

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

Wednesday, May 30, 1973

Senate called to order by the President.

Prayer by The Honorable John B. Roberts of Sanford.

Reading of the Journal of yesterday.

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

Bill, "An Act Clarifying Certain Municipal Laws." (H. P. 1118) (L. D. 1454)

In the Senate May 11, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-329), House Amendment "A" (H-349) and Senate Amendment "A" (S-121), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-329) and House Amendment "C" (H-458), in non-concurrence.

On motion by Mr. Roberts of York, tabled and Tomorrow Assigned, pending Consideration.

Joint Order

WHEREAS, the Legislature believes it is vitally important that citizens of Maine have a full and reasonable opportunity to effectively advise state agencies on the conduct of programs; and

WHEREAS, the 106th Legislature has been presented with several legislative documents pertaining to the organization, operation and jurisdiction of advisory committees, boards of visitors and task forces related to the Departments of Mental Health and Corrections and Health and Welfare; and

WHEREAS, the Legislature wishes to assure that there is an effective and reasonable method for the people of Maine to affect the operation of state agencies through advisory groups that do not duplicate, overlap or contradict the responsibilities of each other; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study and present its findings and recommendations to the next special or regular session of the Legislature relating to the purpose, organization, pow-

ers, duties and functions of all advisory committees assisting the Departments of Mental Health and Corrections and Health and Welfare established by statutory or administrative authority; including, but not limited to the following:

MRSA, Title 22, ss 43 Advisory Committee of Health and Welfare

ss 44 Powers and duties

ss 253 Comprehensive Health Planning Council

ss 1709 Advisory Council (hospitals and facilities)

ss 2026 Advisory Commission (Medical Laboratory Act)

MRSA, Title 34, ss 41 Board of Visitors

ss 2003 Committee on Mental Health

ss 2063 Maine Committee on Problems of Retarded and further including, but not limited to, the subject matter of:

1. The Citizen's Advisory Committee to the Bureau of Medical Care;

2. The Citizen's Advisory Committee to the Bureau of Rehabilitation;

3. The Citizen's Advisory Committee to the Bureau of Social Welfare;

4. The Task Force on Children's Mental Health;

5. The Development Disabilities Advisory Commission and relating to the purpose, organization, powers, duties and functions of units of the departments assisted by the advisory committees; and be it further

ORDERED, that the Departments of Health and Welfare and Mental Health and Corrections are respectfully directed to cooperate with the committee and to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including, but not limited to personnel and staff as a part of their regular employment and the study of any subject or matter to be relevant or germane to the subject or helpful to it in the consummation of their work as ordered, shall be deemed within the scope of said committee's inquiry hereunder; and be it further

ORDERED, upon final passage that copies of this Order be trans-

mitted forthwith to said Departments of Health and Welfare and Mental Health and Corrections as notice of the directive. (H. P. 1542)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

Communications

STATE OF MAINE
House of Representatives
Augusta, Maine

May 29, 1973

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

The Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924):

Mr. EVANS of Freedom

Mr. COONEY of Sabattus

Mr. ALBERT of Limestone

Respectfully,

Signed:

E. LOUISE LINCOLN
Clerk

House of Representatives

Which was Read and Ordered
Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924), the President appointed the following Conferees on the part of the Senate:

Senators:

HICHENS of York
ANDERSON of Hancock
CYR of Aroostook.

STATE OF MAINE
House of Representatives
Augusta, Maine 04330

May 29, 1973

Hon. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

The Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118)

Mr. DYAR of Strong

Mr. LeBLANC of Van Buren

Mr. WHITZELL of Gardiner

Respectfully,

Signed:

E. LOUISE LINCOLN
Clerk

House of Representatives

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Hichens of York,

WHEREAS, legislation has been proposed which would create a Maine Agricultural Bargaining Board; and

WHEREAS, the need for such legislation is in question since federal legislation is already pending in that area; and

WHEREAS, the Legislature is hesitant to act in this area in the absence of all the facts; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill, "An Act to Create a Maine Agricultural Bargaining Board." House Paper 1511, Legislative Document 1941, to determine whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Departments of Labor and Industry and Agriculture are respectfully requested to provide the committee with such technical advice and other assistance as the committee deems necessary and desirable; and be it further

ORDERED, that the committee report the results of its findings, together with its recommendations and implementing legislation at the next regular session of the Legislature; and be it further

ORDERED, that each agency specified herein be notified

accordingly upon passage of this directive. (S. P. 640)

Which was Read.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Speers, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Speers to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

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 Granting State Employees and Employers the Right to Collective Bargaining." (H. P. 1331) (L. D. 1809)

Bill, "An Act to Establish a State Hospital Training and Development Center Advisory Board." (H. P. 1003) (L. D. 1320)

Refer to Special Session of 106th Legislature or the 107th Legislature

The Committee on Natural Resources on Bill, "An Act Creating the Maine Forest Practices Act." (H. P. 1301) (L. D. 1757)

Reported that the same be referred to a special session of the 106th Legislature or the 107th Legislature.

The Committee on Labor on Bill, "An Act Providing for a Workmen's Compensation Insurance Fund." (H. P. 1397) (L. D. 1808)

Reported that the same be referred to a special session of the 106th Legislature or the 107th Legislature

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence and the Bills referred to a special session of the 106th Legislature or the 107th Legislature.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, I would appreciate it if I could get some information from some member of the Senate as to what the attitude was towards granting the state employees the right to collective bargain. Might I ask, perhaps in a rhetorical manner, whether or not there are going to be any other vehicles before us or whether this disposes of the question during the session?

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: With all deference to my colleague, the Senator from Kennebec, Senator Katz, I think it should be understood and emphasized that Rule 17-A is designed to place committee reports in the legislative files without further debate or discussion. I think that it is not in keeping with the spirit of 17-A to stand up and request an explanation of such unanimous reports, and I would, as I say, with all respect to the Senator, feel that this is perhaps not in keeping with what was intended.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, I would take issue with my good friend, the Senator from Cumberland, Senator Berry. I think Rule 17-A has worked extremely well in the Senate, and I don't know anyone who has attempted to abuse it. But Rule 17-A certainly does not in any respect mean to cut the flow of information to Senators on important legislation on which they might possibly have some question. On that basis, I think that the Senate should have the right, under unanimous consent, to place whatever questions it wishes in a responsible manner, not in the guise of attempting to establish debate, but certainly as a way to get information that I think is essential to each of us in the flow of information.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to the Several Counties for Social Service Programs." (H. P. 1366) (L. D. 1822)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Procedure with Respect to Claims Against Third Persons under Workmen's Compensation Act." (H. P. 1359) (L. D. 1815)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Bargaining by Public Employers and Employees under Municipal Public Employees Labor Relations Law." (H. P. 869) (L. D. 1157)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine." (H. P. 1390) (L. D. 1773)

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 State Government on Bill, "An Act Creating the Maine Health Maintenance Organization." (H. P. 786) (L. D. 1230)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on Bill, "An Act Authorizing Sale of the Seal Cove Water District." (H. P. 1530) (L. D. 1961)

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 Transportation on Bill, "An Act Increasing State Aid for the Construction of Highways." (H. P. 888) (L. D. 1173)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-450).

The Committee on Legal Affairs on Bill, "An Act Relating to Jurisdiction of Certain Land at Bangor International Airport." (H. P. 1404) (L. D. 1845)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-448).

The Committee on Transportation on Bill, "An Act to Correct Certain Inconsistencies in the Motor Vehicle Laws." (H. P. 329) (L. D. 447)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-451).

The Committee on Judiciary on Bill, "An Act Revising the Pauper Laws." (H. P. 275) (L. D. 381)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-449).

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.

Ought to Pass in New Draft

The Committee on Marine Resources, on Bill, "An Act Relating to Nets to Catch Shrimp." (H. P. 906) (L. D. 1194)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1537) (L. D. 1967)

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

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

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An

Act Establishing the Floodplain Management Act of Maine." (H. P. 785) (L. D. 1059)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
MARCOTTE of York
SCHULTEN of Sagadahoc

Representatives:

MacLEOD of Bar Harbor
CURRAN of Bangor
PETERSON of Windham
BRIGGS of Caribou
ROLDE of York
PALMER of Nobleboro
HUBER of Falmouth
BERUBE of Lewiston
HERRICK of Harmony

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1539) (L. D. 1969)

Signed:

Representative:

SMITH of Exeter

Comes from the House, the Majority report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Minimum Wages for Students Employed at Summer Camps." (H. P. 1313) (L. D. 1723)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-437).

Signed:

Senators:

TANOUS of Penobscot
KELLEY of Aroostook

Representatives:

CHONKO of Topsham
McNALLY of Ellsworth
HOBBINS of Saco
McHENRY of Madawaska
FARLEY of Biddeford

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

Signed:

Senator:

HUBER of Knox

Representatives:

BROWN of Augusta
FYLNN of South Portland
ROLLINS of Dixfield
BINNETTE of Old Town
GARSOE of Cumberland

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.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

Mr. Berry of Cumberland then moved that the Bill and Accompanying Papers be Indefinitely Postponed.

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

Mr. TANOUS: Mr. President and Members of the Senate: As you noticed, I made a motion to accept the Majority Ought to Pass Report of the Committee, having signed the Majority Report of the Committee. I would assume that all of you perhaps, without question, would have felt that the Majority Report perhaps was the one that should be accepted.

We heard the bill at a public hearing with people there. Subsequently, as you perhaps noticed, my good friend, the Majority Floor Leader from Cumberland, Senator Berry, stood up and made a motion to indefinitely postpone the bill and sat down without explanation. Frankly, I fear that the motion would have carried, so I found it imminent that I should stand up and perhaps explain my reasoning on signing the Majority Report of the Committee. Perhaps after my explanation, Senator Berry will enlighten us with his remarks as to why we should indefinitely postpone this measure. I think at least we ought to have some debate on this particular subject without the matter going under the hammer either way.

You are going to hear that this is a chestnut that has been coming around the legislative halls for some time, and I don't deny this, except that it is a chestnut that is empty in many ways, perhaps

because under the present law it is an empty law.

Now, I have been closely associated with labor, perhaps because of my position as Chairman of the Labor Committee. But believe me, ladies and gentlemen, labor doesn't give a darn about this particular bill. They don't care about this. You can vote against this, and there won't be anything that will go against your record in any other election. But I will say this: perhaps there are a lot of people other than organized labor that care about this particular bill. A lot of summer employees at summer camps care about this particular bill.

You know in the State of Maine we have a minimum wage. In fact, we have got a bill going along now raising the minimum wage to \$1.90 an hour, and it hasn't been debated too strongly against by a lot of people, and I will tell you why. Because we have a fictitious minimum wage in the State of Maine, believe it or not. It is a fictitious minimum wage. The reason I say this is because we have a law, Chapter 26, with exemptions from minimum wage in Maine, and that is Section 663 of our minimum wage law in the State of Maine, under Title 26. You can read the exemptions to our minimum wage and they range from A to Z and 1 to 25. You cover almost every area of exemption that you can possibly reach under the exemptions to our minimum wage law in the State of Maine. One of them happens to be your employees at summer camps.

Now, I sponsored this bill the last time, and I was convinced it was a good bill then, and I am convinced it is a good bill now. What this bill does is seek to remove from the minimum wage exemptions the special privilege that the summer campowners enjoy so they don't have to pay a minimum wage to your counselors, your junior counselors and everybody else. Now, they argue that your counselors and your junior counselors in some way receive some training as a counselor at a camp, and I agree with this. Perhaps it is right that

they be exempt. But will you tell me, in God's name, what kind of training does a dishwasher get or a ditchdigger get, or a handyman, what kind of training does he get? It builds his character, they will tell you. Well, it probably does, but it does a damn poor job of building his pocketbook with money for college, I will tell you now.

I am convinced that we should enact this bill. And I apologize to the Chair for that remark; it was out of order. But I am convinced that we should enact this legislation.

I received a lot of letters on this particular bill from campowners asking me to vote against this particular measure. Do you know where these letters came from? Ninety percent of these letters came from Massachusetts, New York, Florida and California. Beautiful! They want to be exempt, and they want to remain exempt under our law. And I don't blame them, because they can come to Maine for an eight or ten-week period, reap the harvest of our youth, enjoy our clean air, use our lakes, our woods and our forests, and use our students and our kids at wages away below the fair standards, and go home with money in their pockets and tell everybody what a wonderful time they had in Maine training these children for the future. It is a character builder, they tell us. I would love to build character too if I could reap the harvest that some of these campers do.

I am disappointed with the campowners. At the last session they promised me faithfully that they would come up with a bill at this session, a reasonable and equitable bill. I haven't seen it. I haven't seen that bill and I haven't seen any motion on their part whatsoever to perhaps endorse some concept of minimum wage regulations. They have not done so.

I would ask each and every one of you to vote against the motion of my good friend, Senator Berry, to indefinitely postpone, and join me in accepting the Majority Report. I think it is fair and it

is equitable. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I received a letter this morning which is not from out-of-state; it is from Camp Runoia for Girls in Belgrade Lakes, Maine, which is in my district. In one paragraph here something is brought out that was not brought out by the good Senator from Penobscot, Senator Tanous, and I would like to read it to you.

"This bill will not accomplish the purpose for which it is intended. The proponents indicate it will increase the wage potential of employees 19 or under. Many times it is these individuals who are working at their first job. They are, therefore, less efficient than older more experienced help. For this reason, employers faced with minimum wage for the younger persons may choose to pay full wages for the experienced help. It would seem that the very persons this bill is intended to help may be deprived of the opportunity of first job experience in a supervised and less demanding employment than in a normal commercial industry."

Therefore, I rise to support the motion of the Senator from Cumberland, Senator Berry.

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

Mr. BERRY: Mr. President and Members of the Senate: Senator Tanous from Penobscot and I are no tyros in this engagement. Those of you who have been members of the Senate before will recall our debates. They are sincere on both sides, and I think we both realize the significance of what we are debating about. I have here a dozen pages of the record of the previous session on the subject, so you can see that both the Senator and myself are old veterans on the issue.

I think a perspective of the problem would be that within the last few years 40 summer camps have gone out of business in the State of Maine. I am sure as we

have driven around the state, where you used to see camps, you personally have experienced, as I have, closed camps or their "For Sale" sign, or the development of their very valuable lake shore property broken up into lots and developments. This may be progress, but it indicates the passing from the Maine scene of the summer camp.

I speak from a very personal standpoint because my original introduction into the state was many, many years ago when I was put on a steam train at North Station in Boston and sent to Maine. I thought it was a long way off. As a measure of how long ago it was, the train got put on a ferry at Bath and taken across the river. But that summer was the introduction at a tender age of the wonderful outdoors of the state and the formation of many friendships which have endured to this day. This is what we are talking about; the experience of young people enjoying out-of-doors in a Maine camp.

The operation of these camps is contingent upon young people starting as campers at the bottom of the ladder and working up to different degrees of responsibility, to junior counselors, to senior counselors, to nature counselors, to waterfront instructors, and I am sure that many of us have had the experience of acquaintance with people who have done these things and how much they have formed the lives of young people. These are the people we are talking about.

Mention has been made of the degrading experience of working in a summer camp kitchen. I have an unsolicited letter, dated May 24th, from a young lady in Portland. She says "I love camp life, and I didn't want a job behind a snack bar counter. Then the Luther Gulick Camps offered me a job as a kitchen assistant at \$25 per month, with a raise of \$5 per month for each successive year of work. I recalled that the kitchen help at my former Girl Scout camp had also been campers. They participated in camp activities and formed many friendships with the

campers and staff. The atmosphere in the kitchen at the Luther Gulick Camps was ideal."

I think this is an important part to recall, that the people we are talking about are campers; they are participating in camp life. In order to make it possible for them to go to camp, they are working their way, but at the same time they are getting all the benefits. This is not slave labor. These are young people doing what they want to do; doing their thing. We are going to be depriving our young people of employment opportunities if we pass a bill like this, because the minimum wage is going so high that this will be just one more thing to put these camps out of business.

From the Bangor News I have a list of students looking for work this summer. These are the people we are talking about. I hope you would support my motion for indefinite postponement.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand this bill, it exempts non-profit corporations, such as the Boy Scouts, the Y.M.C.A., and these other organizations. They are not in any way affected by this.

What the bill does, it deals with profit-making businesses. And I don't see why they should be treated any more specially than they are now. At present they get a 25 percent discount, as far as the minimum wage is concerned. So they are getting special treatment now.

If the state wants to subsidize profit-making operations, let them come up here with a bill, have a hearing, and let's debate it on its merits; if they want to subsidize a profit-making operation. I don't think we should do what we are doing at present. We are subsidizing them on the basis of the work of some young people. I don't think we should discriminate on the basis of age or occupation. We have already heard many bills this session and many in the previous sessions giving young people full rights. And

again, the private camp operators — and I understand approximately 140 of the 180 are from out-of-state — I see no reason in the world that the State of Maine should subsidize them through the use of their workers. Again, if they want to do it, let them come up here and put in a bill, get some of their high-powered lobbyists, and do the job that way.

So I would urge you to support this bill, and vote against the motion to indefinitely postpone. And I would ask for a roll call.

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

Mr. TANOUS: Mr. President and Members of the Senate: The letter which my good friend, Senator Berry, alludes to, I might add that I received the same letter myself, and I think if one had taken the time to check into this he might have found that probably this young lady who wrote this letter wrote it at the request of her employer. Maybe I am wrong, but I would venture to say that any letter like that probably was sent to us at the recommendation of perhaps the employer at the summer camp.

Again, I want to impress upon you that this particular bill does not include your counselors or your junior counselors, nor does it include any non-profit camp, as Senator Brennan mentioned. Another thing that is interesting to note is the fact that the vast majority of the owners of summer camps don't come from the State of Maine, but yet they reap the benefits, as I mentioned, of our clean air, our forests, and our employees as well.

Now, my good friend, Senator Berry, again mentioned a long list of people seeking summer employment. Believe me, we do have a lot of students who are seeking summer employment. They need work, and they are not all going to find jobs that are going to pay a sufficient salary. And what will happen is that many of them will be forced to go to work in these summer camps and accept employment there because they can't find anything else. Yet they will not have the protection of the law as

far as minimum wage is concerned. And it is true to say that an employer at a summer camp can pay these individuals any salary which he deems within his own conscience is proper. He can pay them \$10 a week if he wants to, \$20, or pay them nothing.

When you talk about character building as a dishwasher and you work your way up to something else, I would doubt that very much. I worked in a summer camp, and once a dishwasher always a dishwasher, I found out. Thank you.

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

Mr. KATZ: Mr. President, I find it fascinating that a small bill should blossom into a real big debate.

In the last session I voted against the passage of this bill, and sometime immediately after the session ended I had occasion to take a rather long ride with the gentleman who presently is Majority Leader of the House. Representative Simpson, of course, was vehemently in favor of the bill and, as so frequently happens, after the fact he explained his motivation in being so strongly for the bill. He told of abuses within his part of the state, where what the Senator from Penobscot, Senator Tanous, says was so obviously true, that campowners were paying anything they wished, because of the scarcity of summer jobs, to get employees.

So then I turned to a very good friend of mine who operates a summer camp — and he is an out-of-stater — he operates it in this area of Maine, and I discussed the problem with him. He pointed out that minimum wage would be no problem for him, because under minimum wage you may figure the cost of meals and the cost of lodging, if they are live-in dishwashers, and the actual cash cost to the employers would not be a particularly big factor at all. He did admit to me that there were within the industry some really bad apples, and the industry had hoped that it could take care of its own dirty linen and solve the problem of this terribly, terribly low pay that some campowners were

paying to their employees, and these camps were giving a bad reputation to the industry. On that basis, I felt that I had voted wrong last session, and will vote for the bill this year.

I would like to say a word or two in defense of the summer camps along the way though. I don't think summer camps are dying. I think that the pressures of land use, of course, is going to be closing some of the camps up because of the high value of the camps, but I think one of the most exciting prospects is a 12-months use of these camps. They are so beautiful, and they are capable of doing so much good, it is really a shame to use them only for the youngsters and only during the summer. So I think there are some bright days ahead, but the bright days ahead should not be based upon the profitability of employing youngsters at extremely unfair rates.

The PRESIDENT pro tem: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that Bill, "An Act Relating to Minimum Wages for Students at Summer Camps", be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of 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 Cumberland, Senator Berry, that the bill and all accompanying papers be indefinitely postponed in non-concurrence. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Clifford, Conley, Cox, Cummings, Fortier, Grafton, Greeley, Hichens, Huber, Joly, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Shute, Wyman.

NAYS: Senators Brennan, Cianchette, Cyr, Danton, Katz, Kelley, Marcotte, Minkowsky, Sewall, Speers, Tanous.

ABSENT: Senator MacLeod.

A roll call was had, 21 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with one Senator being absent, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Relating to Powers and Interest Charges of Industrial Banks and Loan Companies." (H. P. 797) (L. D. 1050)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-452).

Signed:

Senators:

COX of Penobscot
KATZ of Kennebec
MARCOTTE of York

Representatives:

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

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

Signed:

Representatives:

CLARK of Freeport
TIERNEY of Durham

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Mr. Cianchette of Somerset then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. COX: Mr. President and Members of the Senate: You have had several industrial bank and loan company bills. This particular

bill was supported by a vast majority of the Business Legislation Committee for several reasons.

No. 1 is that the Bank Commissioner feels he needs a further clarification of the law relating to industrial banks and loan companies. This bill does that, and it pertains to the areas in protection of the borrowers.

Further, it allows these companies that accept deposits to invest these deposits like any other bank. They do not have that privilege now.

The two areas in the bill that probably are subject to controversy are the changing of the maximum rates of interest and the extension of the loan limitations to five years. The loan limitation to five years was granted by the majority of the committee because many of the loans made by these firms now are to mobile home owners, and these people cannot live with a three-year restriction on paying for a mobile home.

I would hope that the Senate would vote against acceptance of the Minority Report, then support the Majority Report and grant the bill its first reading. I would be happy to sit down with those opposed to this bill, if they are doing it because of the interest and the time limit, and try to work out some amendments so we can at least get through the clarifications that the Commissioner needs.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In essence, what this bill would do is that industrial banks would be given all the benefits of the small loan companies without being subjected to comparable restrictions. They would have substantially the same high interest rates authorized as the small loan companies: graduated rates of 24 percent on the first \$300, 21 percent from \$300 to \$1,000, and 18 percent on the balance up to \$2,000.

But really the most important thing, again, the 36-month restriction is inapplicable to industrial banks and loans, therefore, they

may be renewed or flipped indefinitely. As a result, borrowers will be obligated to pay staggering amounts of interest for extended periods of time, ranging from five to fifteen years.

Another little interesting statistic on industrial banks which, as I understand it, was taken from court records, is that industrial banks have been found guilty by a federal bankruptcy court of charging interest as high as 36 percent annually, a rate more than double the authorized maximum. The Maine Bank Department concluded last January that the bankruptcy court's decision was correct. Such violations have persisted since 1967. As a result, around 10,000 Maine families have been overcharged by about \$5 million.

Industrial banks should not be rewarded by special legislation for two principal reasons: First, as a matter of fairness, industrial banks should not be authorized to charge high rates of interest before the \$5 million in overcharges have been repaid or otherwise properly adjusted. Simply stated, lenders with unclean hands are not entitled to equitable relief. Second, special legislation is entirely unnecessary. If the industrial banks wish to operate in the same fashion as small loan companies, let them go get a small loan license.

I would strongly urge you to accept the Minority Ought to Pass Report, as recommended by the good Senator from Somerset, Senator Cianchette.

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

Mr. FORTIER: Mr. President and Members of the Senate: I do really believe that there are several conflicts which this bill would open up as between the industrial banks and the small loan associations or companies. In view of the fact that our entire banking code is now under an extensive study, we hope to clarify a lot of those problems. The Bank Commissioner was the first one to admit that 90 percent of the problems that have arisen in his department are due to lack of clarification of our banking code.

This at the present time is under study by the Spanogle Committee, and I believe it would be very much out of line for us at this time to further complicate this issue. Consequently, I would support the Minority Ought Not to Pass Report.

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

Mr. COX: Mr. President and Members of the Senate: I have to disagree with some of the statements from the learned Senators.

On Page 3 of the bill, it spells out clearly what the Bank Commissioner can do in the case of overcharges on interest. It provides for reasonable attorney's fees and costs to be awarded to the borrower if he is the prevailing party in his action. This is not in the law now, and this is one thing that should be clarified at this point in time, and it really should not wait for any study committee.

I think on second reading I could offer some amendments so that we will get the clarification in, and we can fight about the interest rates and the time when that time comes.

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

Mr. BERRY: Mr. President: I note the unanimous report of the Committee on the part of the Senate, and it causes me some concern. I wonder if I might address a question to the Chairman of the Business Legislation Committee. Is the problem one that perhaps could continue to exist until the special session, at which time we have every hope to have the report of the Committee to which Senator Fortier of Oxford refers? I think there is a possibility, if we are going to get into a discussion on interest rates for this type of financial institution right now in the closing days of the session, that the matter might not get the cool deliberate treatment that perhaps it needs and, if this problem could have its solution postponed for six months, would this be perhaps acceptable?

The PRESIDENT pro tem: The Senator from Cumberland, Senator

Berry, poses a question through the Chair to the Senator from Penobscot, Senator Cox, who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: The Bank Commissioner sat with the Committee and said that he would like clarification now so that he can properly police any problems in this area. And it is his opinion that it should not wait for the Study Committee. I am talking about the meat of the bill, and not the interest rates and the time limitation. He would like to have it now, and we will get a report from the Study Committee sometime next year, so in the meantime he can police these.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am concerned about an apparent lack of consistency here. We have had a number of bills before us dealing with the regulation of banks and banking institutions, and we have repeatedly put off action, some action which I think is absolutely essential, including the present law's requirement that the Bank Commissioner have the approval of the Advisory Committee before he can implement rules and regulations. I think that ought to be changed, but on this and a number of other areas we have put off any action on the grounds that we were going to have the Spanogle Committee report to us.

Now if this bill opens the door to small loan company abuses by industrial banks, as the opponents of this legislation suggest and those who are knowledgeable in this area suggest, I see very little reason for us to, I think precipitously, take action now without really realizing what its full impact might be. Therefore, I see no reason why we have to adopt this legislation at this time, and I intend to vote for the motion to indefinitely postpone.

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

Mr. KATZ: Mr. President, the Senate will notice that I was a signatory of the Ought to Pass Report. Is there an inconsistency? Should this be delayed? You will notice there is a very strong bipartisan vote on Ought to Pass, and the Committee discussed the alternatives very, very clearly. Should we defer it to the subsequent release of the report that has been mentioned so frequently?

The Banking Commissioner suggested that we go ahead with it now. The Committee, after weighing the pros and cons, and realizing that we are faced with lots of interesting decisions, felt that this bill should go. I don't think that we are rushing into this. The Committee gave a substantial amount of thinking to it, we have had an interesting debate this morning, and for what it is worth, the Committee felt that it should go now.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to welcome the good Senator from Cumberland, Senator Richardson, aboard to help fight this 36-month rule that is trying to be revised day after day in one bill or another. I am really glad to have him aboard and I feel that my words aren't going on deaf ears.

In regard to the remarks of the good Senator from Penobscot, Senator Cox, he talks about penalties if there is violation. As I understand it, under this present bill the penalties, I feel, are inadequate, because if lenders violate the law by charging a higher interest rate than is permitted as far as the maximum rate, unlike the small loan law, the loan would be declared null and void if they go above the interest rate. Under this you would have to prove intent, it would be a real loophole in the law, and it would become virtually meaningless. So for that reason, and other reasons, I again hope that you would support the motion of the good Senator from Somerset. And I would ask for a roll call.

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

Mr. COX: Mr. President and Members of the Senate: This bill does provide for voiding of the contract if there is a finding of excess charges and, as I understand it, it is written similar to the laws that the small loan companies now live under. I refer Page 3 to the good Senator from Cumberland, the top paragraph: "If interest or charges in excess of those permitted by this section, including insurance premiums, shall be charged, contracted for or received, except as the result of an accidental error in computation, the contract of loan shall be void and the industrial loan company or bank shall have no right to collect." This is what we are trying to clarify and get into the law now.

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would just like to add a word. I don't claim to be expert in the banking field, but I have had some practical experience with small loan companies, with employees that have gotten themselves into a situation of economic slavery with these companies that take advantage of people, and I don't think I have to spell out all the problems with small loan companies.

This bill, I think, directs its attention to small loan companies. It is an effort for them, an end-run effort, to skirt the existing laws of the State of Maine. I don't care how you cut it, I think that is what it adds up to.

You know, I have heard arguments that we need these small loan companies because this is the only place that a lot of our people can borrow money. Well, I will say this, and it is just a simple matter of numbers and arithmetic: A man earns only so much money in a year, and when he pays 24 or 36 percent interest, that money that he is paying for interest is not going for buying goods. Again, I want to say that no matter how you cut it, this is an opportunity for small loan

companies to change their name to industrial bank and get back into business in Maine, and I strongly object to that. So I again would ask you to support the Minority Ought Not to Pass Report.

The PRESIDENT pro tem: The pending motion is the motion of the Senator from Somerset, Senator Cianchette, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, since we have had several roll calls on this issue, in the interest of time I would be glad to withdraw my motion for a roll call.

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

Mr. MORRELL: Mr. President, I would move for a roll call.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Somerset, Senator Cianchette, to accept the Minority Ought Not to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of 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 Somerset, Senator Cianchette, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Brennan, Cianchette, Conley, Cyr, Fortier, Greeley, Hichens, Kelley, Minkowsky, Morrell, Richardson, Shute, Speers, Tanous.

NAYS: Senators Berry, Clifford, Cox, Cummings, Graffam, Huber,

Joly, Katz, Marcotte, Olfene, Peabody, Roberts, Sewall, Wyman.

ABSENT: Senators Danton, Schulten, MacLeod.

Mr. Marcotte of York was granted leave to change his vote from "Nay" to "Yea".

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with three Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move reconsideration, and hope you will vote against me.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate? All those in favor will say "Yes"; those opposed, "No".

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

Divided Report

The Majority of the Committee on Human Resources on Resolution, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York

KELLEY of Aroostook

Representatives:

ALBERT of Limestone

TALBOT of Portland

MILLS of Eastport

LaPOINTE of Portland

MURCHISON

of Mattawamkeag

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

Signed:

Senator:

GRAFFAM

of Cumberland

Representatives:

AULT of Wayne

EMERY of Rockland

TRUMBULL of Fryeburg

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Hichens of York, tabled and Specially Assigned for June 1, 1973, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Repealing all Exemptions under Minimum Wage Law." (H. P. 1389) (L. D. 1799)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

KELLEY of Aroostook

Representatives:

FLYNN of South Portland

McNALLY of Ellsworth

CHONKO of Topsham

BROWN of Augusta

FARLEY of Biddeford

BINNETTE of Old Town

GARSOE of Cumberland

ROLLINS of Dixfield

HOBBS of Saco

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-461).

Signed:

Representative:

McHENRY of Madawaska

Comes from the House, the Majority report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

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 Requiring Employers to Coordinate with Other Parties Providing Vocational Rehabilitation Services to Injured

Employees." (S. P. 347) (L. D. 1046)

Bill, "An Act Relating to Service Retirement for Officers and Employees of the Men's Correctional Center." (S. P. 181) (L. D. 489)

Bill, "An Act Relating to Lowering of the Years of Service to Obtain a Vested Right in State Retirement System for Employees of Participating Local Districts." (S. P. 248) (L. D. 699)

Bill, "An Act Relating to Retirement of Attorney General, Deputy Attorneys General and Assistant Attorneys General." (S. P. 543) (L. D. 1695)

Ought to Pass

Mr. Huber for the Committee on Labor on Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers." (S. P. 618) (L. D. 1934)

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. Huber for the Committee on Labor on Bill, "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act." (S. P. 427) (L. D. 1287)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-177).

Which report was Read.

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

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island." (S. P. 391) (L. D. 1137)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-176).

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

Mrs. Cummings for the Committee on Natural Resources on Bill, "An Act Creating a Study Commission on Environmental Laws." (S. P. 197) (L. D. 542)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 642) (L. D. 1977)

Mr. Greeley for the Committee on Transportation on Bill, "An Act Relating to Maintenance and Repair of the Seawall and Walk in the Town of York." (S. P. 517) (L. D. 1648)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Repairs of the Seawall in the Town of York." (S. P. 643) (L. D. 1978)

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 Lease Management and Cultivation Areas in Maine's Coastal Waters." (H. P. 731) (L. D. 937)

Bill, "An Act Authorizing Cumberland County to Participate in Social Services Program." (H. P. 1347) (L. D. 1780)

Bill, "An Act to Prohibit Outdoor Motion Picture Theatres from Exhibiting Motion Pictures Portraying Certain Sexual Conduct in such a Manner that the Exhibition is Visible from Public Ways or Places of Public Accommodation." (H. P. 1532) (L. D. 1962)

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

House — As Amended

Bill, "An Act to Establish Privileged Communication for School Counselors." (H. P. 533) (L. D. 715)

Which was Read a Second Time.

On motion by Mr. Minkowsky of Androscoggin, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Senate

Bill, "An Act to Create a Department of Marine Resources." (S. P. 637) (L. D. 1972)

Bill, "An Act Relating to Witness Immunity in Civil Cases." (S. P. 639) (L. D. 1974)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

Bill, "An Act to Improve the Lobster Fisheries." (S. P. 638) (L. D. 1973)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed.

Sent down for concurrence.

The President pro tem laid before the Senate the matter set aside by Mr. Tanous of Penobscot:

Bill, "An Act Relating to Witness Immunity in Civil Cases." (S. P. 639) (L. D. 1974)

Thereupon, on motion by that Senator, the Bill was Indefinitely Postponed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act." (S. P. 403) (L. D. 1231)

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

Sent down for concurrence.

Enactors

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

An Act Providing that Examination Reports of the Insurance Commissioner be Public Records. (H. P. 672) (L. D. 877)

An Act Relating to Permit Fees for Automobile Graveyards or Junkyards. (H. P. 1438) (L. D. 1864)

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

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

After Recess

Called to order by the President pro tem.

Orders of the Day

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

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

Tabled — May 25, 1973 by Senator Shute of Franklin.

Pending — The motion by Senator Shute of Franklin to Indefinitely Postpone.

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

Mr. TANOUS: Mr. President and Members of the Senate: I did receive a letter from the Attorney General's Office relative to this bill and the amendment to the bill, and I notice that Senator Brennan from Cumberland also has a copy of that same letter. It is the opinion of the Attorney General that definitely the present wording of the bill is suspect as far as its constitutionality, and I would urge all of you to join Senator Shute of Franklin on his motion to Indefinitely Postpone.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As the good Senator from Penobscot, Senator Tanous, said, I have a copy of that letter from the Attorney General's Office. It is the second one in reference to this bill in regard to constitutionality.

As I read the letter, it says it is constitutionally suspect. As a lawyer, that doesn't mean a great deal to me, frankly. Furthermore, I might tell the Senate that this amendment was drafted by, I understand, Deputy Attorney General George West.

This bill and amendment, in my judgment, is a real healthy step in the right direction in Maine politics. It will prohibit monetary rewards for making the choice of one political party over another. The young registering for the first time oftentimes might be most vulnerable to paid registrations. Inevitably, such tactics breed cynicism and distrust of the

political process, and no one has to be told that we just don't need any more of that at the present time.

Certainly, we should now be looking for ways of making the political process more honest, with more integrity, and less interference by special wealthy interests. I think this act goes in that direction.

Further, as I understand it, the committee report was unanimous on this, and I think it is really, particularly in this day and age, a step in the right direction to make politics clean and take away the great influence that the special wealthy interests have had.

So, as far as the unconstitutionality, I would be glad to circulate this opinion — and I have got a great deal of respect for all those opinions emanating from that office — but “constitutionally suspect” means about nothing to me. So I would ask for a roll call, and urge you to vote against the motion to indefinitely postpone.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that Bill, An Act Prohibiting the Acceptance of Money for Enrollment of Voters, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, quite frankly, I am appalled by the tenor of the remarks of the Senator from Cumberland, Senator Brennan, concerning this legislation.

I think the legislation is aimed at one individual who during the past primary campaign undertook a vigorous voter enrollment program. I think that it is absolutely flatly misleading to suggest that only the Republican Party has had occasion to have paid political workers or who have people who are on the payrolls of candidates who, among their duties, enroll voters.

I will, if I may, amend “misleading” to say that I am sure the Senator from Cumberland, Senator Brennan, did not mean to imply that candidates of his party

have not had occasion to have members of their staff enroll voters.

This is, as I see it, the constitutional infirmity of this legislation, and I would urge you to vote for the indefinite postponement of this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I don't think the good Senator from Cumberland heard me. I think my remarks were that I think the influence of the real wealthy should not be any greater than the average person in the State of Maine, whether he comes from the Democratic Party or the Republican Party.

Again, as far as the constitutional infirmity, the words are and the whole opinion, in effect, says it is constitutionally suspect. Well, I say it says just about nothing. I hope that you would vote to enact this bill and that you would vote against indefinite postponement. I really think now, more than ever, we need legislation like this.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I think this is a good bill, and I will tell you why I feel this way. When people are paid to get registrations and enrollments, they don't have their heart in it like they do if they are doing it for a particular candidate who is usually a friend of theirs. And we have seen very recently where when this has happened there has been some sloppy activities. We have had people who have been registered and enrolled and the cards have never reached city hall.

In my own ward in Waterville, during this last election we had two or three people show up to vote that had registered and enrolled, and they were not on the voting list.

We had a case in another town on the coast where several cards were sent to one town office, and the cards were of citizens from various towns because they had evidently been enrolled or

registered at the local high school, which was an S.A.D. school, and there were students there from several communities, but the cards were all sent to one clerk. I happened to be in the Secretary of State's office when the call came in from the clerk. The Secretary of State informed this clerk that under the law all they had to do was accept the cards that were in that town that were before them, and the others they could throw in the wastebasket if they wanted to, or if they wanted to be considerate, they could return them to the person who had enrolled these people or forward them to the various towns involved. So for this reason, I think this is a good bill.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that Bill, An Act Prohibiting the Acceptance of Money for Enrollment of Voters, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that Bill, An Act Prohibiting the Acceptance of Money for Enrollment of Voters, be indefinitely postponed. A "Yes" vote would be in favor of the motion; a "No" vote would be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Katz, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Joly, Kelley, Marcotte, Minkowsky, Shute.

A roll call was had. 21 Senators having voted in the affirmative, and 12 Senators having voted in

the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Create the Department of Business Regulation." (S. P. 350) (L. D. 1102)

Tabled — May 29, 1973 by Senator Berry of Cumberland.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-154) as amended by Senate Amendment "A" Thereto (S-160).

(In the House — Bill and accompanying papers, Indefinitely Postponed.)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Consideration.

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

Senate Report from the Committee on State Government — Bill, "An Act Establishing Drug Abuse Treatment Facilities." (S. P. 562) (L. D. 1743) Leave to Withdraw, Covered by Other Legislation.

Tabled — May 29, 1973 by Senator Brennan of Cumberland.

Pending — Acceptance of Report.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I sponsored this piece of legislation, and I want to tell you the reason for it. Presently if someone is convicted of a drug offense, the courts only have two options. They can either send him to jail or they can place him on probation. If they place them on probation, oftentimes they are just returning them to the same environment from which they were arrested and convicted. If they send them to jail, they don't have the facilities, and it is not really a humane way of dealing with the matter. And I am not talking about the convicted pushers of hard drugs; I am

talking about a lot of the kids that are involved.

Not too long ago in Cumberland County some 30 young people were arrested as a result of certain raids. Of those young people, approximately 10 were under the age of 20. Of those 10, five were young girls about 19 years of age with unblemished records. Most of them appeared to be drug dependent. After conviction, the court really had very little option.

This bill was sponsored so that there would be a third alternative. It would set up a situation where these people could be placed on probation and go to a home or a resident type situation where they could try to work or try to be rehabilitated from their drug problem. That is the purpose of this.

Now, I want to make it clear that I didn't ask for leave to withdraw, because I consider this an important piece of legislation. What I would like to know, and maybe I can find out from some member of the State Government Committee, is whether they have any other plans to meet the purposes of this act.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think I speak for the members of the State Government Committee in assuring the Senator from Cumberland, Senator Brennan, that the basic principles of this act have been incorporated into another piece of legislation which the Committee is going to report out to the legislature. The basic essential principles incorporated in this act which is reported leave to withdraw, which the Senator has enumerated, will be included in that other act. Thank you.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industrial Accident Claims Involving State Employees and to Establish a Safety Program." (H. P. 1528) (L. D. 1958)

Tabled — May 29, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Amend Municipal Regulation of Land Subdivision Law." (H. P. 1513) (L. D. 1943)

Tabled — May 29, 1973 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed in concurrence.

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

Bill, "An Act Creating the Power Authority of Maine." (S. P. 550) (L. D. 1760)

Tabled — May 29, 1973 by Senator Brennan of Cumberland.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone Senate Amendment "A" (S-173) to Committee Amendment "A" (S-168).

On motion by Mr. Kelley of Aroostook, retabled and Tomorrow Assigned, pending the motion of Mrs. Cummings of Penobscot to Indefinitely Postpone Senate Amendment "A" to Committee Amendment "A".

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

Bill, An Act to Create a Maine Agricultural Bargaining Board." (H. P. 1511) (L. D. 1941)

Tabled — May 29, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

House Amendment "A" (H-435)

Mr. Peabody of Aroostook then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT pro tem: The Senator has the floor.

Mr. PEABODY: Mr. President and Members of the Senate: Earlier in today's session an order was presented by Senator Hichens from York to have this bill studied by the Legislative Research Committee, and therefore no bill creating a Maine Agricultural Bargaining Board should be passed until the matter has been given a complete study. If this bill passes, then the matter could not be given the study it should have before becoming law. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I object to the motion which was made by my colleague from Aroostook, Senator Peabody, to indefinitely postpone this bill.

First of all, the order that was presented this morning, which was presented by Senator Hichens, to begin with, I don't understand the reasoning behind Senator Hichens' motion to send this to Legislative Research. I don't know if this is only for his own personal knowledge, because actually we had two hearings on this bill and at both of these hearings Senator Hichens was missing. So I don't know if he wants to send this to Legislative Research for his own information or if it is intended, as I mentioned at the time we debated this, that this is a motion to kill the bill by sending it to Legislative Research.

The reason for that: at the last session of the Legislature there was a bill introduced for bargaining, at which time the processors used the argument that there is a similar bill in Washington pending, so why not wait until we find out what is going to happen on the Washington level. So we bought

that argument. In Washington where the national bill was pending, they said "Well, this is a problem which really should be attacked from the state level", and they killed it in Washington for that reason. So they are just tossing this back and forth, with the hope of gaining time and with the hope of trying to gain some strength to delay or kill the bargaining procedure.

Now, as far as I know, I have been involved in this bargaining from 1955-1959, and at that time we did study the possible legislation approach. Legislation was brought in on several levels, but every time it has been killed.

Now, this legislation that we have before us, as was told to you in the debate, was amended with 14 amendments. Some of these amendments were concessions to the processors. For instance, the bargaining board: the bargaining board originally had only three members, appointed by the Governor. As a concession to the processors, we accepted a board of five; two of which would come from the processors. So you have safety; the processors are being protected. What are they afraid of? What are they afraid of? All the bill requires is that both parties shall bargain in good faith. Do they intend to come to the bargaining board without good faith? Is that what they want? Or do they want the system that we have today, where an individual has to come in as a beggar before the processors and say, "Please, can you give me a little bit more so that I can pay my cost of production"?

Do you realize that since the early 60's, when the potato processors were introduced in Aroostook County, that the farmers have been subsidizing their raw material. Is this fair? Do you want more farmers to go out of business? The mortalities since the early 1950's have been more than 50 percent. They have gone from 3,000 farmers down to 1200 farmers, and this year we are going to lose another crop. The longer that this bargaining bill is delayed, the more farmers we are going to lose.

We are not talking only of an industry such as ours. I am referring all the time to the potato industry because that is the one that I know. In the potato industry the processors are now taking 30 percent of our crops. About another 30 percent of the contracts, contracts for fertilizers, contracts for equipment, contracts for trucks, and so forth and so on, most of these contracts are based on the conditions of the processors contracts. So we have about 60 percent of our crop that is really under the influence of the processors. Imagine the strength and the power they have in their hands. With 30 percent of the crop sitting across the table from you and there you are, a poor little farmer, on the other side that has to beg for a contract. He has got two choices: the choice to sign or not to sign, but that contract has already been determined by the processor ahead of time, and he has got nothing to say about the commission that goes into the contract.

All we are asking in this bargaining bill, and I hope that all of you that supported me last time and supported the farmers — you are not supporting me, I am not any more in agriculture, in fact I am retired, so I am not talking for myself — I am talking for the farmers that have to come to these processors begging for a contract, and all we are asking for in this bill is to please bargain in good faith. And there is a bargaining board which sets the rules. All this bargaining board does is set the rules and acts as referee. This is all we are asking you to do this morning in this bargaining. I hope that you support me in defeating the motion that is before the Senate for indefinite postponement.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: It has been called to my attention this morning that we have another bill that we haven't got yet, L.D. 1811, "An Act Regulating Agricultural Labor Practices", which went to the Labor Committee. I note that in this bill, under employee rights

employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively, etc. On another page it talks about bargaining collectively, and there is quite a section on it. I would just inquire if any member of the Labor Committee might shed some light to me and the rest of us as to whether this bill does the same thing as the one before us or not?

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

Mr. TANOUS: Mr. President and Members of the Senate: In answer to my good friend, Senator Joly from Kennebec, this bill, L.D. 1811, is before the Labor Committee and we are completely revising the bill. There are serious problems with this bill, as well as the one before us this morning. Ultimately there may be some sections in L.D. 1841 that might relate to L.D. 1941 but, if L.D. 1941 is enacted or receives a favorable vote in this body, perhaps we will not permit both bills to overlap into each other's area, so I don't think that that is a problem.

Relative to L.D. 1941, as I mentioned to you people, last week-end I was working on an amendment, and that amendment will be ready this afternoon. So I hope that someone would table this until tomorrow. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Kelley.

Thereupon, on motion by Mr. Kelley of Aroostook, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President pro tem laid before the Senate the eighth tabled and specially assigned matter:

An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell. (H. P. 1169) (L. D. 1508)

Tabled — May 29, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

An Act to Annex Town of Brunswick to Sagadahoc County. (H. P. 1326) (L. D. 1738)

Tabled — May 29, 1973 by Senator Minkowsky of Androscoggin.

Pending — Enactment.

Mr. Morrell of Cumberland then moved the pending question.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I would just like to speak on what I hope is a point of clarification. Yesterday, when I spoke informally on this bill, I advised the Senate that if the merger of the two towns became effective it would become effective 90 days after the adjournment of the Legislature. It was pointed out to me yesterday afterwards that the effective date would come after the referendum vote, and would become effective on January 1, 1975. The bill itself was a little confusing, and I evidently inadvertently didn't read it thoroughly enough to give a clear picture of what the bill was purported to do.

For your information also, I did raise the question yesterday, and here again I was not too specific, of the possible hidden costs that would be involved in such a merger and, while not advocating, at least I threw out upon the table the thought that perhaps in a matter like this, that might have great implications of cost and severe dislocations, perhaps it could be studied and no time would be lost, since the effective date of the bill is not until January of 1975; that we would have ample opportunity to take action on the bill during the Special Session of the Legislature and, having an emergency preamble to the bill, why it would take effect immediately and that actually no damage would be done. For your information, there has been practically no response on either side to my suggestion, so I guess it either fell on deaf ears or I didn't make myself very clear.

I do, however, understand that the local radio station, which I did

not have the pleasure of hearing this morning, has been quite critical of my stand. I would only like to say — not to be critical myself — but I only would like to say in rebuttal that I was trying to be objective when I raised these points yesterday, and it is too bad if the local radio stations or anyone else took my remarks in any other fashion because, frankly, I think this is the place for objectivity, and if we can't be objective and can't speak out then we are really not serving the people that we were sent up here to represent. So, I did want to take the time of the Senate to explain and try to clarify the position I had taken yesterday.

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

Mr. MORRELL: Mr. President and Members of the Senate: I know of no instance in my memory when the Senator from Sagadahoc; Senator Schulten, has not been constructive, and I take his comments on this and other issues in that vein.

I can well appreciate that nothing of this importance is done without some complications and some cooperation on both sides but, frankly, I think the bill as proposed, the issue before us as proposed, has been given ample opportunity for discussion. I think there will be ample opportunity, assuming the Town of Brunswick and the County of Sagadahoc decide to go that route, there will be ample opportunity for them to work out the bugs, whatever they might be. I hope that today, after it has been with us for so long, that we will resolve this issue and let the people of Brunswick and Sagadahoc County decide for themselves in proper form just what route those people want to go.

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

Mr. BERRY: Mr. President and Members of the Senate: It has been a matter of continuing disappointment to me that the proponents of this legislation have not dealt in concrete facts. I share the enthusiasm and hopes of

Senator Morrell and Senator Schulten that we can do something today, not least of all so we can send it back to the other end of the corridor to the two gentlemen, the Assistant Minority Floor Leader, Representative McTeague from Brunswick, and his associate, Representative LaCharite of Brunswick, who have been in here seeing how the parliamentary procedure is done with proper decorum and thorough attention.

Well, let's talk about some facts that our proponents don't seem to want to. The bill that I tabled until after consideration of this bill is Representative McTeague's bill. Representative McTeague is an attorney in Brunswick and his firm represents the Town of Brunswick. His bill, you will recall, will permit legal matters to be handled in Sagadahoc County, which is in Bath and which is a very short distance from his base of operations in Brunswick. I can see that he would be very interested from a personal standpoint in the passage of this bill.

Mr. MORRELL: A point of order please.

The PRESIDENT pro tem: For what purpose does the Senator rise?

Mr. MORRELL: I will take exception to this line of debate.

The PRESIDENT pro tem: The Senator will moderate his remarks please.

Mr. BERRY: The bill that we are now discussing, of course, is part and parcel, along with the other bill, of the problem. If we were to pass this bill, we don't need Representative McTeague's bill, because it would become automatically a matter of accomplished fact that Bath would be the point of registry for Brunswick, and that was the reason for my tabling it.

Now: some of the points I think we should consider in connection with L. D. 1738 are this: first, I understand and, of course, know that the bill has been extensively lobbied, and that is why we have these gentlemen with us. I would say to these people who have committed themselves this: I respect your right, and you are privileged to commit yourself.

You, in my opinion, can go along with my proposal and still vote for the ultimate enactment of this bill and honor your commitment to these gentlemen.

Some of the points involved particularly are these; let's just take the matter of tracing titles to a piece of property in Brunswick, if this transfer were made. One way this would be handled, if your attorney wants to trace your property, he would trace the title and any files on the title at two registries, at Bath and at Portland. I would think this would involve additional costs for anybody involved in the transfer of property. An ultimate method of straightening this double registration out, or straightening the problem out, would be to copy all of the records in Cumberland County that are applicable to Brunswick, from the earliest inception of records at Cumberland, and have them on file in Sagadahoc County. Now these are specific problems we are talking about.

I noticed that section 2 of the bill says this: "The existing obligations of the Town of Brunswick to the County of Cumberland shall be separated as of the effective date of this Act." Now, the principal existing obligation of Brunswick, and there may be more, is in connection with the recently countywide approved Cumberland County Recreational Center, which the Town of Brunswick did not vote for, and which some other communities did not vote for, and at least one other community had a bill put in to exempt itself from. And we have here the same thing exactly. The other bill was turned down on the basis that a countywide vote should be honored as a contract expressed by a will of the people. We are now being asked to abrogate that vote. If it wasn't good enough for one town, why is it good enough for the town which these eminent gentlemen come from? So I think that the Cumberland County Recreation Building is an important aspect in the matter.

Another financial obligation that the Town of Brunswick will be escaping is paying their share of the monstrosity which is going to

be constructed at Ewing Narrows, the Ewing Narrows Bridge, and this is being financed under the Bridge Act in part by a debt of Cumberland County, and, of course, Brunswick would share in this expense. Why should they not share in this expense? The bridge was constructed with the commitment, the understanding, and the entire resources of Cumberland County, including Brunswick, behind the bond issue which was put out.

I would hold, Mr. President and Members of the Senate, that we should not withhold an important part of the democratic process from an important issue such as this. While I am fully mindful that the Senate turned down an amendment providing for Cumberland County to vote upon it, I call to your attention the remarks I have made about a contract made by the voters of Cumberland County, and that certainly they should be considered. I would propose, if this measure fails of enactment today, that an amendment be proposed, one amendment, providing for the affirmative action of everybody involved, the Town of Brunswick, the County of Sagadahoc, and the County of Cumberland. This seems to me a fair way to do it. I would hope that you would vote against enactment, and I assure you I will do everything I can to enact this bill if we are able to put such an amendment on.

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

Mr. MORRELL: Mr. President and Members of the Senate: I have a great respect for the Senator from Cumberland, Senator Berry, but I think in this issue he is wrong. I think this point that perhaps the people in all of Cumberland County ought to have a vote on this really means that Portland ought to have a vote, and that kills it. That is one of the problems in Cumberland County.

Second, the convention center in Portland has absolutely no bearing on this issue. I have been and continue to be a firm supporter, both

as a public official and in private business, of that project.

Third, I think the matter of records, the transfer, the reproduction if necessary, of records is not an insurmountable problem. Businesses do it every day in much greater magnitude than this, and I fail to see any logic in postponing this any further.

I think, economically, socially and geographically, the possible inclusion of Brunswick in Sagadahoc makes good sense. I really hope that today we put this thing through to let the people in those areas decide what they want to do, and I hope for your continued support.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As a member of the County Government Committee which heard this bill, I took an interest in it because I think it is a very important bill. I think it is true, I think we should attempt to look at this bill on the facts.

As to the title problems, the real estate title examinations and the probate problems, these can be handled very easily. Right now the titles have to be done in Cumberland County, probate has to be handled in Cumberland County. If this change goes through, then they certainly are not going to be any worse off than they are now. They will still have to go to Cumberland County for the older records and to Sagadahoc, which is a lot closer, for the newer records.

But this has happened, and if this is the logic against this bill, because of these problems, we would still have one County in the State of Maine, York County. My County, Androscoggin County, was formed out of Lincoln County and Cumberland County. On our older titles we have to travel to either Cumberland County or to Lincoln County to look through those old records. I also think that with the technology, or the advent of the xerox-type machine, that these records, certainly the ones in the last few years, could be very easily and very cheaply copied and placed

in the Sagadahoc County Registry of Deeds and Probate Court. I really don't think that is a problem.

As to the problem of expenses, Brunswick, it must be remembered, would pick up the expenses on the bond issues which exist in Sagadahoc County.

There is no question from the facts, from the debate, from the public hearing, that the Bath-Brunswick area is a one-community, homogenous area, that there is a community of interest there, and that all of the facts really justify this bill.

I think the more important overriding question here is the ability of government to be flexible enough to change its boundaries or to allow boundaries to change, and they certainly justify and warrant that change here. As I said before, it seems to me that the problems of county government and municipal government are going to be solved only by the change of certain boundaries, especially municipal boundaries, and this is a test as to whether or not the government can allow those changes to occur. Those changes are only going to occur if the residents of the Town of Brunswick and the residents of Sagadahoc County — and these are the people that are really concerned and affected — vote for this measure.

It seems to me that the Cumberland County referendum really smacks a little bit of the Iron Curtain. You know absolutely this is a method to kill the bill. The City of Portland is not going to let Brunswick out of that obligation on the Civic Center, and it is going to absolutely kill the bill. I think that this is one of the most progressive pieces of legislation in this session, I think it is one of the most important ones, and I hope that you would vote for enactment of this bill. Thank you, Mr. President.

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

Mr. SHUTE: Mr. President and Members of the Senate: I intend to support Senator Morrell in this measure, and I think it is im-

portant enough to ask for a roll call.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: My opposition to this would lessen to just about nothing if Cumberland County had an opportunity to voice its opinion. It is rather strange; if we are going to be consistent, we shouldn't have Sagadahoc having a chance to voice its opinion; we should just have the Town of Brunswick. I think, if we are going to be consistent, we ought to let the County that is giving up this town have a chance to say something as well as the county that might receive it.

I am not as sanguine as the good Senator from Cumberland Senator Morrell, and the good Senator from Androscoggin, Senator Clifford, that Portland is all that excited about keeping Brunswick. I am not sure what we would do about it.

I know this bill has been well lobbied, and that is the legislative process. I think this bill may be somewhat different than some other lobbied bills because I don't think it was done by private interest. I think it was principally lobbied by legislators, and I think that is consistent with the finest tradition of this body. However, I think you could keep your commitment, and I will go along with it, if we can do what the good Senator from Cumberland, Senator Berry, suggests: let's be fair about it and give Cumberland County an opportunity to vote on it. Let's vote against enactment now, and later I will go along with you and support this and vote for enactment, but let's give Cumberland County the same chance as Sagadahoc County has, the same chance as the Town of Brunswick. I think if we don't that we are setting a very dangerous precedent. I am sure that there are a lot of other towns that some county might like to capture. I wouldn't be surprised if Sagadahoc would want to move on up to Wiscasset — they seem to have a very strong base there, as far as tax base is concerned, to get all that

money that these towns get out of the private utility, so it probably would be a very nice move. But I really think this precedent is dangerous and I think it is unfair.

Again, I know people have talked to the legislators who have lobbied, and I admire them and I think that is fine, but you can honor your commitment by just giving the rest of Cumberland County the same chance, and again, I would very vigorously support it. So I would seriously hope that you would vote against enactment at this time.

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

Mr. TANOUS: Mr. President and Members of the Senate: I am neither a member of the committee that heard this bill nor am I a representative of the Cumberland County delegation or the Sagadahoc County delegation, but the issue is before us. Even though I come from East Millinocket, I still have to vote on this particular issue, and I would like to express my feelings.

I disagree with my good friend, Senator Brennan from Cumberland. Frankly, I don't think that there is any reason why any community at any time, if it so desires to join another county, or separate itself from its present county and join another, why they ought not be given that opportunity.

There is a question here that affects all of us, a philosophy really, and we must consider that once county lines are set, are these so sacred that once they are set that no one can ever change its course? This is really the issue. I firmly believe that there is nothing sacred about a county line or a town line, and when it becomes evident that the people can be better served, the citizens of that area or community, can be better served by making a change, then I think as legislators that it is incumbent upon us to at least vote in favor of that.

It is obvious that when, in the course of events and transition of time, it becomes evident that an area or a people can be better served by changing either county lines or town lines, where their

interests better lie for their future development and association with people, I think that we ought to consider these very important facts. As I mentioned, I support the philosophy of this change and I am supporting Senator Morrell's position on this bill. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: I agree a hundred percent with the Senator from Penobscot, Senator Tanous, and I would support this measure too if there were some provision for the payment by Brunswick of its obligations which it now has at the present time.

The PRESIDENT pro tem: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Morrell, for enactment of L.D. 1738, An Act to Annex Town of Brunswick to Sagadahoc County. A roll call has been requested. 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 in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Cianchette, Clifford, Cox, Cummings, Cyr, Danton, Fortier, Hichens, Huber, Joly, Katz, Kelley, Marcotte, Morrell, Schulten, Sewall, Shute, Tanous, Wyman, MacLeod.

NAYS: Senators Anderson, Berry, Brennan, Conley, Graffam, Greeley, Minkowsky, Olfe, Peabody, Richardson, Roberts, Speers.

A roll call was had. 21 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Mr. MORRELL: Mr. President and Members of the Senate: Having voted on the prevailing side, I now move for reconsideration, and I hope you will vote against my motion.

The PRESIDENT pro tem: The Senator from Cumberland Senator Morrell, now moves that the Senate reconsider its action whereby it enacted L.D. 1738. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

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

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 469) (L. D. 617)

Tabled — May 29, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(Committee Amendment "A" H-416)

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

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

Senate Amendment "A", Filing No. S-180, was Read.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I would inquire of the proponent of this amendment the reason for it and its intended result.

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

Mr. BRENNAN: Mr. President and Members of the Senate: The purpose of this generally is for clarification. Also I want to tell you it has the approval and endorsement of the Council for the Maine Municipal Association.

What it does is it would require, first, that the need and the amount of assistance be covered by the

regulations to prevent town managers, say, from giving too much assistance.

Secondly, it eliminates the constitutional problem posed by the original bill where it delegated too much legislative authority to the Maine Municipal Association. It said, in effect, if the towns hadn't adopted rules and regulations that they would have to implement the Maine Municipal Association's regulations, and the Maine Municipal Association is a private body actually.

Thirdly, it clarifies the hearing section to include suspensions, and removes the ambiguity over the notice provision. It says that people who are going to be denied have to be notified.

Lastly, it corrects a drafting error by which the word "applicant" was printed, when "recipient" was apparently the correct word.

The PRESIDENT pro tem: Is the Senate ready for the question?

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

Sent down for concurrence.

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

Bill, "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell". (H. P. 1169) (L. D. 1508)

Pending — Enactment

On motion by Mr. Morrell of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Joly of Kennebec.

WHEREAS, there are 13 village corporations remaining in the State of Maine, out of 70 which were formed; and

WHEREAS, village corporations were formed by the Legislature in the early 1900's; and

WHEREAS, they appear to be archaic forms of government which cause unnecessary duplication and governmental inefficiency on the municipal level; and

WHEREAS, during each session of the Legislature some disagreement between a municipality and a village corporation comes to the attention of the Legislature for resolution occupying a considerable amount of the Legal Affairs Committee's time; and

WHEREAS, the Legislature has granted the municipalities home rule, except for those municipalities which contain village corporations which must share revenue and certain governmental responsibilities with the village corporations; and

WHEREAS, the distribution of revenue sharing money is unduly complicated by the existence of village corporations because they are not municipalities; now, therefore, be it

ORDERED, the House concurring, that the Legal Affairs Committee is authorized to make a study of the 13 remaining village corporations to determine which, if any, should be abolished and to prepare legislation which implements its recommendations for presentation to the special session of the 106th Legislature, if one is called, or to the 107th Legislature.

(S. P. 647)

Which was Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: This is a little different than most resolutions that we have had: "the House concurring, that the Legal Affairs Committee is authorized to make a study of the 13 remaining village corporations to determine which, if any, should be abolished and to prepare legislation which implements its recommendations for presentation to the special session of the 106th, if one is called, or to the 107th." The reason for this resolution is that in the Legal Af-

fairs Committee this year we had about 170 bills, and it is my feeling that some of them were not necessary, or would not be necessary if certain legislation were enacted. This is one step I am taking to try to cut down on some of the work in the legislature. For that reason it is referred to the Legal Affairs Committee, and I don't know enough about the procedures as to whether or not it should be put on the Special Legislative Research Table.

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

Mr. BERRY: Mr. President and Members of the Senate: It has been the policy of leadership to put on the Research Table not only matters that are specifically directed to the Research Committee, but also the specific items that committees themselves will study pending passage of the so-called legislative reform package, at which time all these matters would be either passed or failed but, in any event, would be referred, if passed, to the specific committee. So all we are discussing here would be the tabling of this until matters sort of get crystallized.

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

Mr. KATZ: Mr. President, am I right in presuming we are not attempting to discuss the merits of the situation at the moment?

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

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

Joint Order

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

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out an emergency bill for appropriation to the Department of Health and Welfare for medical care. (S. P. 646)

Which was Read.

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

Mr. SEWALL: Mr. President and Members of the Senate: Briefly, an explanation of this order: the Department of Health and Welfare is again faced with a serious deficit in their medical payments account. This account is used to pay the local druggists for drugs and prescriptions used in conjunction with welfare case loads. This case load has increased from 17,500 families roughly up to something in the order of 19,000, so they are running behind and the local druggists are the ones that suffer. We have been told by Dr. Fisher that if we were to appropriate this money, this \$500,000, they would then be able to bring these accounts current because, of course, this money also generates two to three federal dollars for every state dollar. Therefore, Mr. President, I would move that the rules be suspended and that this order be sent forthwith to the House.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Joint Order was Passed.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 1378)

Tabled — May 21, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Committee Amendment "A" (S-127)

Senate Amendment "B" (S-147)

Mr. Katz of Kennebec then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-181, was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. KATZ: Mr. President and members of the Senate: Very briefly, in the reorganization of the

State Board of Education, there was left out a provision to reimburse the members for their actual expenditures, and that is what this does.

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

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled, pending Passage to be engrossed.

Reconsidered Matter

On motion by Mr. Shute of Franklin, the Senate voted to reconsider its action whereby Bill, "An Act Authorizing Use of Maine Turnpike by Legislators", (H. P. 1281) (L. D. 1668) was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-178, was Read.

The PRESIDENT pro tem: The Chair recognizes that Senator.

Mr. SHUTE: Mr. President and members of the Senate: The emergency clause on this bill was really unnecessary in the first place because Article 4, Part 3rd, Section 7, of the Constitution forbids the Senators or the Representatives from establishing any law which increases their compensation. This would make possible reimbursement of the use of the Maine Turnpike during the legislative session, or in the performance of a committee duty during the interim period provided for the reimbursement. So, therefore, the emergency preamble should be removed to make it constitutionally perfect.

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

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fifth tabled and unassigned matter:

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)

Tabled — May 22, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

The same Senator then moved the pending question.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: With all deference to the members of the elected leadership of my party, I am very, very concerned that if we enact this legislation now, which involves a two percent increase in the corporate income tax rate, we are without any question extending a very needed tax reform effort in the direction of Maine industry, which is going to directly result, I believe, in more jobs for Maine working people.

I am very reluctant to take exception to this procedure, but I really feel that we should look at the question of tax reform, including property tax reform, including necessary increases in the personal corporate income tax perhaps, or other broad base taxes, as one comprehensive package. I really fail to see why this particular item of legislation should be separated out for action now, and I am very concerned that if we take this action now we will delay, perhaps indefinitely, any meaningful action on tax reform to the extent that requires any increase in the corporate and personal income tax rate.

As the Majority Leader of the House in the 104th Maine Legislature, I was one of those members of the elected leadership who felt very strongly that we should have enacted meaningful tax reform in respect to Maine industry at that time, but we didn't do it, and this is one of the things that we ought to have done then. But I fail to see how we can now enact this piecemeal correction without possibly seriously jeopardizing the possibility for property tax reform later in this session.

I am very concerned with the inordinate amount of time, Mr. President, that this legislature seems to be spending on what I would call everything from trivia

to matters of something less than real statewide significance. I think we ought to be doing the business of tax reform, and I really cannot in all good conscience vote for enactment of this bill at this time, although I will be perfectly pleased to support it at its final stages.

We are going to use up a two percent increase in the corporate income tax to pay for this bill, and one of the few things that we as a state can do to provide better working conditions and more jobs for Maine working people, and a better climate for quality industry, is through tax incentives. I agree with that. That is really about all we as a state can do. I question whether or not we are going to do it in this specific area at this time, to the detriment of property tax and other tax reform measures.

I apologize for the length of my remarks but I really feel very strongly that the first business of this legislature ought to be meaningful tax reform.

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

Mr. WYMAN: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Richardson, says that this would provide jobs, and goodness knows we need jobs. Now, if we leave this bill for the end of the session, and have it get involved in other matters, then it may fail altogether, so why don't we take this step by step, and at least have this accomplished rather than have it fail, possibly fail on the last end, and jobs that it will provide fail with it. So, I certainly hope that this bill is enacted.

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

Mr. KATZ: Mr. President and Members of the Senate: I want the Senate to know that I subscribe completely to the remarks of the Senator from Cumberland, Senator Richardson. I think this bill should get involved in the last days of the session. I think this bill should get deeply involved with the question of what we are going to do for the relief of the property owners in the State of Maine. I

think this bill should get deeply involved with the question of what are we going to do with inventory taxes in the State of Maine.

I also subscribe to the notion that this is a good bill, that it will have a good effect on a rather small group of industries who have the ability to create wealth in the State of Maine, but that is not the issue. I know that there is a very substantial push to enact this bill now, but I suggest to you that we also have responsibilities in other areas, and if you remove this bill from the scene, to that extent you will be diminishing the likelihood of getting all of these diverse parties together on a give and take basis in arriving at a tax reform package that will benefit hundreds of thousands of people rather than just a few.

The question of tax reform is a very tenuous one, and I think the merits of this bill are so strong that the bill will survive any last minute mixing up, but I think it would be wrong to remove it as a vehicle of getting support for other things that we really want to accomplish this session.

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

Thereupon, on motion by Mr Brennan of Cumberland, tabled and Tomorrow Assigned, p e n d i n g Enactment.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate:

Mr. TANOUS: Mr. President and Members of the Senate: On page four this morning we had some discussion relative to a bill that had a leave to withdraw request from the Labor Committee. It was Item 6-8. You will notice right up

above that is item 6-7, An Act Relating to Bargaining by Municipal Employees and Employees under Municipal Public Employees Labor Relations Law, or the better known title, L.D. 1157. I am sure that many of you are pleased that this particular bill received such a report; it certainly avoided having to make a decision on a most important issue.

But more important, and relative to Senator Katz's question this morning, from Kennebec, I am pleased to announce that the State of Maine has been chosen by the federal government as a pilot state to study collective bargaining by public employees on all levels, which includes your state, your counties, your university, on all levels. This has been chosen as a pilot state, and funds have been delegated or appropriated for this particular study, and a committee is presently being organized. And I understand that Senator Katz from Kennebec has been asked to serve on this particular committee.

I am pleased to announce that we are doing something in this area, there are funds that are going to be used for a very extensive study, and again it is going to be a pilot program here in the State of Maine dealing with all levels of collective bargaining for public employees.

In closing, I would like to recognize our very dear Assistant Secretary of the Senate who had a birthday yesterday, May Ross. (Applause)

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.