

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

SENATE

Monday, March 11, 1974

Called to order by the President.

Prayer by the Honorable Minnette H. Cummings of Newport:

Heavenly Father, we recognize our duty to uphold Thy law and to aid in promoting the welfare of this great state. Give us wisdom to understand and the strength to do whatever is right that our efforts may be acceptable in Thy sight. Amen.

Reading of the Journal of Friday, March 8, 1974.

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

Joint Order (S. P. 926) relative to Joint Standing Committee on Veterans and Retirement reporting out a bill establishing a Veterans Home.

In the Senate March 6, 1974, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Joint Order

WHEREAS, the Legislature appropriates approximately \$35,000,000 a year to the Board of Trustees of the University of Maine; and

WHEREAS, the Members of the Legislature, the elected representatives of the citizens and taxpayers, have no opportunity to review the expenditures of the University of Maine to determine whether the expenditures are reasonable and justifiable; and

WHEREAS, the University of Maine is not required to present the Legislature with a line budget which discloses the use of the appropriated funds; and

WHEREAS, the appropriations to operate the university program are constantly increasing along with other state needs; and

WHEREAS, a line budget is required in order that the Legislature can intelligently set priorities among the competing needs for state funds, now, therefore, be it

ORDERED, the Senate concurring,

that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill for legislative consideration by March 14th that requires the University of Maine to present a budget to the 107th Legislature which specifies the campus, the department and the program for which the appropriation is to be utilized. (H. P. 2024)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage.

Joint Order

WHEREAS, the State of Maine is the only State in New England which does not have a Veterans Home; and

WHEREAS, the nearest residential domiciliary facility maintained by the Veterans Administration is located in Rome, New York; and

WHEREAS, the Women's Correctional Center at Skowhegan would be an appropriate and desirable location for such a facility and entitled to federal funding if its present use is terminated; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to study the feasibility of utilizing the Women's Correctional Center at Skowhegan for a Veterans Home and to determine by what means such use shall be funded if it should be determined feasible; and be it further

ORDERED, that the Council shall report the results of their findings and recommendations, including any necessary implementing legislation, to the 107th Legislature. (H. P. 2025)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Passage.

Communications

March 5, 1974

The Honorable Kenneth P. MacLeod
President of the Senate
State House
Augusta, Maine

Dear Ken:

The Committee on Fisheries and Wildlife is pleased to Report the following:

The total number of bills being 7.

1—ought to pass

1—ought not to pass

1—leave to withdraw

1—divided report

3—ought to pass in new draft

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Andy

F. Whitehouse Anderson
Senator

FWA:lm

Which was Read and Ordered Placed on File.

Committee on Public Utilities

March 5, 1974

Honorable Kenneth P. MacLeod

President of the Senate

Dear President MacLeod:

The Committee on Public Utilities is pleased to report the completion of the business of the 106th Special Session of the Legislature that was placed before this committee.

Total number of bills received 16

Ought to Pass 6

Ought Not to Pass 1

Ought to Pass as Amended 5

Ought to Pass in New Draft 1

Divided Reports 2

Leave to Withdraw 1

Sincerely,

Minnette H. Cummings
Senator, Chairman

MHC:PKM

Which was Read and Ordered Placed on File.

Legal Affairs Committee

March 7, 1974

The Honorable Kenneth MacLeod

President

Maine State Senate

State House

Augusta, Maine 04330

Dear President MacLeod:

The Committee on Legal Affairs is pleased to report that it has completed

all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee 52

Unanimous Reports 51

Leave to Withdraw 3

Ought Not to Pass 3

Ought to Pass 31

Ought to Pass as Amended 9

Ought to Pass, New Draft 5

Divided Reports 1

Total Amendments 10

Total New Drafts 5

Cyril M. Joly, Jr.

Senate Chairman

Which was Read and Ordered Placed on File.

Committee on Agriculture

March 8, 1974

Honorable Kenneth P. MacLeod

President of the Senate

State House

Augusta, Maine 04330

Dear President MacLeod

The Committee of Agriculture is pleased to report the completion of all business placed before it by the First Special Session of the 106th Legislature.

Total number of bills received in committee 5

Ought to pass 2

Ought to pass as amended 1

Divided reports 2

Sincerely,

Walter W. Hichens
Senate Chairman

WWH:hd

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Clifford of Androscoggin,

WHEREAS, the Schoolboy Hockey Championship for the State of Maine is determined by an annual inter-scholastic hockey tournament; and

WHEREAS, this year's double elimination tournament was among 4 teams; Waterville High School, Edward Little High School, Auburn, St.

Dominic's Regional High School of Lewiston and Lewiston Comprehensive High School; and

WHEREAS, the caliber of hockey played in the tournament was outstanding; and

WHEREAS, the Blue Devils of Lewiston Comprehensive High School was the only team to remain undefeated in the tournament, playing excellent hockey and becoming the new State of Maine Hockey Champions; now, therefore, be it

ORDERED, that the Senate of the 106th Legislature congratulates Coach Donia Girard, Jr., Captain Ray Charest, Goalie Bill Provencer, Hat trick scorers Don Vallee and Dave Boucher, and the entire Lewiston Comprehensive High School Blue Devils Hockey Team on their being crowned State of Maine Champions and on their outstanding playing during the tournament; and be it further

ORDERED, that a copy of this Order be sent to the Principal of Lewiston Comprehensive High School for presentation to the team and students.

Which was Read and Passed.

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the Education Committee is directed to report out a bill concerning interim service of school board members during reapportionment. (S. P. 332)

Which was Read and Passed.

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

Committee Reports

House

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

Bill, "An Act to Permit Lakeville Plantation to use a Public Lot for Sanitary Landfill." (H. P. 1746) (L. D. 2205)

Ought to Pass — As Amended

The Committee on Health and Institutional Services on,

Bill, "An Act Relating to Reimbursement of Providers of Care

and Treatment other than the State." (H. P. 1962) (L. D. 2502)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-735).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Human Resources on,

Bill, "An Act Revising Certain Laws Relating to Indians." (H. P. 1861) (L. D. 2355)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT Revising Certain Laws Relating to Passamaquoddy Indians" (H. P. 2017) (L. D. 2559).

The Committee on State Government on,

Bill, "An Act to Establish the Maine Building Code Council." (H. P. 1916) (L. D. 2453)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Provide for the Use of Building Code Standards in the Design of State Buildings" (H. P. 2016) (L. D. 2557).

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

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

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons." (H. P. 1816) (L. D. 2313)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2015) (L. D. 2556).

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec

Representatives:

PERKINS of So. Portland
WHITE of Guilford
DUNLEAVY of Presque Isle
BAKER of Orrington
WHEELER of Portland
KILROY of Portland
McKERNAN of Bangor

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

Signed:

Representatives:

CARRIER of Westbrook
GAUTHIER of Sanford

Comes from the House, the Majority report Read and Accepted and the Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Mr. Hichens of York then moved that the bill and accompanying papers be Indefinitely Postponed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would hope that we could keep this bill alive. I want to propose an amendment on this particular bill. It is the only vehicle I have to try to place the amendment on and I would like to put on an amendment, if we can get this report accepted, to the effect that any second offender for breaking, entering and larceny would have a mandatory jail sentence. I would ask that you join me in keeping the bill alive, to place the amendment on and perhaps send it to the other body to see what might happen.

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

Thereupon, on motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending the motion by that Senator that the bill and accompanying papers be Indefinitely Postponed.

Divided Report

The Majority of the Committee on Agriculture on,

Bill, "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the

Dairy Council Commission." (H. P. 1846) (L. D. 2339)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
GRAFFAM of Cumberland
CYR of Aroostook

Representatives:

COONEY of Sabattus
EVANS of Freedom
MORIN of Fort Kent
MAHANY of Easton
ALBERT of Limestone
HUNTER of Benton
PRATT of Parsonsfield

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

Signed:

Representatives:

BERRY of Buxton
ROLLINS of Dixfield

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

Which reports were Read.

Mr. Brennan of Cumberland then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

Mr. Hichens of York then moved that the bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: There were two bills which came before the Agriculture Committee this year entitled "The Repealing of Milk Pricing in the State of Maine." This bill that we have before us went a little further than the other bill, which the Committee chose to bring out a redraft on, which included the Dairy Council, which had nothing to do, in my opinion, with the repealing of milk prices. But we do have another bill coming out of committee with a majority report which changes the status of the Commission, which gives the people of Maine a choice as to prices to pay on a carton of milk, and I believe that this is a right step, that we should not repeal milk pricing altogether. So I ask you to accept the indefinite postponement of this bill and wait until the other one comes along so we can discuss that.

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

Mr. BRENNAN: Mr. President and Members of the Senate: The bill before us is 2339. The other bill which the Senator from York refers to is a mere shell. It really does nothing. It does nothing for the consumers. It, in essence, maintains the status quo. This bill before us today though, the purpose of it is clear from the statement of fact. It is to discontinue retail price fixing of milk and to make certain changes in the membership of the Maine Milk Commission and the Maine Dairy Council Committee.

The important thing is that milk currently sells for \$1.62 a gallon in Maine, compared to \$1.19 in New Hampshire and \$1.19 to \$1.25 in Connecticut. Now, if we discontinue the retail price fixing we will have a chance to do something for the consumers, because we have had a lot of chances to do things for the consumers here in the Maine Senate and we usually reject that approach. We won't have too many more chances before we conclude our activities here.

I hope today that we would vote to do something about this. There have been six price increases in milk since last August, and I can see no reason that we continue to protect everybody in the Maine Senate but the consumer, and that is what this boils down to. This protection that exists at this time is absolutely unwarranted. So I would urge you, and I would ask for a roll call, to vote against the motion of the Senator from York, Senator Hichens to indefinitely postpone.

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

Mr. HICHENS: Mr. President and Members of the Senate: When these bills were heard before the Committee back in January, we heard prices of \$1.19 quoted for a gallon of milk in New Hampshire. I live on the New Hampshire border and I and members of my family went all along the New Hampshire border. We had people testify at that hearing that nowhere in New Hampshire could you buy a gallon of milk for \$1.19.

On the other hand, we had people come in and present milk to our Committee that afternoon with the prices marked \$1.45 and \$1.49 a gallon from Hoods and one other dairy. Right now, last Saturday night I went over to Dover, New Hampshire, and the price of milk was \$1.52 a gallon for Hoods milk. Now, this \$1.19 is hogwash and it is just a wrong statement.

If we repeal all of the milk pricing in the State of Maine we are going to run into trouble because along with this lower pricing, it is only along the borders that we find it, if you come farther up along the New Hampshire border, to Fryeburg and those areas, you will find that milk is higher there than it is in the State of Maine. It is all an advertising scheme promoted by one dairy or one chain in the State of New Hampshire to lower the prices in the State of Maine.

We are going to run into a disastrous situation with the dairy industry in the State of Maine and we are not going to help the consumers one iota if we repeal the milk prices in the state. So I hope you will go along with my 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 am not going to try to dispute what price New Hampshire sells its milk for, or Maine or Massachusetts or any of these other states, but what I am going to try to do this afternoon is try to explain to you the workings of the Dairy Commission and how price controls come about.

I would like at the outset to acknowledge the contribution of the two sponsors of L. D. 2339 and L. D. 2049. Both of these gentlemen are terrific debaters and I am sure that by now the Milk Commission has learned its lesson. However, let us not play games with a \$50 million industry.

The debate in the House reminded me of my debating days in college. The name of the game then was to win. Whether you won or lost didn't matter except to the teams debating, but this debate is for real and the outcome could very well affect the very survival of the dairy industry as we know it in Maine.

It has been stated that the Milk Commission has been arrogant, arbitrary and dealer oriented. I will not try to dispute any of these allegations because I think in many cases they are entitled to these criticism, but I am sure also that they were sincere people, hardworking and have tried to do an honest job. We cannot pass judgment on these people based on the unfortunate increases of milk since last fall, which was a direct result of our grain deal with Russia and China and the spiralling inflation that resulted. I would also add that the minimum wage increase from \$1.60 to \$1.90 has also been a contributing factor in the increase in milk in Maine.

The Milk Commission failed to make the proper adjustment to its bracketing system formula. Now, possibly I should explain what this means. This bracketing formula or bracketing system was adopted by the Commission in 1970, and this is how it operates: For every 15 cents that the producer's price is increased, the dealer price is increased by 8¼ cents. Now, there is 46½ quarts in 100 pounds of milk, which means that 15 cents added to the 8¼ adds half a cent per quart to the retail price.

Now, this formula was working all right when times were normal, but since last fall and the spiraling increases of the producer cost, the producer cost has been going up much faster than the cost of the dealer, and this is where the Commission made the mistake. They admit it openly today and they are trying to correct their mistake. In fact, in February the producer price was increased by 30 cents and there was no increase. This was absorbed by the dealers. In March it also went up 16 cents, and this was also absorbed by the dealers. This is the attempt on the part of the Commission to rectify its bracketing system. Now, we all know that anything that touches grain has gone up away high because of this grain deal, as you have read in the paper. I don't have to tell you any more about it. But as compared to the price of milk in Maine, which is \$1.62 a gallon — not last Friday but the Friday before, CBS, as you know, every month announces the results of a food basket survey which they have been conducting in four major markets in the

United States, and in the New York market in the CBS news they stated that the price of milk in New York was \$1.69. This has touched every one of our lives.

Now, we have received correspondence from the labor unions in Portland, for instance, telling us that the price of milk should go down. Well, how about the price of labor? The minimum price has gone up last fall from \$1.60 to \$1.90, and we have a bill that is coming before us in which they are asking to increase it some more to \$2.05. I intend to support it because I think it is fair and right and they need it, but at the same time what is good for the labor industry, why shouldn't it be all right for the dairy industry? Some of those prices in those minimum wages have touched the dealers in the dealers' labor costs. It also affects the farmers' labor costs.

To really understand this and what is involved, I think my presentation is possibly going to be a little longer than what some of you would like, but at the same time I think that now is the time to explain exactly the function of this price control so that everyone of you can understand and make a proper judgment, not based on emotion, but based on facts and based on reality.

I think over the years the Commission has succeeded in bringing stability and efficiency to the industry. Dr. Metzger in his report of August 1971 on the Maine Milk Industry indicates that in 1950 a wage earner worked 10 minutes for his quart of milk. In 1960 he worked 7½ minutes for his quart of milk. In the early 1970's — and as I say, I am discounting the fluke of last fall, these high prices which are hitting us, but we want to find out what job the Commission has done over the past 39 years, because they have been with us for 39 years — in the early 70's he worked 5½ minutes for his quart of milk. So over the past 20 years actually the price of milk has gone down for the wage earner. He has had to spend less time to earn his quart of milk than he had to in the 1950's. Now, is that inefficiency on the part of the Commission? To achieve this, the producers had to modernize and use the latest technology. The Commission did not reward the marginal and inefficient operator at the expense of the consumer.

Distribution Margins: "The dealers have been undergoing a period of consolidation and expansion of individual plant size. Fewer than ten firms distribute in excess of two-thirds of the milk in Maine and well over half of all milk processed is done by four firms in Maine."

Now, these quotes were taken from the report published by "Combat" which was placed on our desks a couple of weeks ago. I think that they have done a worthwhile research on the subject and have spent countless hours compiling statistics but, unfortunately, statistics mean different things to different people, and I don't agree with all of their conclusions.

This reminds me of the statistician who was sent to this community to make a survey. He was assigned a group of 10 people: 9 males and one female who happened to be pregnant. So on his first report he had "10% of the group is pregnant." Statistically speaking, he was correct, but that is all.

Combat claims that if the price controls on the wholesale and retail levels are lifted that the consumer would save "in excess of \$5 million per year." The retailer, which we know as the storekeeper, would, according to them, enjoy a higher mark-up. Now they don't believe that the storekeeper is getting enough of a mark-up. He is getting 8 cents a gallon and they don't think that is high enough, so in their rewriting of the law they think that the retailer should get more. So the retailer would enjoy a higher mark-up, and the producer would continue getting the minimum price set by the Boston Federal Marketing order. They don't want the producer to be hurt, so they say. And nobody would get hurt except the small inefficient dealers. Now, do you believe that statement? Do you think there is \$5 million worth of fat in the dairy industry? In theory it sounds good, but what are the facts? Milk processing in Maine is already concentrated in the hands of a few large plants. Fewer than ten firms, we heard just a minute ago, distribute in excess of two-thirds of the milk in Maine. Four of these firms -- and two of them include regional firms -- account for half the milk. So if you were to merge, for the

sake of efficiency, a few of these companies together, these dairies together, you would actually be creating a monopoly in the milk industry, wouldn't you, with the inherent dangers of price fixing at the expense of the consumer?

Combat claims also that the dealer margin has been excessive. Well, let's look again at the facts. According to Dr. Metzger, "milk distribution is a high volume, low margin business. Raw product cost constitutes between 55 and 60 percent of the gross sales, and 35 to 40 percent goes for the distribution. The net profit after taxes is 2 percent of the sales dollar." Now, this is just the reverse of what the potato industry is, which is an industry that I know something about, and it is an industry which supposedly enjoys free enterprise. The only thing free I see about it is that it has the freedom of going to lows and highs and starving in between. The mark-up in the potato industry is 35 to 40 percent to the farmer and 65 to 70 percent to the distribution system.

The subject of milk pricing -- and this is where we get into the meat of this thing -- is a matter which touches all of us. It should be approached objectively and our judgment should not be based on political expediency but on what is best for the consumer and the dairy industry.

The Maine Milk Commission came into existence in 1935. Its prime purpose was to "insure adequate supplies of milk of proper quality, to uphold sanitary and destructive practices, to avoid surplus production and assure reasonable profit to maintain both supply and quality."

To maintain an adequate supply of high quality milk to the consumer, therefore, becomes the prime objective and this, in turn, depends on a sound program of pricing and regulations.

The industry has to have enough incentives on all levels to provide this service, but at the same time must take into account the consumer's ability to pay, or otherwise it will price its product out of the market.

Basic to the whole problem is that we are dealing with a bulky, perishable product, and to be assured of enough supply we run into a surplus problem. This is the key to the whole pricing

scheme, surplus problems. The reason for that is that demand for fluid milk is relatively stable throughout the year, while milk production, on the other hand, fluctuates seasonally, and it is impossible to turn the faucet on and off whenever you need it. The problem becomes then very complex for the industry. To assure the consumer an ample supply of milk at all times, the farmer has to provide a reserve, which then at times becomes a surplus. What to do with this surplus milk is the problem of each segment of the industry and has spawned many economic formulas which are basic to price control.

To understand the workings of price controls, one has to understand the terminology of such terms as: Parity price, Federal Marketing orders, Class I and Class II milk, the blend price, the bracketing formula which I have just explained to you, and the Boston pool price.

The parity price, simply stated, is the ratio between the price the farmer has to pay for what he buys and the price he gets for what he sells. Under Federal Marketing Orders, the producer price, farmer's price, is set by the Market Administrator who uses an economic formula which takes into account factors relating to cost of production, supply and demand, and the consumer purchasing power.

Here in Maine the Milk Commission uses the Boston Federal Marketing Order price to establish the producer price, the farmer's price. What happens after that? This producer price is the basis for Class I milk, and this brings us to the definition of Class I and Class II milk.

The classification does not refer to quality. This is very important to remember. It refers to the utilization of milk. Class I goes into the bottle as fluid milk, and Class II milk goes into manufactured, at least it is supposed to, into manufactured products such as ice cream, butter, cheese, and so forth, but at a much lower price. There is a differential between Class I and Class II of about \$4.

One of the problems that used to plague the dairy industry is that producers or dealers, or both, who found themselves with more milk than they

could dispose of for fluid use, would begin to cut prices in an effort to force the surplus into fluid outlets. Since milk is a perishable commodity, and the quantity that can be absorbed in fluid use is relatively fixed, as we have seen, this cut-throat competition would depress the price of milk and cause chaotic conditions.

The industry devised this pooling system to insure that producers would share equally in the fluid sales as well as in the surplus of the market. Under such a program, producers receive one price for milk which is sold for fluid milk and another, much lower, for surplus milk. The two combined is the "Blend Price", what we call the blend price, and that is the price the farmer receives.

Now, there are as many blend prices as there are dairies. Each dairy establishes its own pool based on the utilization of that milk. You have heard referred to, for instance, the Boston Pool. The Boston Pool takes our surplus milk from Maine. We are in a state which produces more than what we can consume here in Maine, and this is the only state in New England, so that is why it is very important for us to make the right decision here today. The Boston Pool, for instance, last year paid on the basis of 60-40, which means that the producer got 60 percent of the price of the milk they shipped to that pool, 60 percent of the price on Class I milk, and 40 percent on the Class II milk. The two make up the blend. Here in Maine the past year for our local dairies it has been in the neighborhood of 85-15, which means 85 percent Class I to 15 percent Class II.

Now, I am spending a lot of time here and probably I am boring some of you, but it is very important that we understand what we mean by blending, by Class I and Class II milk, and also, as I will show you later on, what happens when this blending is not followed or these classifications are not followed.

Now, one of the powers of the Commission is to inspect quarterly the books of these dairies to determine if the farmer has been paid according to the utilization. This is one of the functions of the Commission, to make sure that what goes into the bottle is paid for on the

basis of Class I milk. However, the Commission has no jurisdiction on milk purchased outside of the state. I am going to show you in a little while how important this is.

If we eliminate retail controls and the price of milk drops, which everyone expects, the distributor to protect his margin will have to resort to purchasing milk outside of the State of Maine on a more favorable blend price than he can get from his local producers. Thus, the local producer will have suffered more than a lowered price. It is not only a case of his meeting that blend price from out-of-state, but it is also a question that he probably will have lost his own local market, and this represents 60 percent of our dairy farmers.

Now, this may sound like conjecture on my part, but it is not so. This is exactly what Cumberland Farms is doing today. They set up a plant in Portsmouth, New Hampshire where they buy milk on a blend basis from farmers, producers, some of them from Maine — there is about 100 that supplies Cumberland Farms — but there are about 50 that deliver to Portsmouth, New Hampshire; the rest is picked up by them — and when it crosses state lines the Maine Commission doesn't have any more jurisdiction over this milk, except on the retail level. Now, what happens is that Cumberland Farms buys this milk on a blend basis from these uncontrolled pools. They buy on a blend basis, but then they turn around and put it in bottles and sell it back to Maine, sell it back to northern New Hampshire, and sell it back to western Massachusetts. They can't even sell it in Portsmouth or southern New Hampshire because they are protected by the Federal Order. Under the Federal Order, they also have the right to inspect the dairies' books to see that the dairies pay on the basis of utilization. This reminds me an awful lot of these annex liquor stores where they take care of the fluke in the law by sending it across the line and then back here in competition with our own local Maine dairies that have to submit their books to the Commission to make sure that they pay on the utilization basis.

Now, that makes a lot of difference. You take today, for instance, Class I

milk brings the farmers \$11.08 per hundred pounds. They buy on the pool basis, which is about \$8.03, which is about \$4 difference. So naturally they can put it back in the bottle at a cheaper price. Unfortunately, here in Maine they cannot retail it for a cheaper price because the Commission has jurisdiction over the retail price. This is exactly what the "jug" companies have tried to do.

Now, they use milk as a loss leader in many of their stores. This is only to get traffic in their stores. And then they turn around and sell them other articles at a higher price. Now, you might say that this is conjecture on my part, but here is a report from a consumer's group in Massachusetts on a survey made last May, and this affects Cumberland Farms so I will read you what they say. "The Massachusetts Consumers' Council said last week that so-called convenience stores may be more convenient than supermarkets but warned they also are more expensive.

"The council said a check of Cumberland Farms ads, which had suggested the milk store chain's prices were lower than those of other stores, revealed that the prices were universally higher than in supermarkets and similar convenience stores.

"The two-week survey in Maine was conducted by the state's Division of Standards at the request of the Consumers' Council." And if there is anyone representing Combat here, I wish they would perk up and listen because this affects them. They are behind this Cumberland move to try to destroy our dairy industry here in Maine as we know it for their own selfish purpose, not to try to put more money in the pockets of the consumers, but so they can have an opening into Maine.

Now, if you want to rob somebody else's customer, there are three ways that you can do it: by providing better services, by providing better quality, or cheaper prices. They cannot provide better services because they only sell in half gallons and in gallons. They cannot supply better quality because it is all bought on the same basis, besides you have standards to follow. So there is only one way they can try to break into the market, and that is through price

cutting. But price cutting at whose expense?

I will finish this. "Their milk may be cheaper, but the ad implies that everything else is too. That is not true, the council declared in this first consumer alert.

"Comparison of the prices of 17 items sold at Cumberland Farms stores and at major supermarkets and other food stores revealed that the total cost of these items at Cumberland Farms was \$10.03 compared with \$7.44 to \$7.58 at supermarkets.

"These figures indicated that Cumberland Farms was from 32 to 35 percent more expensive than the supermarkets, the council said."

Now, I am using this because I have been involved with this Cumberland Farms since 1963. In 1963 I was on the Committee on Agriculture when they presented the first bill to do away with the Milk Commission here in Maine. At that time, of course, their bill didn't come out of committee; they didn't have too much argumentation.

Now, it seems as though this has a 5-year cycle, the same as the locusts of biblical times. It seems to reoccur every five years, '63, '68 and '63. I think it is time that Maine put it to rest, and this is why I am taking up possibly more of your time than I should. But what this company is trying to do, the same as all the other "jug" companies, is that they are trying to break into the market, use this as a loss leader to try to get you in there. And certainly, how many of the consumers check the price of mustard, for instance? French's mustard in a 9-ounce jar at Cumberland Farms is 27 cents, at the First National 19 cents. This is what is happening. They get you in and then after that they soak you on the rest of it, at the expense of the dairy industry, the third largest in the State of Maine.

Now, the only reason the Maine dairies have been able to withstand this unfair competition is because the dealer margin has been sufficient to keep them alive. If retail controls are eliminated we are playing right into the hands of these "jug" milk handlers whose tactics are to use milk as a store traffic-builder, while marking up the other products at an exorbitant price, and which I show you

in this report. They are not interested in the consumers' pocketbook or the welfare of the industry. In fact, they thrive on price cutting.

According to Dr. Metzger's 1971 report, he states: "Removal of price control opens the door for destructive price cutting. The opportunity for such destructive practices to arise exists in Maine.

"Milk distribution is carried on by two large regional firms," as we have seen, several medium size local firms and about 100 small firms. Should one of these larger firms initiate a price cut," — now these are the words of Dr. Metzger, who made a study of all this — "Should one of these large firms initiate a price cut, others would retaliate immediately."

The large distributor with access to low-cost milk would have the competitive advantage and would squeeze out of business many of the local dairies that we have today. "Thus, we would see a situation where milk would be bought outside the State of Maine on a blend basis and not on a utilization basis, shipped into Maine, which already produced a 40 percent surplus. At today's price of meat, you can readily guess what would happen to many herds.

"The consumer might enjoy for a brief period lower price, but would pay for it dearly in years to come, would pay in quality product, in services, and even in prices."

In conclusion, we have seen that the Commission over the years brought stability and efficiency to the industry. The consumer interest has been protected. This is attested by the amount of work required to earn a quart of milk over the years. The dealer margin has been favorable to encourage consolidation and efficiency. The producers have had to modernize, consolidate and be efficient to stay in business.

The Commission has publicly admitted that they made a mistake in the bracketing system. Let's not make them the scapegoat for this runaway inflation which has galloped into every segment of our economy. Before it is over, we will need them more than ever.

The opposition has stated time and

time again that they do not intend and do not want to eliminate the Commission. The truth is that without its price control powers the Commission will be so inefficient that chances are that Maine will probably join the Boston Federal Marketing Order. If this happens, 60 percent of our producers stand to lose because of a lower blend.

In the Committee redraft, which my colleague Senator Hichens mentioned to you just a while ago, we recommend the elimination of the bracketing system, and we require a public hearing every time a change is made affecting the retailer and affecting the consumer price. This would give a chance for the consumer and the dealer to be heard. This would also serve as the best public relations, which is what the Commission needs very badly. I hope that you will accept the Ought Not to Pass Report and then have the House release the redraft and accept the redraft of this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Item 6-6 be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would certainly congratulate the good Senator from Aroostook for the very thorough job he has done here in debate this morning. As I look to my left, I'm always thinking of my good friend, the Senator from Cumberland, Senator Richardson, who I noticed stated in the paper over the week-end that he never was absent when he thought there was a vital and important bill coming before the Senate. But someone told me he is out learning about the dairy industry today, learning how to milk cows and raw material and so forth, so perhaps you will get a second whack.

This could almost be funny if it wasn't really so serious, Mr. President and Members of the Senate, but I wonder how much the good Senator from Aroostook pays for milk up in Aroostook County with the dairy farms that are so close by to him. I wonder what people in other rural areas of the state pay for milk, when I have experienced the fact of being able to drive ten miles from here

to purchase a gallon of milk off a farmer for the price of one dollar a gallon. It is true it is not homogenized, pasteurized milk; it is raw milk, but it tastes as good if not better than homogenized milk, and if you look at all of the rural people from around this area you can see how healthy they look and it hasn't hurt them a bit. But when you are in a position like I am and many other people in metropolitan areas, and you are paying \$1.63 a gallon for milk, and you try to provide what you consider to be one of the most nutritional values to children, it comes to a point where people cannot afford to purchase white gold.

Another thing that I find quite amusing is that in driving up here this morning I heard on the radio where the Maine Milk Commission once again has declared that it will not increase the price of milk come April 1st. Isn't that a chuckle. We have had three chuckles in a row now, January, February and March, and now we are getting another one in April. Is it because of the fact the legislation is now here before the Senate and before the House? There is something I have read about price fixing along the line that some people find very upsetting, and I think this is a clear-cut case of price fixing. Why is it that 35 percent of Maine Milk is shipped to the Boston market and sold at a reduced price? I wonder if the good Senator from Aroostook, Senator Cyr, can respond to that. If there is such a surplus of Maine milk, it seems to me that Maine's children should get the opportunity of being able to drink it and at reduced prices.

I have a letter that was sent to me today from a consumer within Cumberland County, a woman that I think most of you all have heard of. She started leading a fight down in Cumberland County relative to the high cost of milk and started a movement to try to bring an end to the Maine Milk Commission. Perhaps some of you have also received a copy of this letter, and it says:

"Dear Senator Conley: This week a bill to abolish the retail price setting powers of the Maine Milk Commission will come before the Senate. I understand from my state

representative that the dairy industry is pulling out all stops to see that this much-needed legislation is defeated. Pressure is being applied to our legislators from all segments of the milk industry. I, as a representative of C.A.M.P. (Consumers Against Milk Prices), am quite disturbed by the tactics of the dairy industry, although it was not entirely unexpected.

"You, as a Senator, may ask 'Where is the consumer's voice speaking out in favor of this bill?' Believe me, we are out here — scared to death by Watergate, the oil crisis, skyrocketing prices of all foods, and all of the other ills which seem to be troubling our poor world. We do not have the money, the power, or the influence (so many consumers feel) to fight the highly paid lobbyists or the money-backed campaign which the dairy industry is conducting.

"You have been entrusted with the responsibility of voting on a bill which, if passed, could result in annual savings of five million dollars or more to the Maine consumer. The Maine milk consumer is now forced to pay the highest price for milk in New England, yet the average per capita income for Maine is the lowest of the six states. The dairy industry contends that it will be mortally wounded if the price fixing powers of the Commission are repealed. If the controls are lifted, there will undoubtedly be difficult times for a while until the market stabilizes. Yet when one considers that thirty-six of the fifty states do not set the retail price of milk and that the consumers in those states are supplied with an adequate supply of good wholesome milk at lower prices, I truly believe that the dairy industry will survive and prosper to an even greater extent because of increased efficiencies along with higher milk consumption.

"The Agriculture Committee's compromise bill is not a compromise to the Maine consumer. It proposes changes which, to a large degree, the Maine Milk Commission already has the power to do themselves and should have done months ago. The LaPointe bill with its repealing of retail price control will effect permanent change to the benefit of the consumer.

"The Maine House of Representatives has shown their concern for the Maine

milk consumer by voting to pass the LaPointe bill. I hope that you, as a Senator, will consider this bill keeping in mind the great need of the citizens of Maine for lower milk prices. The passage of this bill will bring about a permanent lowering of milk prices by allowing the competitive market to set fair and equitable retail milk prices. In this day and age of mistrust and lack of faith in all levels of government, I trust that you can demonstrate that government can be responsive to the needs of the people by voting to pass the LaPointe Bill."

Mr. President and Members of the Senate: I can only reiterate some of the words the good Senator from Aroostook, Senator Cyr, said, that I was here in 1965 when repeal of the Maine Milk Commission was before the legislature, and at that time I thought after its failure that there would be an initiative petition referendum to repeal the Maine Milk Commission. And I can only say today, and I am sure I can say it quite confidently, that if this bill is defeated that you will see a petition filed initiating a statewide referendum for the repeal of this Commission and its price fixing controls.

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

Mr. CYR: Mr. President, I would like to answer two or three items of the good Senator from Cumberland. I think possibly this has degenerated to a country boy versus the city slicker type of debate.

The PRESIDENT: I am sure the Senator meant no personal reference by that.

Mr. CYR: No, I didn't, Mr. President. He wanted to know, for instance, why — he mentioned the figure of 35 percent, but actually it is 40 percent — of the milk which is shipped to the Boston Pool, why is it that it is out of the control of the Commission and why is it, for instance, that these producers will accept a cheaper price, a cheaper blend, than the local ones. Well, it is very easy to explain. 40 percent of the milk that we produce in the State of Maine is surplus. It is milk that we don't need. Now, the reason why it is being shipped to the

Boston Pool is because the Boston market is where your manufacturers of cheese are and the manufacturers of ice cream and the major manufacturer of butter. They are the ones that use the Class II milk. That is the reason for it. We have very few, although I think there is possibly one or two in the Portland area, ice cream manufacturers, and I don't think there are any cheese manufacturers, and no dry milk manufacturers, so it has to go out somewhere. The only place is to ship it to the Boston Pool where they can use this Class II milk. That is the only reason.

He read this letter which I received a copy of too, but that is typical of the attitude of the consumer. Naturally, we are all alike, we are all consumers in some way or another, and naturally we would like to see the price of whatever we buy go down. This is only natural. But at the same time you have to weigh in your judgment and decide who you are going to hurt the most. In this case you are going to hurt the dairies and, indirectly, you are going to hurt the producers.

Now, Combat claims that the answer to this is to get bigger and more efficient. Well, I have here another report of why the Whiting Milk Company went out of business in Boston last February, a year ago February, and this is what they say: Whiting was in trouble in the 1970's and were repurchased, and the reason why they were in trouble at that time was because Massachusetts had eliminated the retail price on their milk. As a result of that, this is what happened to Whiting, and why, because Whiting was efficient, Whiting had business, plenty of it, Whiting had good management, their employees were generally above average, and they had a volume of approximately one million quarts a day. How much bigger can you get? This was one of the biggest in the United States. So what happened? The same thing that killed the good dairy operations from coast to coast, the dairy industry itself killed Whiting, helped very considerably by a ridiculously restricted union contract in a market that was non-union.

By now, everyone is familiar with the way it works. One dairy goes after another dairy's customers — this is what

I told you about Cumberland Farms — by offering a low-vol price. To the customer, particularly if he is a big volume one — now, we are talking customers and they are talking about the retail stores. It used to be that 70 percent of your milk was delivered at the house and 30 percent to the stores, so you could buy it through the stores, and now the thing has flip-flopped and 70 percent of your milk you get from the stores and 30 percent is home delivery. So when they talk of big customers, they are talking of grocery chains and all that. The customer, particularly if he is a big volume one, goes to his present supplier and demands the same low price or threatens to move his business to the low-vol competition. Since it is a maxim that a dairy plant needs volume to survive, the attacked dairy cuts its price to meet the competition. Eventually the low-vol price becomes the standard for the entire market and the next cut must be even lower. This is the kind of predatory pricing that Whiting faced for years. Milk was being sold wholesale in '73 to some large volume customers at lower prices than it was several years ago. So what happened is that Whiting went out of business, and this is exactly the picture of what is going to happen here in the State of Maine. You are going to have many of these dairies that are going to go out of business. When they go out of business, usually they owe the farmers and the producers a lot of money, which has happened in New Hampshire and some of these other places. When New Hampshire lost its retail price control, the following year — and I have the financial statement — three of the largest dairies at that time went out of business, went bankrupt and out of business. So this is the picture that we have for us if we eliminate these retail price controls.

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

MR. BRENNAN: Mr. President and Members of the Senate: I would like to commend the good Senator from Aroostook, Senator Cyr, for his lengthy, lucid and vigorous analysis of the milk industry, and I appreciate the concept of the Federal Market and bracketing and

the rest of it, but I think it can all be distilled into one very basic concept, and that is a value judgement: whether or not the consumers of the State of Maine want to subsidize the processors of this state by price fixing. I think it really distills right down to that. I have had the privilege of going around this state for the past year, and I think the answer is resoundingly no, they do not want this.

My position is not a johnny-come-lately on this. Nine years ago, down in the other body I tried and helped and worked to abolish retail price fixing, so it is something I have been interested in for some nine years. So it comes down to a situation, very simply stated: are we going to continue to keep a law that protects the milk processors at the expense of the consumer? Are we going to support the special interests at the expense of the public interests? I don't think it is any fancier than that; it is that basic, and I would hope that we would pass this bill in the interest of the public interest. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I won't prolong the session, as far as this bill is concerned, very much longer, but I would like to give some answers to the arguments that have been presented this afternoon.

First, I would relate that we realize the roll call has been requested for a specific purpose, so they can show the people back home that we are against the consumer by voting against the repeal of milk pricing. Back home we have the York County Star, which has a record of all of the legislators' votes during this special session, and it just has that one title, "Repeal Milk Pricing". And when my vote is recorded in the paper next week, it will show that I am entirely against the consumer as far as they are concerned. But I am not against the consumer. I want to protect the consumer.

When the gentleman from Cumberland says that he can buy raw milk for a dollar, well, I can beat that because I can buy raw milk for 80 cents a gallon. But I take my chances in buying

raw milk because many years ago we had a system, pasteurization, which protected the drinkers of milk for their own protection, and I can't help but remember when I first moved to Maine we had some visitors from Massachusetts come down one day. We gave them raw milk, and one of the youngsters turned around to his father and he said "I don't like cow's milk; I want pasteurized." The regular consumer wants pasteurized. They can go out in the country and buy raw milk for 80 cents or \$1 a gallon, if they want to go to the effort to do so, but they want to buy pasteurized milk, and we want them to get the very best milk.

He also made a comment about the Milk Commission, saying that they had frozen prices again for April, and he scoffed at that comment. But while they have frozen the prices in Maine, the prices in New Hampshire and Massachusetts have continued to go up, from \$1.29 in December to \$1.52 at the present time. And I wouldn't be a bit surprised that by April they will be \$1.62, the same as they are in the State of Maine.

I asked the question of many people who testified at the hearing if they would complain if the prices in New Hampshire were the same as they were in Maine for milk, and they said "No, we don't think it is fair that they get it cheaper in New Hampshire, and that is the only reason we are complaining."

We have seen gas prices go up 75 percent over the last three months, and people aren't complaining about the price; they are complaining because they can't get it. And when it comes to the state in Maine that they can't get milk, they are going to be complaining on that same basis, not of the price, but because it is not going to be available.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the Dairy Council Commission", be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it requires the

affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would like to put on the record some of the concerns I have had on the debate on this particular bill. We have been told here this afternoon that we must consider the consumer. We have been told that a vote against this bill would be a vote to protect a special interest group, the dairy industry of the State of Maine. Yet, to say that would be to imply that the dairy industry is a special interest which exists at the expense of the consumer in Maine.

But is it not rather in the very best interest of the consumer in the State of Maine to insure a healthy and vital dairy industry? Are we representing the consumers in the State of Maine if, as a result of the action that we take here this afternoon, the small producers of milk in the state are driven out of business? Are we representing the consumers of the state if we no longer have milk being produced in the rural areas of the State of Maine? Are we representing the consumers of Maine if we have to buy, in the long run, milk which is produced outside of the State of Maine? Are we representing the consumers in the State of Maine in the long run if, as a result of the action we take here today, we in effect establish higher prices in the future because the milk being sold in Maine comes from outside of the State of Maine and has to be trucked into the State of Maine or from the larger metropolitan areas in the state out into the more rural areas?

These are some of the questions that I have and, unfortunately, I don't find they are answered by the very easy argument that we have to represent the consumers in the state. It is very easy to say that we have to consider the consumer. I agree, and I approach this bill from the standpoint of considering the consumer, but it is a hard choice that we have to make today. And that hard

choice is: how do we best represent the interests of the consumer?

It is not an easy question to answer and it is not answered by merely stating the obvious, that we should represent the interests of the consumer, but the people of the State of Maine expect a great deal more of us here today than simply to take an easy way in an election year. They expect a good deal of responsibility. These are some of the questions and some of the concerns that I have in voting on this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: In response to the questions of the good Senator from Kennebec, Senator Speers, I would like to read some of the answers, and I hope you listen very carefully, in reference to farms. This is testimony before the Committee:

"The trend within the Maine dairy farming community have closely paralleled those in the nation. The number of farms, the total production, and the number of dairy cows have all decreased while productivity per cow has increase. The number of farms decreased in Maine from nearly 3,200 in 1960 to less than 1,450 today. Nationally, the decrease for the comparable period was from 428,000 in 1959 to 261,000 in 1969. Production decreased in Maine by approximately 14 percent from 1961 to 1968. Nationally, from 1961 to 1965 production decreased by approximately 5 percent.

"The national and Maine statistics demonstrate that the presence or absence of milk price controls does not significantly affect any of the trends. To further demonstrate this, figures from New Hampshire on a number of farms are instructive. In New Hampshire price controls were abolished in 1969. During the period from 1964 to 1969 the number of farms decreased from 1,373 to 869, for a decrease of 36.7 percent, while from 1970 to the present, after controls were removed, the number of farms dropped from 869 to 652, only a decrease of 19 percent, so there was less of a decrease after controls were taken off.

"In Maine the figures show a

remarkable lack of correlation between controlled areas and those farms under Federal order. For the years 1970 through 1973, of those farms under the Maine Milk Commission's jurisdiction, there was a total decrease of 20.7 percent, while in the same period, of those farms shipping under Federal Order, the decrease was 11.8 percent.

"The conclusion is inescapable that the trends on the farms toward consolidation, reduction in number of cows and reduced production, although higher productivity per cow, are not related to or affected by the existence of price controls; rather, they are dictated by sound business practices and tax incentives which take advantage of the economies of scale and further reflect the continuing social forces that have moved many farming families into urban areas. Yes, if we vote to abolish retail price fixing we are voting in the consumer interest."

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

Mr. CONLEY: Mr. President, in listening to the debate, I recall that the good Senator from Aroostook, Senator Cyr, made statements referring to the Cumberland Farms milk dairy. But I think the members of the Senate should also be aware of the fact that within the city of Portland we have a chain grocery outfit that is today purchasing milk in Boston on the Boston market at a far cheaper price than they can buy it on the Maine market, and they are transporting it back into this state and selling it at the prices as set by the Commission.

The disturbing factor to me though is the fact -- and the good Senator corrected me -- that he said 40 percent of the Maine milk is shipped to the Boston market because there is no market available. Now, to me, that is just ludicrous and ridiculous. And it will be 50 percent and 60 percent as the price continues to rise on Maine milk. Now, it seems to me only logical that if you reduce the price of milk in the state and make it available so families can afford it, there would be no need of shipping 40 percent of Maine milk to the Boston market. I just can't for the life of me understand it.

I feel sorry for the Maine farmer because, to me, he has been getting kicked just like every other farmer across the nation has, and it is the farmer who is getting the kicking right now. They guy who is making out is the guy in the middle, whom we know as the distributor or the dealer. It is the poor consumer and the farmer who are taking it on the chin.

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

Mr. CYR: Mr. President, sometimes I wonder if my seatmate knows which end of the cow milk comes from. He is questioning my figure that 40 percent of our milk in Maine is surplus and, therefore, has to be shipped to the Boston market. Yet, he cites the example of a store right in the City of Portland that goes outside of the State of Maine to buy its milk and bring it back into a surplus state. This is exactly the picture that I have been trying to prove to you, that I have been trying to project. The only reason they haven't been able to disrupt the whole industry is because they cannot sell it for a cheaper price. That is the picture I am trying to project to you.

He also intimated in his remarks that if the price of milk in Maine was cheaper that they could use up some of this surplus. Well, for his information, the per capita consumption in Maine is higher than anywhere else in New England. How far can you go in drinking milk? You can drink just about so much and that is it. And we are drinking just about so much. So regardless of whether or not you have a price war, you are not going to increase the consumption of milk, and the only one you are going to hurt will be the dairyman and eventually the producer. Also, the 60 percent of producers that are producing for local dairies here in Maine are the ones who are going to be hurt, because then they are going to find themselves with surplus milk that they will have to ship to the Boston market at a much lower blend.

Now, coming back to my Minority Leader's remarks, I hate to have to disagree with my leadership, but this is one point on which I disagree and disagree very strongly, and I think

possibly the same remark I made about my colleague to begin with probably applies to him also. He mentioned the fact - they are clean remarks, Mr. President - he mentioned that the consumer should not be put in a position of subsidizing the dairy industry. Well, I would like to remind these gentlemen that the farmers have been put in this position for the last 20 years. Since World War II it has been the policy of every administration in Washington to bring cheaper food prices, but they never said at whose expense. The farmers of the United States have been subsidizing the food basket of the consumers since World War II as a government policy. And in 1965, when I took the position of Manager of the United Potato Producers of Maine in Presque Isle, I stated that if the government continues on this policy regarding food, before too long we will see people going without food with money in their pockets, and this is exactly where we are headed for.

Now, possibly this increase in the price of food over the past year or year and a half has surprised a lot of people and shocked a lot of people. And economists will point out the percentage increase, but they don't tell you where it started from. They don't tell you that it started below costs or production, so the farmer has been subsidizing the food basket for the past few years. I think it is time that the record is set straight and the record is put before the public.

Now, he cited a lot of figures on the mortalities of farmers and dairies, and what have you. Those statistics are all true. They are all true. But they prove one thing: they prove that the Commission has not rewarded the marginal and inefficient farmer at the expense of the consumer. And I would like to refer you back to the figures that I quoted on how much labor you have to put in to earn your quart of milk. In the 50's you had to put in 10 minutes of your time to earn your quart of milk; in the 60's 7½ minutes; in the early 70's you had to put in 5½ minutes.

Now, these are the things that you have to weigh. Would you say that the Commission has done a poor job toward the consumer? I say no. I say that the Commission over the last 39 years has

done a wonderful job in a very complex situation, and it should not be the scapegoat for these high prices that we are going through now. If you want to find a scapegoat, find whoever is responsible for inflation. That is where you are going to find him.

Also, the fact that you have had such a high mortality means that the marginal farmer is going out of business, the inefficient farmer is going out of business. The efficient farmer has enlarged his operation, has bought up the neighbors and consolidated his operation, and so have the dairies. This is what I mean by saying that the Commission has brought efficiency to a very complex industry.

So don't kill it. If you do, years from now you will be back and you will say Cyr was right and I am very sorry that I didn't follow his advice.

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

Mr. JOLY: Mr. President and Members of the Senate: I would like to make just two points: Number one, there has been a lot of talk about pressure by the dairy industry. It has been in the media, and it has been referred to today. I have had two letters from one dairy which simply gave me information, and I have had one or two dairymen talk to me in the lobby, and no pressure was put on me. On the other hand, I have had one phone call from a constituent in Waterville asking me to do away with the Milk Commission, plus the letter that was referred to today. So, I object to this talk in the media there has been a lot of pressure by the dairy industry, as far as I am concerned.

I would like to mention to you two things that have not been mentioned in this debate. Number one is that I understand Maine is one of the few states that still has a lot of home deliveries, that this is a thing of the past in many states. This is not just the rich people in Maine that get home deliveries; everybody gets home deliveries, it is a convenience we get. It is like a lot of other things and the cost of food that has been referred to; we demand this. We demand that bread be wrapped three times in paper and put into a bag, and

then we complain about why we have to pay more.

The second thing is that all this talk about lower price many times — all that Combat and their predecessor, Ralph Nadar, talk about is price. They forget about quality, they forget about safety, and a lot of other factors, and it gets my goat. We are talking about protecting the consumers. We have pretty good milk here in Maine. A friend of mine told me recently he stopped at a drug store in Connecticut and had a glass of milk and he couldn't drink it. I think this is something that we have overlooked, so let's not mess around with it.

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

Mr. TANOUS: Mr. President and Members of the Senate: First, I would like to commend Senator Cyr from Aroostook for informing us on a most complex matter. I, for one certainly, relative to the Maine Milk Commission, have not perhaps done a lot of research and study that I should have. I try, believe me, I try to understand how the Maine Milk Commission operates and the complexities of the Commission.

I again commend Senator Cyr for speaking to the bill, to the issue, and to the problems involved in doing away with the Maine Milk Commission. He has gone in detail into the complexities of the Maine Milk Commission and what it does and what will happen if we abolish it.

Actually it is heartwarming here to see the majority of the debate here being conducted by the Minority party today. It is heartwarming to see that they do disagree at times. But to the proponents of doing away with the Maine Milk Commission, or the proponents of L. D. 2339, I frankly say that you have failed to answer the allegations that Senator Cyr has made in his delivery here today, and it certainly places me in a position where I am in grave doubt as to what would happen if we did away with the Maine Milk Commission.

I haven't had one farmer contact me to do away with the Maine Milk Commission. In fact, it has just been the reverse. They are in favor of retaining the Milk Commission, and they stated

their reasons. Of all the literature that I have received supporting this bill or doing away with the Maine Milk Commission, there has been no sound basis given to me to do away with it. They just feel that the end result will be a reduction in prices. But no valid argument other than that, just a reduction in prices will result by doing away with it. I fear that the issue is much more complex than this.

I have been told, in listening to the debate that, for instance, we get school milk here in the State of Maine that is delivered to our schools in pint bottles, and I am told that if we do away with the Maine Milk Commission that the competition in this area would be so vast that they are going to do away with pint bottles and that our schools will not receive milk any more in the pint bottles; and that the prices on quarts would increase because the half gallon would be increased. There have been all kinds of charges and countercharges made, and frankly, the committee report, as we depend on the committee system here in the legislature, and I noticed the committee report made up of liberals, of consumer people, and the majority of them feel that this bill ought not to pass. Based on the arguments that I have heard here today, Members of the Senate, I feel perhaps Senator Cyr has carried the brunt of the day. Thank you.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Since it has been brought out that everybody else's point of view has been projected, I think it might be worthwhile for me to project the point of view of a farmer, not myself primarily, but a constituent of mine who I received a letter from this afternoon. I think it would be interesting because it correlates quite well with the rhetoric that has been expounded upon here today. His comments go as follows:

"I do feel that both producers and consumers have a common interest as citizens of Maine, and would in this vein appreciate your consideration of the following basics as you weigh L. D. 2339, which would make ineffective the Maine Milk Commission.

"Over the years, due to the factors unique to the product itself, many systems of milk pricing have been tried, with two surviving the test of time: One, federal order pricing. Two, State Milk Commission with retail minimums. Well, I disagree philosophically with both, and have often disagreed with specific actions of the Maine Commission. I can't help feeling that any legislative action which would, in effect, transfer decision making authority from the Maine agency to a federal body would over the long haul be detrimental to all citizens of Maine, both consumers and producers.

"When first initiated, I felt that federal orders served their respective areas well. What has and is occurring at an alarming rate is the merger of federal orders forcing the formation of larger producer cooperatives, with the resulting shortcomings of bigness. Federal agencies have now suspended pricing by economic formula, substituting pricing by decree based upon a pricing series subject to political manipulation. In all instances, whether it be consumer or producer, the federal order system has become more and more insensitive to the needs of any individual area, especially as small a drop in the federal bucket as Maine is.

"Although it may have become obscured by rhetoric, the basic question under consideration is whether milk will be priced at the state level by citizens of Maine or by a federal agency. If the legislature supports decision making at the state rather than the federal level, then their attention can be directed to making whatever adjustments may appear appropriate. In all frankness and honesty, I have a lot more confidence that future decisions by Maine citizens will be more in keeping with the needs of Maine than will be decisions either directly or indirectly formulated in Washington." Thank you.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President, when the vote is taken, I request permission to pair my vote with that of Senator Richardson. I understand if he were here

that he would vote against indefinite postponement.

The PRESIDENT: The Senator from Penobscot, Senator Cox, asks leave of the Senate to pair his vote with that of the Senator from Cumberland, Senator Richardson, who, if he were here, would be voting against indefinite postponement. The Senator from Penobscot, Senator Cox, would be voting for indefinite postponement. The Secretary will record the pair.

The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that L. D. 2339 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: Senators Anderson, Berry, Cianchette, Cummings, Cyr, Fortier, Graffam, Greeley, Haskell, Henley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Olfene, Roberts, Sewall, Shute, Speers, Tanous and MacLeod.

NAYS: Senators Brennan, Clifford, Conley, Danton, Kelley, and Marcotte.

ABSENT: Senators Schulten and Wyman.

A roll call was had. 23 Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act Relating to Dams and Reservoirs. (S. P. 916) (L. D. 2527)

(On motion by Mrs. Cummings of Penobscot temporarily set aside.)

An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric Institute, Incorporated. (S. P. 921) (L. D. 2546)

An Act to Establish a Pilot Rural Housing Rehabilitation Program. (H. P. 1814) (L. D. 2303)

An Act to Establish a Pilot Rural

Housing Rehabilitation Program. (H. P. 1814) (L. D. 2303)

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

An Act Relating to State Purchases. (H. P. 1999) (L. D. 2539)

An Act to Allow a Governor-elect an Additional Four Weeks for Submission of the Budget. (H. P. 2000) (L. D. 2540)

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

The President laid before the Senate the matter temporarily set aside at the request of Mrs. Cummings of Penobscot:

An Act Relating to Dams and Reservoirs. (S. P. 916) (L. D. 2527)

Pending — Enactment.

On motion by Mrs. Cummings of Penobscot, 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 House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "B" was Indefinitely Postponed.

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

Mr. CUMMINGS: I present Senate Amendment "A" and move its adoption. May I speak briefly on this?

The PRESIDENT: The Chair would ask the Senator if it is the Senator's intention that this be Senate Amendment "A" to House Amendment "A"?

Mrs. CUMMINGS: It is supposed to be Senate Amendment "A" to House Amendment "B". House Amendment "A" puts a \$9,000 appropriation on this bill, and I am trying to reduce that appropriation.

The PRESIDENT: The Chair would inform the Senator that we just indefinitely postponed House Amendment "B".

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of

Cumberland, the Senate voted to reconsider its action whereby House Amendment "B" was Indefinitely Postponed.

Mrs. Cummings of Penobscot then presented Senate Amendment "A" to House Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-387, to House Amendment "B" was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: The original sum that was put on this bill was based on the original assumption that there was going to be much more in the bill. As it proceeded through its steps, it was cut way, way down so now we expect that the Soil and Water Conservation Commission will have to deal with only two or perhaps three requests for ownership of these abandoned dams. We got a report from Charles Boothby, who is the Executive Director of the Soil and Water Conservation, and it says, after we had asked him to reassess the proposed appropriation for the implementation of the abandoned dam section, that he foresees that there will be perhaps two or three requests to make use of this bill. And he has them outlined here, which I would be glad to show to anybody afterwards. I do think that \$1,000 will get this bill going and will allow these people the opportunity to take over the responsibility for dams upon which the good use of their shore property depends. Thank you.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to House Amendment "B".

Emergencies

An Act Repealing Certain Laws Relating to Games of Chance. (S. P. 911) (L. D. 2521)

An Act Relating to Custody of State Trust and Retirement Funds Securities. (S. P. 833) (L. D. 2374)

These being emergency measures and

having received the affirmative votes of 24 members of the Senate, were Passed to be Enacted and, having been signed by the President, were 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 Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices." (H. P. 1793) (L. D. 2271)

Tabled—March 6, 1974 by Senator Berry of Cumberland.

Pending—Consideration.

(In the Senate—the Majority Ought Not to Pass report Read and Accepted.)

(In the House—The Bill, in New Draft (H. P. 1964) (L. D. 2503) Passed to be Engrossed as amended by House Amendment "D" (H-723).

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

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

Bill, "An Act to Clarify Certain Election Laws." (S. P. 914) (L. D. 2526)

Tabled—March 7, 1974 by Senator Berry of Cumberland.

Pending—Adoption of Senate Amendment "B" (S-380)

Senate Amendment "B" was Adopted.

Thereupon, on motion by Mr. Shute of Franklin, retabled and Specially Assigned for March 13, 1974, pending Passage to be Engrossed.

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

Bill, "An Act Relating to the Powers of Maine Port Authority." (S. P. 931) (L. D. 2564)

Tabled—March 8, 1974 by Senator Greeley of Waldo.

Pending—Assignment for second reading.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

The President laid before the Senate

the fourth tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Veterans and Retirement—Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352) Majority Report—Ought Not to Pass; Minority Report—Ought to Pass.

Tabled—March 8, 1974 by Senator Berry of Cumberland.

Pending—Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws." (H. P. 1788) (L. D. 2260)

Tabled—March 8, 1974 by Senator Berry of Cumberland.

Pending—Adoption of Senate Amendment "A" (S-385)

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I have here in the form of petitions names of people throughout the State of Maine and they say this: "To the Legislature of the State of Maine. We the undersigned electors of the State of Maine qualified to vote for Governor, residing in the State of Maine, hereby respectfully request your consideration of a repeal of the provisions of L. D. 2114, An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway, which act was approved by the Governor January 29, 1974."

Certainly I won't try to read all of these signatures, but I would like to state some of the towns that are represented on these petitions: Presque Isle, Van Buren, Limestone, Caribou, Mars Hill, Washburn, Easton, Ashland, Fort Fairfield, Houlton, Mapleton, Westfield, Portland, Auburn, Mechanic Falls, Hallowell, Saco, Westbrook, Monmouth, Lewiston, Brunswick, Augusta,

Randolph, Skowhegan, Biddeford, Old Orchard Beach, Windham, Gorham, Frenchville, Bridgewater, Old Town, Guilford, Bangor, Castle Hill, Bowdoinham, Winthrop, Sabattus, Freeport, New Gloucester, Cumberland Center, Bath, Gardiner, Alfred, Kennebunkport, Wells, Buckfield, Clinton, Poland Springs, Turner, Ogunquit, Cape Neddick, Limington, West Peru, Minot, Litchfield, Mexico, Bryant Pond, Lisbon Falls, Oxford, Standish, Green, Wales, Rumford, Brewer, South Portland, and I understand that there are more.

I don't think the legislature should take this amendment lightly. I believe it affects the lives of many Maine people, and in debate would say that I am not all that sure the bill would do that much good, and it is just another law infringing on their rights.

There is one piece of debate I would like to enter in the record and this is a communication that says: "You are riding alone on your bike on some bright day with your lights on. You are unfortunate enough to be involved in an accident with an automobile carrying two persons. Your headlight is knocked out in the accident. The occupants of the automobile say you did not have your lights on. Suddenly the responsibility of that accident falls on you, whether or not the other vehicle actually caused it." To me, this is one way one person in Maine feels that this law unjustly affects or may affect him. I would urge your support of the amendment.

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

Mr. BERRY: Mr. President and Members of the Senate: I wonder if I would ask one of the pages to get from Senator Cianchette the clipping I just gave him from yesterday's Sunday paper.

Mr. President and Members of the Senate: The matter we are debating this afternoon certainly is not a light matter to any member of the driving community. As Senator Cianchette indicated, the matter was thoroughly debated and it's too bad, I think, perhaps to debate it again. On the other hand, we have a very serious question here.

I think the nub of the matter is the recognition of the motorcycle. I assume that the cities and towns that Senator Cianchette read were places where motorcycles are registered, and I would assume they are pretty widespread. I think we are not talking about here anything except safety on the highway, and particularly the safety of the motorcycle operator.

I hope that everybody read and digested this article which I have, which was on the last page of the Sunday Telegram's Parade section, and the headline is not what I am talking about. It says, "Advice on Riding Motorcycles — Don't." The article is full of the problems, and they stem right down to the recognition by the motorists that a motorcyclist is on the road. And I will quote just in part: "It is almost always that the motorcyclist rather than the other fellow who gets badly hurt, no matter how skillfully or defensively he drives. The ability of the motorcyclist to avoid an accident is dependent upon his expertise in operating his front and rear brakes." And the article goes on to say, "Very few of the motorcycle operators have the expertise to successfully brake their vehicle in the short space of time necessary to avoid an accident."

I was coming back across from lunch last week on the bridge here in Augusta, and lying right beside the road was a motorcycle with a helmet split open, and I often wondered what the other side of that story was. So I think that what we are talking about is safety. If keeping lights on is going to help us as drivers of vehicles to see these motorcycles, certainly it is worth this effort. I might point out that in many, many other states, in an increasing number, this restriction, this safety factor, is being put on the statute books. I would hope that we would defeat this amendment.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I certainly agree with most of the remarks of the Senator from Cumberland, Senator Berry, and we are talking about motorcycle safety. Already because this bill has been debated in this legislature,

it has brought the attention of I expect almost every motorcyclist in the State. They say fine, and if you have noticed recently, I doubt if many of you have seen a motorcycle during the daytime without his lights on. They say this is good and they are happy to do that when they can do it, but there are times when it may be unjustly used against them.

I feel, as the good doctor that wrote the article in the Parade Magazine feels, that motorcycles are dangerous. They are causing lots of accidents or are involved in lots of accidents, serious deaths and the whole business, and we should point out that we need education. We need to educate the drivers of vehicles, automobiles, trucks, and we need to educate motorcyclists, and anything in this regard I would strongly support.

You know, we could be so righteous in this legislature that we think that we should impose our righteousness on others, and once again I want to read the remarks of a quotation from Eric Sevareid: "The special nature of liberties is that they can be defended only as long as we still have them. So the very first signs of their erosion must be resisted. It is an eternal error to believe that a cause considered righteous sanctifies unrighteous methods." I believe that we passed a bad law in this legislature and I would like to see it repealed.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise in opposition to this amendment. A few years ago, while a member of the other body, I voted against the helmet law because I felt that when a person on a motorcycle had his helmet on he was protecting himself and himself only, and if he didn't want that protection, that was his right. With the lights on motorcycles, this is for the protection of the other motorists, even pedestrians on our highways, as well as the motorcyclist himself.

The other day I did not have my car to go home with. I had to go to a meeting in Waterville and was offered a ride home but, in order to save the gentleman gas

and his own time, I contacted the state police and asked if I could be relayed to my home in Kittery. So I had the opportunity to ride with four different state troopers in order to reach my home. I asked every one of these state troopers what they felt about the motorcycle bill which had just been passed, and every one of them said it was a good law. While we were discussing it, a motorcyclist came down off one of the ramps near either Auburn or Lewiston, and the policeman pointed out that he had his light on. He said otherwise, especially in the early morning or the early evening, you wouldn't see that fellow coming down onto the turnpike and there might be a serious accident.

I also asked him about the arguments that it takes power from the bike in order to use these lights, and he said that that was hogwash. I can't prove that point one way or the other.

This morning I spoke to a police officer in South Berwick on my way here, and he said, "Well, what happens if I forget to put my light on in the morning?" Then again we have this case presented here of what happens if two or three people say that you didn't have your light on, if it was knocked off in an accident. We have those same problems which come from motorists when someone might say they didn't put on their signal, or someone might say their headlights weren't on or their taillights weren't on. Those are some of the things that we have to run up against. But I think that this bill should be tried for a while to see how it works out and this amendment should be defeated today.

The PRESIDENT: The pending motion before the Senate is the adoption of Senate Amendment "A".

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would ask for a roll call.

The PRESIDENT: 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 question before the Senate is the adoption of Senate Amendment "A" to L. D. 2260. A "Yes" vote will be in favor of adopting Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS — Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Henley, Kelley, Marcotte, Minkowsky, Sewall, Tanous.

NAYS — Anderson, Berry, Cox, Cummings, Graffam, Greeley, Haskell, Hichens, Huber, Joly, Katz, Morrell, Olfene, Roberts, Shute, Speers, MacLeod.

ABSENT — Richardson, Schulten, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with three Senators being absent, Senate Amendment "A" was not Adopted.

Mr. Minkowsky of Androscoggin then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, a division was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail and the Bill was Passed to be Engrossed in concurrence.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

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

Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 928) (L. D. 2560)

Tabled — March 8, 1974 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

The President laid before the Senate

the seventh tabled and specially assigned matter:

Bill, "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year." (H. P. 1895) (L. D. 2406)

Tabled — March 8, 1974 by Senator Sewall of Penobscot.

Pending — Adoption of House Amendment "A" (H-732).

House Amendment "A" was Adopted.

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

Mr. SEWALL: Mr. President, a parliamentary inquiry with reference to this item: was Committee Amendment "A" indefinitely postponed?

The PRESIDENT: Committee Amendment "A" was Adopted.

Mr. SEWALL: Was adopted in the House?

The PRESIDENT: Committee Amendment "A" was Indefinitely Postponed in the House and adopted in the Senate.

Mr. SEWALL: Mr. President, would a motion to indefinitely postpone Committee Amendment "A" be in order.

The PRESIDENT: After the Senator has moved to reconsider the action whereby we adopted Committee Amendment "A".

On motion by Mr. Sewall of Penobscot, the Senate then voted to reconsider its action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed in concurrence.

Thereupon, the Bill, was Tomorrow Assigned for Second Reading.

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

Bill, "An Act Granting Energy Emergency Powers to the Governor." (H. P. 2005) (L. D. 2549)

Tabled — March 7, 1974 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would like to just take a moment to explain the new draft on L. D. 2549 dealing with granting energy emergency powers to the

Governor. The first part of the bill deals with definitions that we have applied under civil emergency preparedness dealing with disasters, emergencies, local CD organizations and political subdivisions. It deals primarily with definitions.

Section 2 of the bill deals with rules and regulations and subpoena powers granted to the Civil Emergency Preparedness Council in order to obtain the proper and necessary information in the event of an emergency, or in the event of an impending emergency as well. It also deals with the event of an emergency that may be impending as well as one that is in existence.

Now on page 3 of the bill, under Section 4, these are the emergency powers granted to the Governor to deal with an energy crisis or any other type of emergency. The bill, on page 5, grants the power to the Governor to control speed on the highways and other controls as would be necessary in the event of an emergency. I mentioned the speed specifically because of another bill which we have discussed relative to granting the same powers to other department heads.

On page 8 you will notice that all of the orders of the Governor are subject to the approval of the Executive Council, and the Council has a five-day veto power in which to veto any action taken by the Governor. It also provides that in the absence of the Governor from the state, in case of an emergency, this same power is granted to the individual who would succeed the Governor would he be present.

Also on page 7 of the bill, you will notice that this particular authority, this law, self-destructs itself on February 28, 1975, so that any new Governor would have to reinstitute the powers if he so desired them. If there are any questions, I would be most pleased to answer them. Thank you.

The PRESIDENT: The Chair

recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President, I would like to ask a question, if I may, through the Chair. As to all the various headings in this bill, such as civil emergency, disasters, energy emergencies, my question would be: who determines when we are in that status?

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: It would depend on who would be Governor.

Mr. President and Members of the Senate: I am sorry, I didn't mean to be facetious, but the Governor would determine this, based on information that would be provided to him by the CD director, I am sure. It would be subject to veto by the Council. Now, on any order issued by the Governor relative to any controls of any kind, the Council has a five-day period to veto anything the Governor may do. Notice had to be given to the Council directly of any action that he may take so that they will have knowledge of it in order to give them an opportunity to veto anything he might do that they feel would not be proper under the circumstances.

I think it really has the protection necessary and the decision is not left up to one individual. You do have a group of supposedly responsible people who would have the authority to veto any action he may take.

The PRESIDENT: Is the Senate ready for the question?

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

On motion by Mr. Sewall of Penobscot,

Adjourned until 10 o'clock tomorrow morning.