dissolve county government.

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

Mr. MORRELL: Mr. President and Members of the Senate: We have had some very good speeches from two Senators from Androscoggin, and I guess I have to agree with one and disagree with the other, and I agree with Senator Clifford.

As you know, I am a resident of Brunswick, and I also represent a number of other towns in Cumberland County, but I am firmly convinced that Cumberland won't miss us but Sagadahoc would welcome Brunswick. There have been many expressions to me over the years relative to this — this is not the first time Brunswick has made the effort to join Sagadahoc — so that the motivation is not solely the matter of the Convention Center in Portland, which I support have supported publicly and with my vote. But I think that Brunswick and Bath, that whole area gravitates more in that direction than they do towards Portland.

Speaking directly on the matter of a referendum in Cumberland County, if that is ultimately adopted, it effectively kills the effort that Brunswick would like to make. I see no need to use the expression "lay the law down to Brunswick." This is a perfectly legitimate request. I think that Brunswick's presence in Sagadahoc County would strengthen it both leadershipwise and financially. Brunswick doesn't have any intention of making an effort to become the county seat. It readily

recognizes the historic and actual value of having Bath remain the county seat. So from all standpoints, it seems to me that this bill is founded in good faith, it makes good sense geographically, it makes good sense businesswise, and I would hope that you vote against the motion of the Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone.

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

Mr. BERRY: Mr. President and Members of the Senate: I followed the very informative debate here with a great deal of interest, but it would seem to me that there are one or two practical items that have not been mentioned by the proponents or opponents.

First, I would think that this proposal would thrust Senator Morrell from Cumberland headlong against Senator Schulten from Sagadahoc, and this spectacle leaves me very, very sad indeed. Two fine, upstanding members of the Republican Party fighting for survival certainly doesn't appeal to me as Floor Leader of the Senate.

We also have the financial matters that we have to think about once in awhile. We have got two bond issues that the good burghers of Cumberland County are paying: one is the civic center to which Senator Morrell of Cumberland has referred, and the other is a very famous bridge down in Harpswell with which the Senator is quite concerned. It seems to me that these are expensive items that have some influence on this bill.

Then, of course, there is the practical effect that if you can't swim in Maine waters you will have an awful job staying in Cumberland County trying to go from Harpswell to Yarmouth, and I think we will have to institute some kind of a ferry system there so the people wouldn't have to go through Brunswick to stay in Cumberland County. I think it is only fair that we keep the county honest.

We have shown, in spite of what has been said, that we can adapt ourselves to changing times. I represent a district, a portion of which was ceded to York County in the last senatorial reapportionment, so we are able to adapt ourselves here.

I think we have, in a serious vein, a senatorial reapportionment problem here. If we are going to separate Brunswick out, the next census taken for senatorial redistricting is in 1980 and, therefore, we would have to certainly reapportion the Senate, which is no pleasant task, I know. I think Senator Minkowsky of Androscoggin has quite a lot of things working for him in his motion and I hope it would prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: I rise in support of the motion of the good Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone this bill.

I listened with a great deal of interest to the remarks of the good Senator from Androscoggin, Senator Clifford, when he talked about the very strong community based relationship between the Towns of Bath and Brunswick, and it may be that perhaps the committee should have given some thought to having Bath secede to Cumberland County.

However, in listening also to some of the remarks that he referred to by the county commissioners, it has always been my opinion, and not only the commissioners of Cumberland County but some of the various other commissioners, that I have often referred to as eenie, meenie, minie, and thank God that is no mo.

The fact is though I think we have to consider exactly what Senator Berry, the good Senator from Cumberland, has referred to, and that is the county debt as it now stands. Many of these debts were incurred by referendum throughout the entire county, and I am sure that the Town of Brunswick took part in those

referendums and probably voted favorably, at least on one of them.

It seems to me too that Portland, being the shiretown town for the county, and having all of its records, registers of deeds and so forth, or deeds registered in that courthouse, it is going to add to further complications. Therefore, I would hope that the Senate would agree to indefinitely postpone.

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

Mr. MORRELL: Mr. President and Members of the Senate: I am extremely pleased to hear the expressions of affection from the delegation from Portland and around that area. Speaking directly to Senator Berry's comments about his concern for Senator Schulten and myself, I have always deferred to my elders and, with respect, I would do the same if this came about.

Second, he speaks about the problem, if this were to take place, of coming from Harpswell to Portland and having to swim. At the present time the people in Sagadahoc have to go through Brunswick to get from one part of Sagadahoc to the other, so I don't think the situation changes very much from that standpoint.

Financially, Brunswick would be assuming responsibilities in Sagadahoc, so it isn't avoiding any, and you can never tell when financial responsibilities within a county increase or decrease, depending on a particular major or minor project.

Frankly, I have heard nothing here this morning that would persuade me that this isn't a good move for all parties concerned, including Cumberland County.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think I would like to correct an impression that has been given here in the debate, and that is that county lines have anything to do with Senate districts; they absolutely do not, and whether Brunswick becomes annexed to Sagadahoc County or whether it

remains in Cumberland has absolutely nothing to do with the senatorial districts. They used to when Senators were elected by county, but they are not any more. And the change referred to in the senatorial district in the district of the good Senator from York, Senator Danton, was a change in a senatorial district, and not a change in a county line.

As far as the bond issue and the financial obligations, it seems to me that again you are back to the principle that if you argue this then you can argue it any time you want to change a political boundary. You are saying, in effect, that the political boundary is cement and it can never be changed. Brunswick is assuming obligations in Sagadahoc and leaving them in Cumberland, so there is no change for Brunswick.

As far as the argument about registry of deeds and probate records, it seems to me, Mr. President, that in this day and age, with the advent of the copying machine and the Xerox machine, that this is not anywhere near the problem it used to be. The records from Brunswick which are presently in the Cumberland County Registry of Deeds can easily be copied and transferred to the Sagadahoc County Registry of Deeds. Also, as an added and further protection for Sagadahoc County, one of the amendments placed on it in the other body insures that Bath would remain the county seat.

I think the issue here is whether or not, if the circumstances justify, and all of the circumstances in this case do justify, if the circumstances justify it, can governments be flexible enough to change an outmoded political boundary. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act to Annex Town of Brunswick to Sagadahoc County", be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise

and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and House Amendment "A" to Committee Amendment "A" was Read.

Mr. Clifford of Androscoggin then moved that House Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. RICHARDSON: Mr. President, may I inquire of the Chair the filing number of the amendment to which the motion to indefinitely postpone is addressed?

The PRESIDENT: The Secretary will give the filing number.

The SECRETARY: H-331.

The PRESIDENT: H-331 is House Amendment "A" to Committee Amendment "A". Committee Amendment "A" is filing H-314.

The Senator has the floor.

Mr. RICHARDSON: Mr. President, I am sure the handwriting is on the wall because of the earlier vote which was very clear, but I feel that at least a decent interment ceremony is in order. You are by your vote permitting at least one community, some of whose members are apparently dissatisfied with a recent referendum on a county sports convention center, to express their disapproval.

I am one of those who believe that if county government is to be abolished it should be dispatched with a shot right between the horns. If it is not going to be abolished, I don't think that we ought to rob it of perhaps its principal reason for existence, and that is its regional characteristics.

I see absolutely nothing wrong with having a vote by all those

involved. This amendment, H-331, would permit the residents of Cumberland County to vote on the issue as to whether or not our dear friends in Brunswick are to join our dear friends in Bath. I see no sinister implications in that.

I think it is a bit overdrawn, to say the best for it, to draw comparisons between the Commonwealth of Massachusetts and the State of Maine, which separated by the Articles of Separation in 1820, or between the Colonies and England in the 1700's.

I would urge that you vote against the indefinite postponement of House Amendment "A" under Filing No. H-331, and I would request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Clifford, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 8 Senators having voted in the negative, House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed.

Thereupon, Committee Amendment "A" was Adopted. House Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Senate Reports — from the Committee on Judiciary — Bill, "An Act Relating to Qualifications for Jury Service of 18-year-old Voters." (S. P. 496) (L. D. 1583) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as amended by Committee Amendment "A" (S-104).

Tabled — May 11, 1973 by Senator Tanous of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow

Assigned, pending Acceptance of Either Report.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Richardson of Cumberland,

WHEREAS, the 20th day of May of 1973 is "Armed Forces Day" throughout the United States and the State of Maine; and

WHEREAS, America sets aside this day to honor those American men and women in uniform who stand ready both at home and across the world to protect their nation and the freedom it represents; and

WHEREAS, their service to their country stands as a living memorial to those who served before and as an example for those young Americans who will step forward to serve in the years to come; and

WHEREAS, the United States Navy Destroyer U.S.S. LOWRY (DD-770) and her 22 officers and 240 enlisted men will visit the port of Portland from May 18th through May 22nd to participate in Armed Forces Day ceremonies in Southern Maine; and

WHEREAS, U.S.S. LOWRY is commanded by Commander Stanislaus G. Dyro, U.S.N., a Portland native who graduated from Portland High School in 1953 and the Maine Maritime Academy in 1956; now, therefore, be it

ORDERED, the House concurring, that the Members of the 106th Legislature join together on this occasion of Armed Forces Day in expressing its deep appreciation to all those men and women in our Armed Forces whose personal contributions have made a generation of peace an attainable goal and in saluting them for their commitment and sacrifice; and be it further

ORDERED, that the Members of the 106th Legislature take this occasion to welcome to Maine its native son, Commander Stanislaus G. Dyro and the officers and crew of the Navy Destroyer U.S.S. LOWRY; and be it further

ORDERED, that a suitable copy of this Order be delivered to the Commanding Officer of the U.S.S. LOWRY upon the occasion of the

vessel's visit to the State of Maine.
(S. P. 620)

Which was Read and Passed.
Sent down for concurrence.

Reconsidered Matter

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

Mr. MINKOWSKY: Mr. President, referring to Item 5, "An Act Establishing the Lewiston-Auburn Airport Authority", (H. P. 473) (L. D. 620), did we indefinitely postpone House Amendment "B" or "D"?

The PRESIDENT: House Amendment "D" was indefinitely postponed.

Mr. MINKOWSKY: I move the Senate, under suspension of the rules, reconsider its action whereby it indefinitely postponed House Amendment "D", which is a referendum clause for the airport authority.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate, under suspension of the rules, reconsider its action whereby it indefinitely postponed House Amendment "D". Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. MINKOWSKY: Mr. President, I move that the bill be engrossed with House Amendment "D".

The PRESIDENT: Is it the pleasure of the Senate to adopt House Amendment "D".

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I was out of the chamber. I understand that this is a motion to reconsider the abolition of -

The PRESIDENT: The Senate has reconsidered the indefinite postponement of House Amendment "D". House Amendment "D" is now up for Adoption.

Mr. CLIFFORD: Mr. President and Members of the Senate: I would urge opposition to adopting House Amendment "D". The referendum question is an attempt to kill this bill. I thought we argued

the merits of this bill this morning and how much it means to the community, the fact that the elected representatives, the mayor and city councilors have favored it, and it seems to me that this is merely an attempt to kill the bill, and I would urge that we do not adopt House Amendment "D".

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: House Amendment "D", in my estimation, and I believe in that of the people of the Cities of Lewiston and Auburn, is of paramount importance. It is their tax dollars going into the maintenance of this airport. I think they have a right, and every single right, since they are going to pay the freight for this particular thing, if it does go through, that they should have this in referendum to make a decision one way or the other. This is not a question that should be handled by the legislature. This is a question to be handled directly by the people of Lewiston-Auburn, and I would hope that you would honor my request.

The PRESIDENT: The pending motion before the Senate is the Adoption of House Amendment "D". As many Senators as are in favor of the adoption of House Amendment "D" would please rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and 15 Senators having voted in the negative, House Amendment "D" was not Adopted.

Thereupon, on motion by Mr. Clifford of Androscoggin, House Amendment "D" was Indefinitely Postponed, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Resolve, Authorizing the Carrying Forward of Appropriation to Aid in Construction of Swimming Pool at Pineland Hospital and

Training Center. (H. P. 269) (L. D. 376)

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: This bill would simply allow the carrying forward of \$50,000 which was appropriated last session for the construction of a swimming pool at Pineland. This will cost no new money but, since there has been a delay in construction, this will allow this money to be carried forward.

Mr. President, I now move the pending question.

The PRESIDENT: Is the Senate ready for the question?

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

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.