

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Thursday, February 14, 1974

Senate called to order by the President.

Prayer by Father Royal J. Parent of Eagle Lake:

Almighty God, you have saved us. As children of light we long to be your truthful witnesses before our brothers and sisters today. Make us followers of the light and doers of the truth. God bless us and keep us. God let his face shine upon us and be gracious to us. God look upon us kindly and give us peace. Amen.

Reading of the Journal of yesterday.

Papers from the House House Papers

Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform." (H. P. 1963) (L. D. 2504)

Comes from the House referred to the Committee on Business Legislation and Ordered Printed.

On motion by Mr. Cox of Penobscot, tabled and Tomorrow Assigned, pending Reference to Committee.

(Off Record Remarks)

Mr. Hichens of York was granted unanimous consent to address the Senate:

Mr. HICHENS:

Just a year ago today I reached poetic heights (according to the newsprint)

When on Ken's night of nights

I read a birthday poem that I myself composed,

And on that bed of glory I have since then reposed.

I've been nicknamed poet laureate within these Senate walls.

And the writing of a birthday verse so oft on me befalls:

But I don't deserve the credit for this unexpected fame

For if it weren't for Ken's birthday — but few would know my name.

So today I give the credit to whom the credit's due

And refresh your minds this morning with what you already knew:

Just how fine a Senate President stands in his place today

And conducts the Senate's action in a business sort of way.

From the moment he walks in the room with firm and steady trend

And stands behind the rostrum — lights reflecting off his head,

He demands strictest decorum — and we all understand

That if one of us gets out of line we're due for reprimand.

He wields the hammer handily like the mighty Smith of old

To shape the course of State affairs — as the days events unfold.

He's always quite approachable — and at his office door —

The welcome mat is usually laid for all to travel o'er.

He's sometimes hard to understand — like just the other day,

When as the roll was called he changed his mind on ERA.

He, like all men is not perfect — and when someone fails to stop

In riling him, we all have learned, that he can blow his top.

But he's usually calm, collected — and quite a man to know;

It's been a joy to work with and right here I tell him so.

When I'm at Social hours I never have to think,

For Ken acts as my conscience and checks my every drink.

And last summer in Chicago — not only did he smell

What I had within my glass — but he drank it all as well.

And I had to stand again in line — thirsty, hot and pale;

Waiting patiently to get another ginger ale.

Oh I've learned a lot from Ken MacLeod just sitting where I'm at.

There's not another like him — and we thank the Lord for that!

As I read these lines this morning — you think me quite a ham

You can blame the Senate President. He's made me what I am!

And on this Happy Birthday — number FIFTY one

We hope the very best in life for him is yet to come.

(Applause — the members rising.)

The PRESIDENT: The Chair is very appreciative of that poem and I would like to have a copy, if I may.

Committee Reports House

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Relating to the Budgetary Process of the Eleven New Regions and Central Aroostook County Region for Vocational Education." (H. P. 1780) (L. D. 2252)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education." (H. P. 1945) (L. D. 2479)

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

Seven members of the Committee on State Government on, Bill, "An Act Relating to Certain Bureaus in the Department of Finance and Administration." (H. P. 1865) (L. D. 2359)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-670).

Signed:

Senator:

CLIFFORD of Androscoggin

Representatives:

COONEY of Sabattus
FARNHAM of Hampden
GOODWIN of Bath
GAHAGAN of Caribou
NAJARIAN of Portland
CURTIS of Orono

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-671).

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington

Representatives:

CROMMETT of Millinocket

STILLINGS of Berwick BUSTIN of Augusta

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

SILVERMAN of Calais

Comes from the House, recommitted to the Committee on State Government.

Which reports were Read.

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

Mr. SPEERS: Mr. President, this particular bill has about three or four different distinct items included in it and I think that was the reason for the various numerous reports. There is an order that will be coming along requesting the State Government Committee to report out each of these items in a separate bill. For that reason, I will request that the Senate go along, and so move, that this bill be recommitted to the Committee on State Government in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that Item 6-2, Legislative Document 2359, be recommitted to the Committee on State Government in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Senate Ought to Pass

Mr. Greeley for the Committee on Transportation on, Bill, "An Act Authorizing the Secretary of State to Extend Expiration Date of all Motor Vehicle Registrations under Emergency Conditions." (S. P. 906) (L. D. 2507)

Reported pursuant to Joint Order (S. P. 900) that the same Ought to Pass.

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

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Current Service Appropriations from the General Fund

for the Fiscal Year Ending June 30, 1975." (S. P. 800) (L. D. 2289)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975." (S. P. 905) (L. D. 2508)

Signed:

Senators:

SEWALL of Penobscot
CONLEY of Cumberland
MORRELL of Cumberland

Representatives:

HASKELL of Houlton
CARTER of Winslow
SMITH of Dover-Foxcroft
JALBERT of Lewiston
BRAGDON of Perham
NORRIS of Brewer

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

Signed:

Representative:

SPROUL of Augusta

Which reports were Read.

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

Mr. SEWALL: Mr. President and Members of the Senate: Before moving acceptance of the Majority Report, I would like to speak very briefly to this document.

This, as you undoubtedly are aware, is the second year of the biennium current services budget, the so-called Part I Budget. It is a fairly lengthy document and I don't intend to go through it with you page by page this morning. It is my understanding that both parties will caucus after this session this morning, and the members of the Committee, plus the staff, will be prepared to go into this document in detail with anyone who is interested.

I would like to point out four or five of the items in this document, or call your attention to them, because they are somewhat different than the previous Part I which was passed six months ago.

The first one I would call your attention to is the budget of the Department of Conservation. — this is the first time we have seen this new

department summarized in the budget document — in the amount of \$5,390,000. This, of course, encompasses several previous departments and divisions in State Government.

Moving along, in the Department of Educational and Cultural Services, the Committee reinstated \$268,000 into subsidies to local government units in response to the testimony we heard as to the necessity to totally fund adult education programs here in the state.

In the Department of Finance and Administration, we were able to delete \$750,000 under the account of tax relief for the elderly simply because this money has not been needed to fund the statutes which are now on the books.

In the Department of Health and Welfare, we increased the budget amount under the supplemental security income account by a million and a half dollars, which will take care of the mandatory funding arrangement.

Under Mental Health and Corrections, you will note that there is no item in the budget for the women's reform unit at Skowhegan. The Committee has closed out this account. It now has approximately eleven inmates, and it is the Committee's feeling that these can be taken care of in other institutions. This saves the State of Maine approximately \$350,000 a year. Approximately forty people who are now working for the Department of Mental Health and Corrections will have to be moved into other areas. Undoubtedly, this may generate some debate. Under the Pineland Center we have deleted thirty-four position counts, which is the staff of the C.P.H., or the Children's Psychiatric Hospital, which has in effect been closed.

You will note that under Education there is an item of \$2,400,000 deleted, but this appears at the end of the document and is a reallocation of federal revenue sharing.

The total amount of the second year of the biennium is \$174,000,000, which is lower possibly than one might have expected. The reason for this is that the bulk of the monies for local school subsidy appeared in the first year, \$60,000,000.

Mr. President, I move acceptance of the Majority Report.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate accept the Majority Ought to Pass Report of the Committee on Item 6-4, Legislative Document 2289.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I appreciate the explanation given by the Senator from Penobscot, and he did say there would probably be debate generated regarding the elimination of the Women's Correctional Center. There are some four or five bills which have been presented to this legislature regarding the closing of the center, and yet the Committee has taken it upon themselves apparently to assume that it is going to be closed. I don't think we have any general grounds to go on that assumption, so I think something should be taken care of to consider the fact that we may keep this Women's Correctional Center.

Along that same line, the Children's Psychiatric Hospital at Pineland has not been officially closed and may be reinstated as such a unit, so I think some consideration should be put in on that also. Again I say I appreciate the efforts they have made, but I think they are presumptuous in the taking out of funds for these two units.

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

Mr. SEWALL: Mr. President and Members of the Senate: In response to the good Senator from York, Senator Hichens, we will have a supplemental budget coming along within ten days or two weeks, and if action is necessary or language is necessary on these two items, certainly we can take care of it in the supplemental budget. But we felt that the time had come to delete this funding on these high position counts in two of these facilities which are extremely expensive to the State of Maine.

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

A viva voce vote being taken, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read

Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Licensing under the Liquor Law of Managers, Bartenders, Clerks, Servants or Agents Employed by Licensees." (S. P. 855) (L. D. 2424)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin
SCHULTEN of Sagadahoc
FORTIER of Oxford

Representatives:

STILLINGS of Berwick
CHICK of Sanford
CRESSEY

of North Berwick
TANGUAY of Lewiston
GENEST of Waterville
FAUCHER of Solon
RICKER of Lewiston
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (S. P. 904) (L. D. 2505)

Signed:

Representative:

KELLEHER of Bangor

Which reports were Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wonder if some member of the Committee on Liquor Control might make some comment on this particular bill. As I read the bill very quickly, I think the thrust of it is to provide for a fee for granting a license to those holding a state liquor license, and I am wondering if that is the thrust of the bill and, if that is, what the majority of the Committee objected to?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: As a signer of

this Ought Not to Pass Report, I feel the reason for the Committee voting this way was the fact they thought it was much too broad, that it would cover such people as janitors and it would cover such things as someone placing chairs in an establishment where liquor was sold and consequently, if strictly interpreted, could be a real handicap to the business people operating these establishments.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

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

Sent down for concurrence.

(See action later in today's session.)

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Special Agency Stores and Store Hours under the Liquor Laws." (S. P. 872) (L. D. 2440)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin

FORTIER of Oxford

SCHULTEN of Sagadahoc

Representatives:

CHICK of Sanford

IMMONEN of West Paris

FARNHAM of Hampden

STILLINGS of Berwick

CRESSEY of North

FAUCHER of Solon

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-348).

Signed:

Representatives:

KELLEHER of Bangor

GENEST of Waterville

RICKER of Lewiston

TANGUAY of Lewiston

Which reports were Read.

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

Mr. CLIFFORD: Mr. President, in view of the fact that this is a fairly closely divided report, I wonder if the good Senator might give us an

explanation of what the issue is on this bill. The bill has a substantial minority.

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

Mr. FORTIER: Mr. President and Members of the Senate: I believe the principal reason for the Committee taking the action that it did on this one is that there were certain phases of it that were very indefinite.

For example, I understand that the average cost of operating our liquor stores now is something better than 16 percent of the gross sales. This bill would grant 7 percent to the agents. Granted, he would be working with the state inventory and not his own inventory. But those were about the only factors that would be contributed by the state, the inventory and possibly a cash register. The differential seems much too great to believe that an agency store could profitably operate with that figure. And if they could not profitably operate with that figure, it seemed to open the door wide open for an awful lot of trouble. Furthermore, there was a question of enforcement of the law, which would be a great deal more complicated and difficult where the state would not have authority over the employees in these agency-operated stores. So, for these reasons, they thought that we were borrowing an awful lot of trouble by having these agency stores.

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

Mr. CLIFFORD: Mr. President, I understand there was an order passed in the regular session for study on the possibility of the state getting out of the retail business. Is this a bill in response to that study? When you say "agency store", do you mean a store run by a private individual under contract with the state?

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

Mr. FORTIER: Mr. President and Members of the Senate: These agency stores would be stores that would be open in municipalities that have voted in favor of having a liquor store but mostly, due to the population in these areas, the

Liquor Commission has deemed that it was not feasible and practical to open stores there, and they would name another merchant, probably a grocer or a general merchant, in these municipalities who would be licensed to sell liquor. The state would simply contribute the inventory and, as I said, possibly a cash register and some supplies. But this is altogether different from the study that is going on now in regard to eliminating our state stores and going to a system of licenses.

There is a meeting which will be held — I believe it is next Wednesday, if I remember right — that is already scheduled on this other order which was proposed in the regular session asking for a study of the problem of going to general licenses instead of our state stores as we have them today.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

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

Mr. SPEERS. Mr. President, I apologize to the members of the Senate, but I feel somewhat uncomfortable as to the previous item taken up and, for the purpose of generating further discussion on this, would move that the Senate reconsider its action whereby we accepted the Majority Ought Not to Pass Report on Item 6-5.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Item 6-5, Legislative Document 2424. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I ask for a division on that motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the explanation that was given on this item, I think, pertained to the original bill, L. D. 2424, but I note that the Minority Ought to Pass Report was Ought to Pass in New Draft, L. D. 2505. I think the reading of L. D. 2505 would remove the objection of the good Senator from Oxford, Senator Fortier, as to the question of whether or not this is an item which is too broad and could be interpreted to include the janitor of a particular establishment as well. 2505 relates to holding of state liquor licenses for individuals preparing, mixing, or serving liquors on their premises, and I don't believe that would pertain to an individual, for example, who was a janitor.

As I read these bills, it provides for the necessity of applying for a license of all individuals serving, preparing or mixing liquors for service on the premises, and it requires a ten-dollar license fee every two years. I think this could mean a significant source of revenue to the state, and I am wondering if the Senate should take another look at this.

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

Mr. BERRY: Mr. President and Members of the Senate: I feel, in the temporary absence of my good friend, Senator Anderson from Hancock, that I must pick up the cudgel and apply his well-known philosophy to this bill. Why do we need to license bartenders? I think this is what it comes down to.

Now, this looks as though it is just one more impediment to people getting employment. I can see a tremendous difference of opinion in the enforcement procedure. The minute you license somebody you can have him fired by lifting his license. There could be a big argument between the owner of the establishment who said he issued some instructions, and here is the licensed person who failed to comply. The person who is responsible is the licenseholder for the establishment and he is the one who is going to run a clean shop, and if he can pass off any infractions or violations of the law to a licensed employee, of course, he is going to.

My basic objection to the bill is that it is just one more step, one more bureaucratic step, to make it harder for people to earn a living and harder for people to run a business, and I would oppose the motion for reconsideration.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report on Legislative Document 2424.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I think the original bill indicated that this was a recommendation of the Cost Management Survey, and I am wondering if any member of the Committee might be able to explain what the cost figures might be in this particular bill, what the estimated revenue to the State of Maine might be should this bill pass requiring a ten-dollar license fee for bartenders.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed another inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, in response to the question of Senator Speers, it seems to me that the ten dollar income to the state, which presumably would be the basis of the Cost Management Survey's recommendation, multiplied by the number of estimated bartenders in the state and other people affected, would be a tremendously costly item to administer. I know, for instance, in the recreational areas of the state that bartenders are frequently college students who come and go and eke out a little livelihood on a temporary basis. You frequently may not see the same person in the same place more than one night in a row, and if the owner of an establishment found himself without a licensed bartender, then he presumably couldn't go in business. There seems little logic to a bill such as this.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I still don't understand what vice or problem this proposal is designed to correct, and before I vote on it I would like to have somebody inform the Senate as to why is this bill necessary, what are we trying to do, what are we trying to accomplish by licensing all these bartenders and everybody else. If somebody could explain that, I suppose we could cast an informed vote.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Licensing under the Liquor Law of Managers, Bartenders, Clerks, Servants or Agents Employed by Licensees."

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I hesitate to prolong the discussion on this matter, but in answer to the good Senator from Cumberland, Senator Richardson, I frankly was not even familiar with this bill before it came on the floor of the Senate this morning. My only concern is whether or not we are passing up an opportunity to collect further revenues for the state. I would assume that this is the recommendation of the Survey, that it is an opportunity to collect some further revenues for the state, and not particularly the necessity of a problem being corrected by licensing the bartenders.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Three Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion did not prevail.

Second Readers

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

House

Bill, "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game." (H. P. 1868) (L. D. 2367)

Bill, "An Act to Revise the Membership of the Land Use Regulation Commission." (H. P. 1937) (L. D. 2471)

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

House - As Amended

Resolve, to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals. (H. P. 1899) (L. D. 2407)

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

Enactors

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

An Act to Make the Term of Office of the State Planning Director Coterminous with that of the Governor. (S. P. 775) (L. D. 2222)

An Act Relating to Municipal Fire Protection. (H. P. 1707) (L. D. 2100)

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

Emergency

An Act to Clarify Certain Municipal Laws. (H. P. 1920) (L. D. 2452)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Lowering the Maximum Age of Juvenile Offenders." (S. P. 713) (L. D. 2125)

Tabled — February 13, 1974, by Senator Joly of Kennebec.

Pending — Motion of Senator Brennan of Cumberland to recede and concur.

(In Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-339) as amended by Senate Amendment "A" thereto (S-336).

(In House — Passed to be Engrossed as amended by Committee Amendment "A", in non-concurrence.)

On motion by Mr. Joly of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mr. Brennan of Cumberland to Recede and Concur.

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

Bill, "An Act to Clarify Election Procedure Respecting Jury Trials in Misdemeanor Proceedings." (S. P. 751) (L. D. 2161)

Tabled — February 13, 1974 by Senator Berry of Cumberland.

Pending — Consideration.

(In Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-340).

(In House — Majority Ought Not to Pass Report Accepted.)

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As I understand it, the reason for tabling this matter was the same reason for the prior one, and that is the wisdom of the Chairman of the Committee on Judiciary, Senator Tanous. Since he is not here, it seems to be that perhaps it might be in order to table this also.

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

Thereupon, on motion by Mr. Conley of Cumberland, retabled and Tomorrow Assigned, pending further Consideration.

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

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: We have just received the report from the Attorney

General this morning and it is a long report. I would appreciate it if this could be tabled for one legislative day please.

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

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

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

Bill, "An Act Providing Funds for Spruce Budworm Control and Surveys." (H. P. 1684) (L. D. 2077)

Tabled — February 13, 1974 by Senator Minkowsky of Androscoggin.

Pending — Enactment.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I assure you I am not going to have this item retabled this morning.

One thing at the outset I want to make perfectly clear — as in a coined phrase by a great man in this nation — is that this is not really a matter that maybe I fully comprehend, although I have seen this come through the legislature in the past eight years, but it is a matter that I am trying to digest in its proper perspective, and I guess it is really nothing against the paper industries who are really the largest landholders in the State of Maine, and possibly can be predicated upon my lack of knowledge of exactly how their tax is paid and the entire ramifications of the whole thing.

But generally speaking, and maybe looking at this from the viewpoint of a layman, I might analyze this possibly from the viewpoint of subsidization of the biggies in the State of Maine. Maybe this may seem to be an unfair appraisal on my part to make this statement, but when I look at the general formula laid out, that 50 percent of this particular fund is paid for by the federal government, 25 percent is by the State of Maine, and the balance is by the major landowners in the State of Maine, or 25 percent, which I understand clearly reverts to the general fund in the State of Maine, and looking at the total amount of

their subsidy, and also the amount that is spent annually for spruce budworm control, I am a little bewildered to the extent that if they are asking for such large appropriations as this, and they usually average 300 or 350 thousand dollars annually, and this is carried over, it just doesn't seem feasible at the present time that they should be asking for such a large amount of money.

I would further correlate my general feelings about this matter with the publication put out by the State Forestry Department, entitled "The Spruce Budworm Threat to Maine Forests," which is an excellent public relations piece, I must add, but it doesn't get down to the nitty gritty of what we speak of here, and I would like to quote various aspects of this particular report. In one part, under the history of the spruce budworm, they make it very clear that forest industry are using increasing amount of forest products from Maine forests each year. "Campers, hikers, fishing and hunting enthusiasts, canoeists and many other recreation minded outdoor men, look to northern spruce fir forests for solitude." Well, this is excellent, but the thing that I have found throughout the years is that these people, who are Maine citizens, who are asked to subsidize this particular spruce budworm control bill, really don't have that kind of access as to these private lands, whether they be their roads or the wildlife on these particular lands. This is the part that really irritates me a little bit, that I am a firm believer in the free enterprise system, and I believe the free enterprise system, if they have complete control of the land and are paying forest lands tax to it, should take care of their own particular problem without looking to the people of the State of Maine or to the people of the nation as a whole to get them off the hook, if this might be the case.

There are many other aspects that they bring out here: the forest environment, why protect it? Now, these are very, very substantial constructive reasons, I must say, because when you look at it objectively, forest products from budworm infested areas are used by approximately 19 forest industries throughout Maine, which employ 10,753 people. We certainly don't want to put

people out of work, but on the other hand, when you start looking at it from the viewpoint that it represents about six dollars per cord while this timber is standing, and by the time that this is in a finished product state, that is, either matches, toothpicks or furniture, that it represents \$170. Of course, during the interim naturally the people and industry itself are thriving very, very well on it. But again it reverts back to the simple thing that they have complete control of these lands, except for maybe Baxter State Park, and which I think this item makes reference to, where the people of the State of Maine have access to this park to utilize during the summer or year round, you might say.

But my objection primarily lies in the reasoning that we are subsidizing this industry and I don't feel it is right and proper. I think, of course, this only a control-type chemical which does not prevent the growth of the spruce budworm, but just controls it during the time until the wood can be harvested, but how long and hard did the Maine Legislature work in the past and how long and hard does the federal government work in advising these people over a long span of time that they should curtail the use of DDT, and finally did we attain this particular objective? And yet in this particular brochure it makes reference to many songbirds and animals that thrive in the northern spruce fir forest and depend upon it for shelter. Wonderful, but yet this entire chain of life which is so important was disrupted, shall we say, by these people until they were compelled to change their particular method of operation.

Again, Mr. President and Members of the Senate, this is just a generalization of my own personal feelings, and maybe if I had more input or paid more attention to this over the years that I have been here that I would have a clearer understanding. But looking at it, generally speaking, I still feel we should not be subsidizing this particular industry to the tune of 75 percent. Mr. President, I think it would be appropriate at this time that I move this bill be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now

moves that An Act Providing Funds for Spruce Budworm Control and Surveys, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Richardson:

Mr. RICHARDSON: Mr. President and Members of the Senate: I confess to the same uneasy feeling about the spruce budworm control program that was expressed by Senator Minkowsky but, you know, we have been doing this for a number of years, we had virtually an identical type of proposal before us in the last session, and I would suggest to you that it is not appropriate to come along at the eleventh hour, that is, one step short of being signed into law by the Governor, and start questioning the validity of this program.

It is not quite correct to suggest that the only beneficiary of this program will be private enterprise. There are substantial numbers of public lots in the area that is going to be affected by this spraying program. The people of the State of Maine have a significant and valid long term interest in a good timber harvest not only from the lands which are owned by private companies but also those which are owned by people of the State of Maine, whether the grass and timber rights have been conveyed or not. Therefore, I would ask you to join me in opposing the motion to indefinitely postpone, and when the vote is taken I would request a roll call.

A roll call has been requested.

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

Mr. JOLY: Mr. President and Members of the Senate: The good Senator from Androscoggin, Senator Minkowsky, said something about carry-over. I would be interested to know how much money is being carried over to this year and how much was appropriated last year?

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

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: In response to Senator Joly, the original figure is diminished by \$164,600 through

Committee Amendment H-650, and this is as a result of carry-over. I think I would like to just follow through in the same vein as the Senator from Cumberland, Senator Richardson, in that the 105th Legislature, when it revamped the wildlands tax and increased it, reestablished the principle of sharing in this particular venture. It seems to be now that if anybody has serious question as to the wisdom of that sharing, or to the propriety of it, then a look at that original document and questioning it at that point would be much more appropriate than doing it now on this bill at this particular point. I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to ask anyone that might know the answer that if the state money doesn't come forward will we lose the federal money? Does anyone know that?

The PRESIDENT: The Senator from Aroostook, Senator Cyr, has posed a question through the Chair which any Senator may answer.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: In response to the question, it is a matching program, and if the state's monies aren't made available at a certain level then they will not be matched by the federal at that particular level.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, An Act Providing Funds for Spruce Budworm Control and Surveys, be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

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

motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, An Act Providing Funds for Spruce Budworm Control and Surveys, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS—Huber, Minkowsky.

NAYS—Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Fortier, Graffam, Greeley, Henley, Hichens, Joly, Katz, Kelley, Marcotte, Morrell, Richardson, Roberts, Schulten, Shute, Speers, MacLeod.

ABSENT—Anderson, Danton, Olfene, Sewall, Tanous, Wyman.

A roll call was had. Two Senators having voted in the affirmative, and 24 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, this being an emergency measure and having received the affirmative votes of 24 Senators, with two Senators voting 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.

(Off Record Remarks)

Reconsidered Matter

On motion by Mr. Clifford of Androscoggin, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State," (S. P. 888) (L. D. 2484), was Passed to be Engrossed.

On further motion by the same Senator, tabled and Specially Assigned for February 19, 1974, pending Passage to be Engrossed.

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

Mr. BERRY: Mr. President and Members of the Senate: I wear very proudly today a carnation. This was

given to me and to the others by the League of Women Voters. I am particularly proud because I worked and voted against ERA Bill which they supported, and I think this is in the finest spirit of good friendly combat, so I wear this with a good deal of pride and I am sure that all of us do.

There will be a Republican caucus immediately following adjournment. I would like to again drive home to the Senate chairmen and to the members of the various committees the importance of attending meetings and coming up with concrete committee action. We tend to put the onus on the committee chairmen, and frequently the committee chairman sometimes is caught in the middle with a lack of attendance, not physical attendance, but people who

need to be there to express and give concrete assistance in the consideration of bills. This has resulted in a conjecture in the press this morning that we would recess, and I want to assure you that we are not going to recess, but this does emphasize the importance that people are getting very disturbed in and out of the legislature about progress, and I would urge all committee chairmen and all members of the committees to do their utmost to see that we can move the session along as rapidly as possible.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,
Adjourned until 9:00 o'clock tomorrow morning.