

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, June 28, 1973

Senate called to order by the President.

Prayer by the Honorable Cyril M. Joly, Jr., of Waterville.

Reading of the Journal of yesterday.

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

Resolution, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

In the Senate June 27, 1973, Finally Passed, in non-concurrence.

Comes from the House, Failed of Final Passage.

On motion by Mr. Berry of Cumberland, placed on the table, pending Consideration.

Non-concurrent Matter

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021)

In the Senate June 27, 1973, Passed to be Enacted, in non-concurrence.

Comes from the House, Failed of Enactment.

On motion by Mr. Berry of Cumberland, placed on the table, pending Consideration.

Joint Order

WHEREAS, the right of Maine citizens to initiate legislation by process of petition was added by amendment to the Constitution of Maine in 1873; and

WHEREAS, there are statutory and constitutional procedures which must be observed to properly exercise this constitutional right; and

WHEREAS, doubts have been recently cast as to the validity of procedures used in the preparation, circulation and verification of petitions; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the petition process pursuant to the Constitution of Maine for the express purpose of recommending all necessary changes in the law, rules or regulations which would tend to safeguard against future abuse of this constitutional process; and be it further

ORDERED, that the committee report the result of its study at the next special or regular session of the Legislature. (H. P. 1644)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, on the 24th day of June, Sergeant Larry Smith of Phillips was senselessly slain with another while on duty by a vanishing gunman; and

WHEREAS, Sergeant Smith, son of Ralph H. and Mildred (McMillan) Smith of Phillips was a medical corpsman at Seymour Johnson Air Force base hospital when fatally shot; and

WHEREAS, the Legislature is saddened by this mad and brutal act which has taken the youthful life of a Maine citizen; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 106th Legislature of the State of Maine now assembled, pause in our deliberations to extend our deep and sincere sympathy to Mr. and Mrs. Smith on the tragic loss of their son and our understanding to all others who share this irrevocable loss; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the family of the deceased in respect to his memory. (H. P. 1645)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, William C. Langzettel of Falmouth retires this week, concluding thirty-eight years with the Associated Press in Maine; and

WHEREAS, Bill Langzettel led his profession over the years in establishing an enviable record for undisputed tabulations of Maine election results; and

WHEREAS, Bill Langzettel has earned the reputation as a practitioner of factual reporting with absolute accuracy his insistent goal; and

WHEREAS, Bill Langzettel richly deserves the distinction of being one of Maine's most distinguished journalists; and

WHEREAS, Bill Langzettel earned for himself and the Associated Press an unusual high standing within not only the field of journalism, but with Members of the Maine Legislature; and

WHEREAS, all the foregoing facts are accompanied with the admiration and respect of all who have known him these many years; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the 106th Maine Legislature pay special public tribute to William C. "Bill" Langzettel in honor of his thirty-eight years of quality journalism with the Associated Press; and be it further

ORDERED, that a suitable copy of this Order be signed by the Speaker of the House of Representatives and the President Representatives and the President

of the Senate on behalf of the Legislature and sent forthwith to Mr. Langzettel. (H. P. 1646)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Orders of the Day

On motion by Mr. Berry of Cumberland the Senate voted to take from the table the tenth unassigned matter:

Bill, "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands." (H. P. 1382) (L. D. 1812)

Tabled — June 27, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Richardson of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-269, was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: Without dwelling at great length on this, I would simply point out that L.D. 1812 is the bill, the proposed legislation, which we sent to the Supreme Judicial Court for an advisory opinion concerning the scope of the state's jurisdiction over the public lots. We have now by this amendment attempted to scale down the impact of L.D. 1812, and simply establish the criteria for location of public lots and vest responsibility for their multi-purpose management with the Forest Commissioner and, if the Department of Conservation survives, with the Bureau of Public Lands.

I will be happy to explain it to any individual member of the Senate who has any questions, but I thought some brief explanation concerning this legislation would be appropriate. I now move the question, Mr. President.

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

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence and, under sus-

pension of the rules, sent down forthwith for concurrence.

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

Mr. BERRY: Mr. President, an inquiry of the Chair: Is it not correct that the bill held, Item 1, An Act Providing for a State Lottery, and Item 11 on the unassigned table, Joint Resolution, House Paper 1639, are not before this body?

The PRESIDENT: The Chair would inform the Senator that the bill held, An Act Providing for a State Lottery, is not before the body. The Senate reconsidered yesterday its action whereby the bill was passed to be enacted, the motion to reconsider was lost, and that bill is in the Governor's office.

The Chair would inform the Senator that the Reference of Bills Committee met and approved the introduction of tabled matter No. 11.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to take from the table the eleventh unassigned matter:

Joint Resolution — Memorializing the Congress of the United States to Extend the United States Fisheries Management Jurisdiction 200 Miles Seaward from its Boundaries. (H. P. 1639)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Adoption.

The Joint Resolution was then Adopted in concurrence.

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

After Recess

Called to order by the President.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Provide Elected District Attorneys. (S. P. 474) (L. D. 1569)

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

Mr. BERRY: Mr. President and Members of the Senate: I think that the enactment of this legislation ends for many of us a certain section of a road we have been on for a long time, but it opens up to the people of the State of Maine in the law enforcement area an extremely attractive and hoped for future.

The bill, in essence, has been introduced in the past by several people in this body, and I was one, so I take a certain amount of personal satisfaction in it. It has represented political viewpoints of a partisan nature in the past both pro and con on the part of many members of the Senate. I find it extremely interesting that the present bill which we are acting upon was sponsored by the esteemed leader of the Minority Party, Senator Brennan of Cumberland, and I am taking a great deal of pleasure in urging its enactment at this time.

It is going to bring to law enforcement, for the first time in the history of the state, organized prosecution with adequate salaries to pay for well trained and effective prosecution, something I think we will all agree that we have not enjoyed in the past.

I think this is a rare moment, Mr. President and Members of the Senate. This is one of the most effective pieces of legislation that any session in which I have had the pleasure of serving has enacted, and I consider it a privilege to vote for the enactment of this bill.

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

Mr. TANOUS: Mr. President and Members of the Senate: In my three terms in this body I have always worked toward a full-time prosecutor system, and you are aware I sponsored a bill on two different occasions, which was vetoed by the Governor, which called for appointment of district prosecutors. But I too am interested in having some form of full-time prosecutors in our state, and I am willing to compromise my position and go along with this particular bill to have them elected. Thank you.

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

Thereupon, 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.

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

Bill, "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys." (H. P. 964) (L. D. 1285)

Tabled — June 19, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

On further motion by the same Senator, the Bill was Indefinitely Postponed in non-concurrence.

Thereupon, under 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 unassigned matter.

Bill, An Act Providing Full-time Prosecuting Attorneys and Public Defenders. (H. P. 1380) (L. D. 1861)

Tabled — June 20, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

On further motion by the same Senator, the Bill was Indefinitely Postponed in non-concurrence.

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

On motion by Mr. Sewall of Penobscot,

recessed, pending the sound of the bell.

After Recess

Called to order by the President.

Papers From the House

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

Enactors

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

Emergency

An Act to Correct Errors and Inconsistencies in the Education Laws. (S. P. 417) (L. D. 1378)

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

On motion by Mr. Sewall of Penobscot,

Recessed until 2:00 o'clock this afternoon.

(After Recess)

Called to order by the President.

Papers From the House

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

Non-concurrent Matter

Bill, "An Act to Amend the Land Use Regulation Commission Law." (H. P. 627) (L. D. 851)

In the House June 27, 1973, Passed to be Enacted.

In the Senate June 27, 1973, Passed to be Engrossed as Amended by Senate Amendment "C" (S-239).

Comes from the House, that Body having Insisted.

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

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor his approval.

Non-concurrent Matter

Bill, "An Act Relating to Joint Standing Committees of the Legislature." (S. P. 560) (L. D. 1731)

In the Senate June 3, 1973, the Leave to Withdraw, Covered by Other Legislation report Read and Accepted.

In the House June 25, 1973, Passed to be Engrossed as Amended by House Amendment "A" (H-584).

In the Senate June 26, 1973, the Senate voted to Insist.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

The President appointed as conferees on the part of the Senate:

Senators:

BERRY of Cumberland

SEWALL of Penobscot

MINKOWSKY

of Androscoggin

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

Communications

State of Maine

House of Representatives

Augusta, Maine 04330

June 21, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the House voted to adhere to its action of June 26 whereby it indefinitely postponed Bill "An Act Increasing Tax on Liquor, Wine and Beer" (H. P. 1246) (L. D. 1623)

Respectfully,

E. LOUISE LINCOLN, CLERK

House of Representatives

Which was Read and Ordered Placed on File.

Enactors

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

Emergency

An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation. (H. P. 1630) (L. D. 2045)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders

Out of order and under suspension of the rules, on motion by Mr. Roberts of York,

WHEREAS, the methods used to approve county budgets are not considered satisfactory in the eyes of many Legislators; and

WHEREAS, procedures for authorization of county salaries are likewise in need of review if the Legislature is to fulfill its proper role; and

WHEREAS, there is mounting evidence that Maine county government is in need of revising and modernization in these and other areas to make it more adequate and responsive to modern life and conditions; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is authorized and directed to study the entire spectrum of county government to determine what changes, if any, should be made to allow counties to become more responsive to contemporary needs; and be it further

ORDERED, that the Committee report the results of its study along with any necessary legislation to the next special or regular session of the Legislature. (S. P. 696)

Which was Read.

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

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled — June 26, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Senate Amendment "A" (S-256)

Senate Amendment "B" (S-258)

Senate Amendment "C" (S-261)

Senate Amendment "D" (S-262)

Senate Amendment "F" (S-267)

Mr. Tanous of Penobscot then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G" was Read.

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

Mr. BERRY: Mr. President, the purpose of this amendment is to give an easement to the Portland Water District to install and maintain an underground electrical

cable at the Baxter School on Mackworth Island.

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

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, retabled, pending Passage to be Engrossed.

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

After Recess

Called to order by the President.

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

Bill, "An Act Exempting 'Trade-in' Property from the Stock in Trade Tax." (H. P. 679) (L. D. 886)

Tabled — June 26, 1973 by Senator Fortier of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Fortier of Oxford, the Bill was Passed to be Engrossed.

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

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

Joint Order — Relative to Legislative Research Study of the Maine Milk Commission. (H. P. 1641)

Tabled — June 27, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Berry of Cumberland to reconsider action whereby Senate receded and concurred.

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

Mr. BERRY: Mr. President, I would request that the Secretary read the legislative action on this item.

The SECRETARY: This order was passed in the House on June 22, 1973; indefinitely postponed in the Senate on June 26, 1973; the

House insisted on June 26, 1973; the Senate receded and concurred on June 27, 1973. Senator Berry moved reconsideration, and the matter was tabled pending Senator Berry's motion to reconsider.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate receded and concurred with the House.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, could I ask the Secretary to read the last action taken by the House again please?

The PRESIDENT: The Secretary will read the action of the House.

The SECRETARY: On June 27, 1973 in the Senate Chamber, on motion of Senator Cox, the Senate receded and concurred with the House. Subsequently, Senator Berry moved reconsideration whereby the Senate had receded and concurred with the House, and then moved that the matter be tabled, pending his motion to reconsider whereby the Senate receded and concurred with the House.

The PRESIDENT: The Joint Order was passed in the House.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I think this is one of those matters in the closing hours that has more lives than a cat. I moved indefinite postponement on this order before because I did not believe it was necessary. I still do not believe it is necessary. I think we are just wasting time, and we will be wasting time and state money in trying to send this to Legislative Research.

The gentleman that put this order in is asking all kinds of questions in this order on different areas that should be investigated. If he took half an hour of his time and walked down to the Milk Commission, he could get all of these answers here in just a few minutes. On Page 2, for instance, of the order it says "Whether the tax of producer and dealer which is

approximately 12 per cent is justified in that it is used to support running the Commission since without that tax the price of milk to the consumer could be considerably reduced", and so forth and so on.

Now, these are some of the answers that have been given to me: The Milk Commission is supported by a fee of 1 percent per hundredweight from the producer and 1 cent per hundredweight from the dealer, which generates 2 cents per hundredweight, or 2 cents for 46½ quarts of milk, which is .000215 a quart. Now, that would be a big saving. And this 12 per cent that the author of this right here is talking about — he doesn't know what he is talking about.

Point No. 2, the second paragraph: "Why the Maine farmer is charged the Maine milk tax on milk shipped to Boston?" Here is the answer: The Maine Milk Tax of 5 cents per hundredweight is a producer self-imposed tax used to advertise milk and milk products and is spent in the market where the products are sold. If the milk goes to Boston, the tax money is spent in Boston. The 5 cents is paid to the Bureau of Taxation and not to the Maine Milk Commission.

The Third paragraph on Page 2: "How the Wisconsin-Boston-North Formula. The Federal Order Market price supports. How is this justified by costs of grain, etc?" The answer: They have never heard of a Wisconsin-Boston-North Formula. The Federal Order Market prices are established by the United States Department of Agriculture using the Minnesota-Wisconsin prices for manufacturing grade milk or the Butter-Power price whichever is lower on a month-to-month basis plus the cost of moving the milk to market. The Maine Milk Commission uses this same formula to determine Class I and Class II prices for milk received at processing plants.

The fourth one: "How such formula is established. Whether it is based on solid 'cost-analysis' data or simply for convenience of the milk dealers. How it is affected by price supports or does it justify same?" Answer: This formula was established by the United States

Department of Agriculture and is used throughout the United States.

On Page 3: At the present time, the dairies apparently do not have to justify their rates on a 'cost-effective' or reasonable profit basis. They simply have to say how much milk moved in a given time period. This allows them to shoot for any profit they feel like. Should there be an audit of the dairy books to determine whether their profit margin is acceptable and if they are operating on a cost-effective basis for the good of the consumer, the farmer, and others?" Here is the answer: The Department of Agricultural Economics at the University of Maine conducts detailed cost studies of Maine dealers' operations for the Milk Commission. That is where it comes from.

Lastly: "The milk dealer may establish whether he buys milk from the producer as 'Fluid Milk' or 'Class II', the latter bringing less of a price to the farmer. How is this designation justified by the dairy? Is the classification abused to give the farmer less? Is the lower rate really justified or does that Class II, when converted into high priced cheeses, butter, cream, etc., worth every bit as much, if not more, to the dairy as 'Fluid'? Is there any way the dealer can take advantage of higher profits at the producer's (farmer's) expense?" Here is the answer: The dealer does not make the final designation. The Commission makes the final designation based on quarterly audits of the dealers' records.

So there is no need to send this to Legislative Research. All he has to do is go down to the Maine Milk Commission office and get all of the answers.

This Commission has been justified from the constitutional standpoint in the courts, it does offer some protection for the farmers, and I think it would be a disaster, as far as the dairies are concerned to do away with the Milk Commission. It is not the best. Improvements can be made both ways. The farmers, the dairymen, could possibly stand a higher price, but at the same time I think it is an equitable formula which is

fair for the dairy farmers, for the dairies, and for the consumer. Without that, I think you would see your source of milk drying up, and then you are going to find it will be costly to buy your milk. I move the indefinite postponement of this order.

The PRESIDENT: The Chair would inform the Senator that the motion to indefinitely postpone is out of order while a motion to reconsider is before the body.

Thereupon, the Senate voted to reconsider its action whereby it voted to Recede and Concur.

Mr. Berry of Cumberland then moved that the Senate Adhere.

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

Mr. RICHARDSON: Mr. President, out of a sense of self-preservation, if nothing else, I hope all the members of the Senate will vote to adhere, that is, to kill this order, and when the vote is taken I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate adhere will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 24 Senators having voted in the affirmative, and two Senators having voted in the negative, the motion prevailed.

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

Bill, "An Act Exempting 'Trade-in' Property from the Stock in Trade Tax." (H. P. 679) (L. D. 886)

Tabled — June 26, 1973 by Senator Fortier of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Fortier of Oxford, the Bill was Passed to be Engrossed.

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

Orders

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

ORDERED, the House concurring, that there be paid to the members of the Senate and House on January 2, 1974, as the final payment of compensation for the 1973 annual session as established by statute, the amount of One Thousand Dollars (\$1,000) according to a listing certified to the State Controller by the President of the Senate and Speaker of the House, respectively. (S. P. 697)

Which was Read and Passed.

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

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

(After Recess)

Called to order by the President.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the matter tabled earlier in today's session by that Senator:

Non-concurrent Matter

Resolution, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

In the Senate June 27, 1973, Finally Passed, in non-concurrence.

Comes from the House, Failed of Final Passage.

Pending — Consideration.

On further motion by the same Senator, the Senate voted to recede from its action whereby the Resolution was Passed to be Enacted.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Resolution was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-272, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President, the purpose of this amendment is to change the ultimate reapportionment of the House from 99 members to 132 members.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

The motion prevailed.

Thereupon, the Bill, as Amended, was passed to be Engrossed in non-concurrence and, under 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 matter tabled earlier in today's session by that Senator:

Non-concurrent Matter

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021)

In the Senate June 27, 1973, Passed to be Enacted, in non-concurrence.

Comes from the House, Failed of Enactment.

Pending — Consideration.

On further motion by the same Senator, the Senate voted to Insist.

Thereupon, under 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 fifth unassigned matter:

Bill, "An Act Increasing the Gasoline Tax." (H. P. 647) (L. D. 863)

Tabled — June 20, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. CYR: Mr. President and Members of the Senate: I hope you are not going to feel that I got up on the wrong side of the bed in trying to kill so many of these bills, but this is one that I would like to kill.

Previously, since 1960, I have been supporting this gas tax increase pretty near every legislature I have been here, and I have been here off and on since 1960. Now, I haven't solicited any votes from any one of you to go along with me on this; you can go the way you want, but I would like to explain my reasons as to why I am bolting this year from voting for a gas tax increase.

First of all, since 1960 Aroostook County has voted to the last man every time we have had legislation of this type introduced to us. We have caucused on it, and the word was always that unless we voted for this gas tax they were not going to do anything for us. We pleaded and we begged the Highway Department to at least improve one artery through the whole State of Maine, to improve U.S. No. 1. We are still at the same stage.

At the last session I served on the Committee on Taxation which heard this bill, and at that time, as those of you who were here will recall, they wanted an increase of one cent, they also wanted a bond issue of \$19½ million, and they told us if they had that they would be all set for a while. Particularly, they told us that they expected the federal formula for primary and secondary highways would go from 50-50, 50 percent federal and 50

percent state, to 70 percent federal and 30 percent state. This would generate quite a bit more funds and they could cover quite a bit more territory. Well, that is what happened, the federal went to 70-30. So the situation financially is not as bad as what they are trying to tell us. The federal went to 70-30, which means that with the same money they can almost double the mileage they used to before.

We also have read in the newspaper that the reason why we are having a gas shortage — or least it is one explanation — is that there is approximately 8 percent higher consumption. Now, one cent of gas tax in Maine generates approximately \$5 million. We are up now to nine cents, so nine times five is \$45 million. If our consumption has gone up 8 per cent, it means approximately \$3½ million just on the increased consumption. So they are not in that bad a shape.

We were also told that Interstate 95, which has been dumped into Canada at Houlton and diverts all of our tourist traffic into Canada onto the Trans-Canada, that as soon as the 41,000 mile program was through, which was supposed to be through in 1972, that we would have consideration. Now, the program has been extended to 1976 because of the increased cost, and now the cities, as you have probably read just as I have in the newspaper accounts, the cities are trying to get these funds to put fast transit systems into the cities. Where does that leave us in Aroostook County? It leaves us so that we have no major artery, no major road, from Houlton up. We are dumping our tourist traffic onto the Trans-Canada at Houlton, we are hurting the tourist industry north of Houlton. We are hurting the economy, and yet we have had to contribute all of these years four cents to the federal program.

Now, it has reached a point where we have had our belly full of it. I have seen in the past, for instance, the Cumberland delegation in full force vote against a gas tax increase. To appease them, the next biennium the Highway Department would build bypasses, overpasses, underpasses, and they

have even got four parallel major highways going into Brunswick; all because they voted against the gas tax and the Highway Department was trying to appease them. So if that is the way to improve our roads, that is the way I am going to try it this year, by voting against it.

The way it is now, the tourists will remember Maine for two things: the rugged rocky coast of Maine, and the potholes in Aroostook County. It is time, I think, that the Transportation Department reassessed its position and changed its priorities and did some work on U.S. No. 1, or else changed the name to U.S. No. 1-A so at least we won't be in the embarrassing situation of telling the tourists they are on No. 1.

For that reason, Mr. President, I shall vote against this tax. I am not going to make a motion, but I shall vote against it.

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

MR. JOLY: Mr. President and Members of the Senate: I often wonder why we do things. One of the finest things that is being done right now in the State of Maine is the study being made by businessmen. When I campaigned for this particular spot four years ago and six years, I used to talk about if I ever got in the Senate I would like to see a complete study made of state government and see where the money was being wasted. So I was terribly pleased when the very lovely lady, Mary Payson, finally got a bill in, and this is being done now. And it is my understanding this report is coming back to us in October.

It is further my understanding that in some states, in one state in particular where such a study was made, up to 15 percent savings were found. And if you look at our Maine figures, 15 percent savings in Maine would be \$75 million. I ask you how much of this might very well be in the Transportation Department, and you can take your own guess.

Just yesterday William Clark had a very interesting article in the Waterville Sentinel, and probably the other Gannett papers, which

I would like to bring to your attention, and it makes me feel darn certain that a good hunk of that possible \$75 million would be in the Transportation Department. He tells the story here about how up on the road to Pleasant Pond the Transportation Department is spending \$60,000 to take out a curve in the road to allow passage at 35 miles an hour rather than 25 miles an hour. Now, in how many places in the State of Maine are such things as this being done?

I voted for the bond issue, and I am glad I did, but I cannot vote for this one cent gas tax increase. We are going to have this report in October. Let's see what is going to happen. Are we having this report just for the fun of it? They are making a study, and maybe we can learn something from it. I see no reason for passing this at this time and, therefore, I would move indefinite postponement of this bill, and I ask for a roll call.

Mr. President, I understand that this is an emergency measure bill, so I would withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Joly asks leave to withdraw his motion for indefinite postponement. Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, may I have the Secretary read the Committee Report.

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

The SECRETARY: The Majority Ought to Pass Report with Committee Amendment was signed by Senator Wyman, Representatives Susi, Dow, Maxwell, Morton, Senators Cox and Fortier, and Representative Merrill. The Ought Not to Pass Report is signed by Representatives Finamore, Immonen, Dam, Cottrell, and Drigotas.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think in talking about this bill, I have found from my constituents

a great cheer went up when I wrote in my weekly column that I figured that this was something that was far from needed. It seems to me that the Department of Transportation, having their earmarked funds, could very easily live within the millions of dollars which they know they are going to get. To raise the income on any kind of a basis that they need it I think is a most fallacious argument.

I know some of the people that are on that Transportation Committee, who perhaps signed the Ought to Pass Report, know as well as I that there are so many of these roads that are over-engineered, over beautified, and completely unnecessary. I find that it is completely against the grain with me to raise a tax on something that is as necessary to the citizens of the State of Maine — I really don't give a hoot about the tourists and how much they are going to bring into our coffers; I am thinking of those whose livelihood is spent on cars, and with these anti-pollution devices, which I am cursed with at the moment in my car, I am getting half the amount of mileage in my car and using twice as much gasoline, therefore, it is costing me a good deal more per mile, and I think it would be a shame to saddle the citizenry of the State of Maine with this extra tax.

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

Mr. JOLY: Mr. President and Members of the Senate: I do want to repeat that I would ask for a roll call, and I would like to explain to the members of the Senate that in the absence of the good Senator from Franklin, Senator Shute, I shall vote yes. We cannot pair, because it is my understanding from the Secretary of the Senate that pairing means two absent votes. I appreciate the fact that you are looking for a two-thirds vote on this, so I have agreed to vote for Senator Shute. So I will vote yes on the bill even though I am opposed to it. I am doing it for Senator Shute, and I want that perfectly clear.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: To answer some of the criticism of the Senator from Aroostook, Senator Cyr, I would like to point out that if he looks at the construction program, there are four pages in there pertaining to Aroostook County. There are \$4,700,000 of construction in those four pages. Besides that, at the interstate level there is \$2,700,000. In Houlton alone, for interchange and other construction from Houlton to the Canadian Border.

This highway construction program amounts to a little better than \$80,000,000. To finance that construction program, we have \$9,300,000 in the allocation bill, we have passed the bond issue of \$7,800,000, and we need \$10,800,000 to balance out both of them.

Maybe it would be a good time to tell you where this money would go. So if you people would just as soon turn to L. D. 2010, I will give you a little example where this money goes. On the first page of the allocation bill, you will see where the administration is \$2,790,000 in the first year and \$2,885,000 the second year. And the page is passing out an itemized account of that administration. There is too much to it for me to try to explain it to you on the floor of the Senate here, but there is an itemized account there.

If you will turn to page 2 in the accounting, there is \$120,000. The auditing — this is the general fund of the highway — is \$12,000 each year. The special revenue fund of \$10,000 each year of the biennium is to audit the district courts, because there are fines allocated to the Highway Department from the district court. Under purchasing, there is \$2,753 the first year and \$2,888 the second year. This is to pay the Bureau of Purchases for the products that they buy, like trucks and tires, nuts and bolts, and the other things that are used in the maintenance of the Highway Department. The administration and collecting of the gasoline tax. The compensation

for injuries, this is Workmens Compensation, and with the number of people employed in the Highway Department, of course, they have quite a few injuries and they have to be paid for, so there is no other way of escaping this amount of money.

The debt service is a little better than \$4 million more than it was two years ago for the last biennium. Two years ago we retired \$8,690,000 in bonds. This year we are retiring \$10,665,000 in bonds, and there is an increase in the interest rate. So it has gone from a little over \$13 million two years ago to a little better than \$17 million this coming biennium.

The employees' salary plan: This goes along with whatever they do with the general fund for the other state employees. The Highway Department does whatever the other state employees receive, which this year is about 5.5 percent, and this is over \$5 million. There is no way to escape this unless you change some of your laws and personnel.

The survivors benefits are set up by statute, and there is no other way to escape this amount.

Topographical mapping is \$10,000 each year of the biennium. 26 years ago it was \$10,000 each year of the biennium.

The planning and survey is for traffic counts are planning for projects that are coming up in the future. They do a lot of research, so if you want to ask any questions of the Highway Department, they can give you your answers as far as traffic counts and things like that are concerned.

Highway safety is on the statutes, so we have to provide money for that.

Access roads in ski areas, that is on the statutes. The State Highway Commission puts in 50 percent, the county puts in 25 percent, and the ski area itself puts in 25 percent.

Bridge construction: the total amount here, if you compare it with two years ago, you will find it is about \$900,000 more than it was two years ago. Bridge maintenance is \$1,900,000 more than it was two years ago. Now,

a few years ago, you will probably remember, there was a bridge between West Virginia and Ohio that went into the river, and the federal government demands that every state in the union upgrade their bridges. The State of Maine has 2,550 bridges that they maintain.

Grade crossing protection is \$10,000 each year, and that is the way it has been for several years.

I would like to skip at the present time this \$7,300,000 the first year and the \$2,000,000 the second year for highway construction.

State Aid Roads: In February we appropriated and passed legislation for \$9,500,000 for state aid funds. Now, there are so many towns that are getting involved in the state aid construction that we found out we had to come up with another half a million. So we have put in \$200,000 the first year and \$300,000 the second year.

State aid construction and reconstruction, hardship cases: Years back this has been a million dollars each year of the biennium, but two years ago we cut it \$250,000 each year, and we have got by with not too much criticism.

Highway maintenance is 18 million more than it was two years ago. Two years ago it was \$12,400,000 the first year and \$12,600,000 the second year, for \$25 million. This year we are up to \$33 million. Now, in this maintenance program this year, there is over 2,000 miles of resurfacing. During the first part of the legislature, the maintenance departments in the seven divisions put out contracts for 90 miles in each division, and they started in resurfacing. So there is 630 miles for the seven divisions, 90 miles in each division. And this is a flexible program. So there is no question but what there will be a 10 or 15 percent increase in that. In the second year of the biennium, the maintenance program is set up for 11 miles in each division, a 777 mile total for the state.

Since we have been going along with this allocation bill, we have put in \$2,300,000 extra for resurfacing, so we have got more than 2,000 miles in this maintenance program for this year.

Traffic services: This is for painting the center line on the roads and the traffic lines, and it also involves around 40,000 signs. The Department erects and replaces, or puts in new, about 40,000 signs a year. They paint about 7,000 miles of road a year. It involves 130,000 gallons of paint. In each gallon of paint there is six pounds of glass beads, which is 780,000 pounds, or 390 tons, and the cost of the beads is a little less than 12 cents a pound. For two consecutive years the difference between the low bidder and the next low bidder was .0024 of one cent one year and .0014 of one cent another year. This is closer than Rolls Royce used to grind their crank shaft, because the best they could do was .003, as I understand it.

Island refunds: This is on the statute, and it pertains to five islands: Vinalhaven, North Haven, Cranberry Isle, Swans Island, and Isle au Haut. If these islands spend a certain amount of money on their roads, they are reimbursed from the amount of money they send in on the registration of their automobiles.

Picnic areas: There are about 204 picnic areas in the state, and it is the idea of the Department at the present time to not erect too many more picnic areas, but upgrade some of the picnic areas that they already have.

Radio operations involves better than 500 radios. It involves six people, personnel that are traveling over the state repairing not only the radios in the automobiles and the trucks but also the radio stations that are involved in different parts of the state, the transmitter stations.

Town road improvement fund: It has been \$1½ million each year of the biennium for quite some time, but two years ago we cut it \$250,000 each year. We found out that wouldn't work because at the last special session of the legislature they were right back in wanting that \$250,000, and we had to give it to them. Now, the way this money is set up, a town gets \$200 to start with, and they get \$160 for each mile of town way.

The winter maintenance has increased somewhat this biennium. This last winter the Department had to go to the Governor and Council and ask for \$900,000 to balance out their winter maintenance account. Now, there is \$2 million each year of the biennium that is reimbursed to the towns and cities out of this amount that is allocated here.

The Land Damage Board is on the statutes and there isn't much we can do about that. The only thing is we had to double up the fund this present session for the simple reason that the Governor and Council increased the appropriation to \$150 a day. It was \$100, and they have increased it to \$150 a day.

The Motor Vehicle Department: Highway pays all the cost of Motor Vehicle's operation. The registration money is dedicated to the Department of Transportation, but the Department of Transportation finances all the cost for Motor Vehicles. And the Motor Vehicle Building, just repair and supplies, and the Public Safety Department, what used to be the State Police, this is a little over \$1 million each year of the biennium. The Highway Department pays 75 percent of the State Police, and 25 percent is out of the general fund.

The motor vehicle inspection: The reason the first year of the biennium is more than the second year is on account of the inspection sticker, and this involves in the millions of inspection stickers. When you get up into those figures, it costs quite a lot of money.

Now, I would like to go back to Page 2, in about the middle of the page, where there is \$7,300,000 set up the first year, and \$2 million the second year of the biennium for construction. Now, this is allocated to match federal funds and for the construction of state and state aid highways. This is cash, and it is available for the highway construction program. We have passed the bond issue of \$7,800,000, and to balance out the program we need the \$10,800,000.

Now, this is the first time you have ever had offered 70-30 money, and it seems to me it is a poor time to turn it down.

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

Mr. CIANCHETTE: Mr. President, I would just like to take this opportunity to express my appreciation to Senator Greeley for the opportunity I had to work with him. He is obviously one of the more dedicated Senators. He understands his work, and it was very enlightening for me to work with him. Rather than give him a round of applause for a good job done, I think a vote for him will be sufficient.

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

Mr. WYMAN: Mr. President and Members of the Senate: The good Senator from Penobscot tells us that this will impose a hardship on the workingman getting to work, and certainly the workingman will have to pay this additional cent, if this bill is enacted. But the workingman needs the road or else he won't get to work. Maine is isolated geographically very much, and I don't think we stop to think about that. Many of our raw products have to come in and they have to move out. Some of our products that are here, we have to ship them out, and we are at a great disadvantage in being so isolated geographically.

Now, many of us may not agree with the way the Highway Department is operated. We see men alongside the road and a man will be leaning on his shovel. I think if you will go around my business, you won't see a man on the side of the road leaning on the shovel, but if you go out behind the warehouse you might find him out there smoking just the same. It is only that the people who work for the Highway are right out where everybody sees them.

Now, we can all find fault with the Highway Department, we can all have different ideas as to where the roads should be built, but I think to kill this measure, or fail to enact it, is almost like burning the barn to get rid of the rats. Furthermore, if we fail to enact this, and enact it in October, then we have lost the revenue that we

would get from people who travel through Maine in the summer.

I suspect I may be paying more gasoline tax than anybody else in this Senate, because I have a good number of motor vehicles on the road. It is easy to talk against taxation. I have been Chairman of the Taxation Committee for some five terms, and everybody who comes in there, or nearly everybody, is against taxes and for exemptions, but I think, to be responsible, we should support the good Senator from Waldo, Senator Greeley, and pass this measure. And if there are problems with the Highway Department, then we should go at it in another way. So I certainly hope he may have your vote.

The PRESIDENT: The pending motion before the Senate is the enactment of Bill, An Act Increasing the Gasoline Tax. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the enactment of An Act Increasing the Gasoline Tax. A "Yes" vote will be in favor of final enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Cianchette, Cox, Fortier, Graffam, Greeley, Joly, Morrill, Olfene, Peabody, Roberts, Sewall, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Brennan, Clifford, Conley, Cummings, Cyr, Danton, Huber, Katz, Kelley, Marcotte, Minkowsky, Richardson.

ABSENT: Senators Hichens, Schulten, Shute.

A roll call was had. 18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with three Senators being absent, and 18 being less than two-thirds of the entire

membership of the Senate, the Bill Failed of Enactment in concurrence.

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

After Recess

Called to order by the President.

Papers from the House

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

Enactors

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

An Act to Provide a Subsidy to Communities with Private School Enrollments. (S. P. 685) (L. D. 2047)

On motion by Mr. Marcotte of York, and under suspension of the rules, the Senate voted to reconsider its action whereby the bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted.

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

Senate Amendment "B", Filing No. S-271, to Senate Amendment "A" was Read and Adopted and Senate Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

An Act Exempting "Trade-in" Property from the Stock in Trade Tax. (H. P. 679) (L. D. 886)

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

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.