

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

Friday, March 22, 1974

Senate called to order by the President.

Prayer by the Honorable Richard N. Berry of Cape Elizabeth:

As we gather this morning we are ever grateful for the opportunity of friendship, service and love for our fellow men. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Regulate Sale and Processing of Crawfish." (S. P. 937) (L. D. 2575)

In the Senate March 15, 1974, Passed to be Engrossed as Amended by Senate Amendment "A" (S-400).

Comes from the House, Passed to be Engrossed as Amended by House Amendments "B" (H-788) and "C" (H-789), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Establishing the Maine Public Transit Fund Act." (S. P. 938) (L. D. 2576)

In the Senate March 19, 1974, Passed to be Engrossed as Amended by Senate Amendments "A" (S-405) and "B" (S-407).

Comes from the House, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572)

In the Senate March 21, 1974, Passed to be Engrossed as Amended by Senate Amendments "A" (S-415) and "B" (S-418), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-418), in non-concurrence.

Mr. Minkowsky of Androscoggin moved that the Senate Recede from its previous action whereby the Bill was Passed to be Engrossed.

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

The PRESIDENT: The Chair would inform the Senator that the motion of recede takes precedence over the motion to recede and concur. As many Senators as are in favor of the motion that the Senate recede from its action whereby the bill was passed to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I am a little confused on this matter this morning. Is a motion to indefinitely postpone in order at the present time?

The PRESIDENT: The Chair would answer in the negative, as the motion to recede did not prevail.

Mr. MINKOWSKY: Mr. President, is this matter still debatable?

The PRESIDENT: It certainly is.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I guess this matter here has been discussed in depth, and sometimes I think it might have been overkilled in one respect, but I think it is of paramount importance to point out, since this is really the final time that this matter will be before us, that Kennebec County does have a quality ambulance service which has been in existence for the past six years. In my sincere estimation, there is no necessity to say that there was an emergency existing, that the County of Kennebec should get itself involved in private sector of business in competition with an existing business. There is no need for the county commissioners of Kennebec County to allocate \$100,000 when this service is being provided dependably and reliably by a person in the free enterprise system.

It was disheartening to look at the horse blanket at some of the unnecessary rhetoric that materialized on this particular matter, the innuendos, the exaggerations, the half truths and unfounded statements, and when these people were confronted with these particular statements they could not substantiate or verify any one of them. In fact, one statement was rendered yesterday to the effect that a lady with two broken legs had to wait an hour and a half for ambulance service. We spent the evening checking over the records and found that this was absolutely false. When we confronted the individual who made the allegation, he said he did not know first-hand, that he had just heard this from somebody else. We asked him when it took place and he said sometime last year. Who was the party involved? He did not know. Where did you get your information? I think it was from a state trooper. And this is where impulse and emotions played a vital part in the decision in the unmentionable branch, unfortunately.

My objection basically is that the government is getting too deeply involved in the private sector of business and we are going along with this type of involvement. This is not right to the people who have expended thousands of dollars, have employed people, and have done a very commendable job.

I think it was a few years back that Dr. Fisher made the statement in a Portland paper that in order to have a competitive type ambulance service you would need at least 95,000 population. Here in Kennebec County we are speaking basically of about 65,000 people. But the atrocious gimmick is that you are compelling the people of Kennebec County to expend money, to expend money, which could be used for other vital purposes which this dependable, reliable service is being offered to the people of Kennebec County at no charge at all to the taxpayers. If they accept this service from the county commissioners or contractual services with them, they will be compelled, after taking this carrot, to compel these small communities to at least donate a dollar per head to subsidize this matter in the future. If you did not have this particular

service in Augusta or in Kennebec County, I would have no objections at all.

Another factor that really, I felt, was not right, and I really question whether it was done intentionally or not, was as to the constitutionality of this redraft. An inquiry was made through the State's Attorney General's office, but all of a sudden that particular inquiry has been delayed for over three days. Now, I am not saying because the Attorney General comes from the City of Augusta or Kennebec County that he is deliberately doing this, but what I am saying is that I feel that if inquiries are made insofar as the constitutionality of a particular matter that is before either branch of this legislature, we should have the information at our disposal to make a clear, concise, in depth judgment. Thank you very much, Mr. President.

The PRESIDENT: The pending motion before the Senate is that the Senate recede and concur with the House. Is the Senate ready for the question? As many Senators as are in favor of receding and concurring will say "Yes"; those opposed "No".

A viva voce vote being in doubt, the Chair ordered a division. 11 Senator having voted in the affirmative, and 10 Senators having voted in the negative, the motion to Recede and Concur prevailed.

Joint Order

WHEREAS, one of the most difficult and complex problems in government is the setting of compensation for public officials; and

WHEREAS, this is especially true for Legislators who must participate in the process by which their own pay is adjusted; and

WHEREAS, in order to determine what is fair, just and reasonable compensation for Maine Legislators, a commission consisting of citizens independent of the Legislature was selected; and

WHEREAS, the Legislative Compensation Commission recognized that the relationship between performance and compensation was an imperfect one, thus encouraging this Legislature to take some first steps to reduce that imperfection; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in special session, take this opportunity to commend the several members of the Legislative Compensation Commission for their timely and valuable advice concerning the difficult task of determining legislative compensation and express our sincere thanks for their constructive recommendations aimed at ensuring that membership in our citizen Legislature will continue to be open with dignity to every citizen; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to each commission member in recognition of the performance of their duties. (H. P. 2072)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, wrestling is one of the oldest and most universal of sports, which today is conducted in two separate styles called Greco-Roman and Freestyle; and

WHEREAS, the Amateur Athletic Union of Maine Junior Olympic Freestyle Team will host the Russian National Junior Olympic Team at the Augusta Civic Center on May 22, 1974; and

WHEREAS, this is a large undertaking for an amateur organization comprised of Maine boys between the ages of 15 and 18 who must depend upon funding, but one which can only benefit the State of Maine and its youth; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and the House of Representatives of the 106th Legislature of the great and sovereign State of Maine pause in the duties of this first special session to commend the Maine AAU Junior Olympic Freestyle Team on this most worthy undertaking and to convey our best wishes and good luck to each participant with special hopes for our native sons; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Mr. Donald Littlefield, Chairman of the Maine AAU Freestyle and Greco-Roman Wrestling, in honor of the occasion. (H. P. 2074)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, mass transit is an appropriate means of reducing energy consumption, environmental pollutants, traffic congestion and loss of life and injury now resulting from private cars; and

WHEREAS: this nation has reached a point when alternative systems of transit must be examined to determine those means most suited to future needs; and

WHEREAS, the development of an adequate system of transportation is considered essential for the welfare of the citizens of this State at the earliest possible time; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to examine the various systems for mass transportation presently suitable to this State to determine the feasibility of utilizing one or more such systems to meet the future needs of this State; 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. 2079)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Resolution State of Maine

In the Year of Our Lord One Thousand Nine Hundred and Seventy-four

**Joint Resolution
Protesting Further Federal
Standards on Certain Seatbelts
and Other Safety Devices**

WHEREAS, the National Traffic and Motor Vehicle Safety Act of 1966 permits the Secretary of Transportation to impose certain standards for seatbelts and other safety devices; and

WHEREAS, in accordance thereto, motor vehicles are being equipped elaborately with starter interlock systems associated with seatbelts and upper torso restraints; and

WHEREAS, consideration is also being given to mandatory use of seatbelts and harnesses as a requirement; and

WHEREAS, such systems, which are not optional, have added substantially to costs and are generally considered an unreasonable restraint on freedom that under a disguise of safety such apparatus has exceeded any realm of practicality; now, therefore, be it

RESOLVED: That the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine do hereby protest the mandatory use of seatbelts and harnesses as a requirement and further federal standards and equipment requirements for starter interlock systems associated with seatbelts or upper torso restraints and hereby urgently request passage of H. R. 10277, "A Bill to Amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes," now before the first session of the 93rd Congress of the United States; and be it further

RESOLVED: That the Secretary of State of the State of Maine notify each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution. (H. P. 2077)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

State of Maine
House of Representatives
Augusta, Maine 04330

March 21, 1974

Hon. Harry N. Starbranch
Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the House voted to Adhere to its action on the following matter:

S. P. 825, L. D. 2352, An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court

where by it accepted the Majority Report OUGHT NOT TO PASS.

Respectfully,

(Signed) E. Louise Lincoln, Clerk
House of Representatives

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Haskell of Aroostook,

State of Maine

Senate

First Special Session

106th Legislature

WHEREAS, the Legislature believes that it is essential to responsibly control expenditure of tax revenues; and

WHEREAS, it further believes that operation of Aid to Families with Dependent Children must be fair and equitable to individual taxpayers as well as recipients of Aid to Families with Dependent Children; and

WHEREAS, such aid should be provided only to people who truly need income supplementation; and

WHEREAS, the population of Maine is not expanding and the economy of the State is expanding at a reasonable, but low rate of growth; and

WHEREAS, nationally the number of families receiving aid is increasing at a lower rate; and

WHEREAS, in Maine the number of families receiving aid continues to increase 10% each year; now therefore be it

ORDERED, the House concurring, that the Legislative Council shall authorize a study, and present its findings and recommendations to the regular session of the 107th Legislature relating to the budget standard, payment standard, disregarded income, federal and state laws, regulations and administrative practices and other factors affecting payments to families and resulting in expenditure of

substantial amounts of state and federal tax dollars; and be it further

ORDERED, that the Department of Health and Welfare is respectfully directed to cooperate with the Legislative Council and to provide such technical and other assistance as the Council deems necessary to carry out the purposes of this order, including, but not limited to, personnel and staff as part of their regular employment, and the study of any subject or matter relevant or germane to the subject or helpful to the Council in carrying out this order, shall be deemed within the scope of said study hereunder; and be it further

ORDERED, upon final passage that a copy of this order be transmitted forthwith to the Department of Health and Welfare as notice of this directive. (S. P. 950)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports Senate

Ought to Pass in New Draft

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, An Act Making Supplemental Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975." (S. P. 807) (L. D. 2290)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (S. P. 951) (L. D. 2602)

Which report was Read and Accepted and the Bill in New Draft Read Once.

The **PRESIDENT**: Is it now the pleasure of the Senate that under suspension of the rules this bill be given its second reading at this time by title only? As many people as are in favor of suspending the rules for the purpose of giving this bill its second reading at this time by title only will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and seven Senators having voted in the negative, the rules were suspended and the Bill given its Second Reading.

The **PRESIDENT**: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. **HASKELL**: Mr. President, I have an amendment being prepared which hasn't been delivered yet into the body, and I would appreciate it if somebody would table this until later in today's session.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Passage to be Engrossed.

Divided Report

Five members of the Committee on Public Lands on, Bill, "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations." (S. P. 920) (L. D. 2545)

Reported in Report "A" pursuant to Joint Order (H. P. 84) that the same Ought to Pass as Amended by Committee Amendment "A" (S-420).

Signed:

Senators:

RICHARDSON of Cumberland
CLIFFORD of Androscoggin

Representatives:

BRIGGS of Caribou
ROLDE of York
MARTIN of Eagle Lake

Five members of the same Committee on the same subject matter reported in Report "B" pursuant to Joint Order (H. P. 84) that the same Ought Not to Pass.

Signed:

Senator:

MacLEOD of Penobscot

Representatives:

LYNCH of Livermore Falls
SIMPSON of Standish
ROLLINS of Dixfield
PALMER of Nobleboro

Which reports were Read.

Mr. Richardson of Cumberland moved that the Senate Accept the Ought to Pass as Amended Report "A" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: In the many, many months that the Committee on Public Lands has been dealing with the issue of Maine's public lands and in all of the years which I have served as a member of the legislature, both in the Senate and the House, I do not recall ever having been involved in any more complex problem than that involving Maine's public lands. Because this is true, I would like to try to bring into focus the history of the public lands and the issue as to where we are today. I do so solely in the hope that I can shed some light on an extraordinarily complex subject.

When Maine separated from Massachusetts in 1820, it was provided in the articles of separation from the Commonwealth that there would be set aside in each of the unorganized townships land to be used by the incorporators of the town when it became organized, and originally it was provided that the acres, ultimately a thousand, would be used for the ministry and for education. In the 1850's, and 1870's the legislature was plagued by the problem of acts of trespass against the public lots. That is, people were going onto the lands owned by the people of Maine and stealing the timber. So the legislature, in response to this problem, sold grass and timber rights on about two-thirds of the public lots. The instruments of sale provided that the right to harvest and carry away grass and timber would continue until incorporation or until the township became a plantation.

Now, 124 years later, it seems to me appropriate for us to look at the issue of whether or not there is a legitimate legislative objective to be served in providing a measure of self government to the unorganized territories. Five members of the Committee believe that we should establish eight grand plantations to provide a measure of self government to the unorganized territories and to meet, we believe, legitimate governmental needs.

What is a grand plantation? It is a new form of municipal government with very

limited powers and duties designed to function effectively in the large unorganized territories which are sparsely settled. The grand plantation residents will meet and elect a council of three, five, or seven members — they have the option — and the council in the grand plantation will appoint a manager, who would be paid by the state, to carry out the functions of the council, implement its orders, and to provide liaison with state agencies.

The Committee has found that there is a significant amount of resentment against state agencies, such as the Land Use Regulation Commission, in the unorganized territories because they feel that their government is too remote, too unresponsive, and we believe that by providing a manager directly answerable to the people of the unorganized territories, which would now be within the grand plantations, that they would have better liaison with state government.

The grand plantations would not — and I want to emphasize this — the grand plantations would not have the responsibility or the authority to impose taxes, would not have responsibility for supporting the poor, would not have responsibility for locating and maintaining roads. The Grand Plantations Bill does not, does not, have anything to do with weakening the powers of county government.

This bill would reduce the threat of forced closings of schools in the unorganized territories. The Longley Commission, as you know, recommended that the unorganized territory schools be closed. There are significant concerns, legitimate concerns, in the unorganized territories, in these townships, that they are losing the opportunity to tell their government what they want with respect to their schools. The grand plantation council would provide a legal voice in the decisions that are being made now in Augusta about these people's schools, and they don't want them closed. They want a legal voice, and this bill gives them that voice to be heard with respect to their schools.

This bill does not change tax rates. The state property tax will remain as the

only property tax paid by the residents in the grand plantations, and the costs of the grand plantations would be assumed as governmental costs by the state.

What does the council do? It acts as a school committee; requests provision for dumps; would make requests for such things as road construction and maintenance and other public service; it would negotiate public access policies with the large landowners; and would direct the manager in his daily activities.

What effect does this bill have on grass and timber rights? I hope that it won't be necessary to go over and over this again, but it probably will be, so I would like to try to explain to you as clearly and as candidly as I possibly can what the relationship is between this bill and grass and timber rights. As was very perceptively pointed out in an editorial in the Bangor Daily News, which is on your desks, which appeared in the edition of Wednesday, March 20, 1974, the fact remains that there is very clear language in these early deeds giving the state the legal option to legislatively alter the cutting rights. And it is also true that the legislature not only has the right but a responsibility to provide a method or form of government which is responsive to the needs of these people.

To suggest that this bill expropriates grass and timber rights is just plain nonsense. The state has an absolute fundamental obligation to the people who live in these unorganized territories to provide them with such government as in our judgment is appropriate to the circumstances. Whether or not this bill terminates grass and timber rights is an issue, ladies and gentlemen, that is going to be decided in the courts. It is not going to be decided in this legislature. If this bill became law, the paper interests who own a significant portion of the grass and timber rights will take the position in the case of *Cushing v. Lund*, now pending in the Kennebec County Superior Court, they will take the position that this is not the kind of organization contemplated by the deeds for the sale of grass and timber rights which were executed in the 1850's and 1870's.

Now, we could sit here and debate this issue of what this bill does or does not do

to grass and timber rights for six months and still not decide it. That issue is in the court, it is properly in the courts, and the issue is: do we have a right, as the legislature, to provide a measure of self government to the people in the unorganized territories? Most lawyers that you ask about this will say yes, this bill would terminate grass and timber rights. But the issue is going to be decided in the courts, and I think that is appropriate.

What do the people say? What do the people say about their public lands? They have heard the history about the public lands that I have recounted to you. They are familiar, at least some people are, with the very amusing set of essays that a man named William R. Pattingall wrote in a book called "*Meddybemps Letters*". In *Meddybemps Letters*, Mr. Pattingall, who had served as a justice of the Supreme Judicial Court of Maine, wrote about all of the prominent political figures of his time. It is really quite astonishing that he was never apparently successfully sued for defamation of character, because this is what he wrote about the state land agent at the turn of the century who had responsibility for Maine's public land: "Maine once owned large tracts of timber land. Maine does not own any timber land now. Mr. Burleigh was once without any timber land. He owns considerable timber land now. Maine sold its timber land at a low price, a very low price indeed. It has since become very valuable. The men who bought it have prospered. It was sold in part through the land agent's office. Mr. Burleigh and his father had charge of that office for eleven years. Some of the land which Maine once owned and sold so cheaply was afterwards owned by Mr. Burleigh." And then Mr. Pattingall, with his delightful wit, says, "These are mere isolated disconnected facts which probably have no relation to each other, which indeed may have no more to do one with the other than the tariff has to do with prosperity. We merely mention them in passing, draw no inferences from them, and ask our readers to draw none."

This history of Maine's public lands,

almost 400,000 acres, which belong to all the people of this state, is one of dismal, dismal neglect. The public lands of this state, members of the Senate, belong to all the people of Maine. They do not belong to any special interest group, any private individual, any private corporation. Some of the owners of grass and timber rights take the very interesting position that any recreational use of a located public lot where the grass and timber rights have been sold, that any recreational use of that public lot would be as a matter of law an unreasonable interference with their grass and timber rights. That is an atrocious proposition.

We have an opportunity today in this session of the legislature to correct generations of neglect and misuse in cynical trading on the public interest. We are urged to do so by both of Maine's largest newspapers. The Gannett Papers endorse this legislation, and I put before you this morning a copy of the editorial dated Tuesday, March 12, 1974. The Bangor Daily News, in the editorial to which I previously referred, says "This week we hope the state legislature has the vision and the courage to see the Grand Plantations Bill through final passage." I would note parenthetically that I can recall very few instances when both of these fine newspapers have agreed.

Former governors of this state have lent their support to this legislation. Former Governor Horace Hildreth, who was Governor of Maine from 1945 to 1949, says, "This is the best opportunity in generations for the people of Maine to reacquire their rightful heritage." And it is just as simple as that.

Mr. President, I know that because my name is on the bill it is going to generate somewhat I am going to describe in advance as petty opposition on some imagined political grounds. I believe that this is good legislation. The day is going to come, whether it is now or later, when the people of Maine are going to send a message loud and clear that they want their land back. For 124 years these grass and timber rights which were sold for pennies an acre have been thought to permit these people to cut and recut and recut and recut, and if you permit them

to continue it, they will go on and on into the indefinite future doing the same thing. Ultimately, we are going to restore the public lands to the people of Maine and stop permitting them to be the province of the special few.

There has been a lot of discussion about how many people in the unorganized territories support this Grand Plantations Bill. Ladies and Gentlemen of the Senate, I attended the public hearing in Edmunds two weeks ago Friday night, I attended the public hearing in Kingman, I was the only member of the Committee to attend both of those hearings. I talked with the people in Kingman and the people in Edmunds and they have some concerns about this legislation, but it is incorrect to suggest that all the people in the unorganized territories are opposed to this. I would suggest that there is roughly an equal balance. Certainly the more vociferous ones have been those who have a vested interest in the status quo.

One other comment and then I will sit down and hope that you will see your way to support this. This idea of Grand Plantations is not some kooky idea designed to try to terminate grass and timber rights. The legislation in the last session which would have incorporated all of the unincorporated territories and then deincorporate them was a sham, a farce. This is sound legislation. At the hearing it was supported by the Maine Municipal Association. It is sound legislation. It does bring sound government to these people. And this goes a long way, in my judgment, toward answering one of the worst problems that we have in government today — and we have got to be honest and recognize it — that is disenchantment, cynicism and disillusion with government which is too big, too remote and too unresponsive. This helps answer that question. Thank you very much.

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

MR. BERRY: Mr. President and Members of the Senate: I think first I would like to congratulate Senator Richardson of Cumberland for the long

and hard work he has put in. I think it is quite obvious from his presentation that this is an issue very, and quite properly so, close to his heart.

I must disagree with him in the general philosophy of the problem. Since I have been in the legislature, I have noticed what appears to be a headlong rush for the overall development of the State of Maine that has disturbed me. I feel that in many issues we are trying to make decisions that can well be postponed in the future, and I cite to you the proposals we have had in past times which have been grand development schemes with which we are familiar. Bigelow would be one, the aluminum refinery, and similar large scale developments which would materially affect the prosperity, but above all, the development of the state.

By this I don't mean to say that I am in any way against development, but I do deplore the headlong rush that we seem to have in making decisions that will leave nothing left of the State of Maine for the future people to enjoy. I think it is primarily on this basis that I am opposed to the bill. I feel that the bill will push development of the wildlands.

I don't get into the present operation, the present management, who is right and who is wrong in what is being done, but I do say that the situation which exists as far as on the ground use of our wildlands is concerned does benefit the people of the State of Maine in that we are not pushing development.

If we are going to organize unorganized towns, we are going to have a whole group of fragmented municipalities. For the first time these people will have the interests, the concerns, and responsibilities of municipalities. The State of Maine will become one totally organized unit of government at the municipal level, and it is this, I think, that causes me the greatest concern. The matters which are, of course, very important are in the court. I am firmly in favor of the people of the State of Maine having total control over their own woodlands, and I hope and know that this part of it will be resolved. But I do deplore and I am very much against, philosophically — and later in the session you will hear me talking perhaps in terms like this on

another issue — but because of this I am opposed.

I want to again express my appreciation to Senator Richardson for the very, very good job he has done. I know it has been hard and they have worked long hours holding hearings around the state so that they would get input from the people of the State of Maine, but for this reason I am opposed to the bill.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: If I thought for one minute that this bill would encourage development in the unorganized territories, I would vote against it right now and I would urge every one of you to vote against it.

You will recall that during the last session I sponsored an order in the Senate requesting an advisory opinion from the Law Court as to what we could do with our public lands. The Supreme Judicial Court of Maine, you will recall, came back and said that these lands could be put to any uses which we deemed to be in the long term interests of the people of Maine. Those uses included, but were not limited to, such things as multiple forest products management, recreational uses, the preservation of important scenic, historic and aesthetic areas, the preservation and protection of wildlife habitat areas, and so forth.

There is nothing in this bill that would, in my judgment or the judgment of the other members of the Committee who signed the report, encourage development in the wildlands. On the contrary, the decisions as to what is going to happen to those lands will be made by the people of Maine and in the best interests of the people of Maine. Those decisions will stop being made in the board room of a corporation located in a distant city. The determination as to what happens to Maine's public lands will be made by the people of Maine, and I do not believe, and nothing in this bill could reasonably be taken as suggesting that, that this will encourage industrial development or promotional recreational development of the

wildlands. The bill will, instead, give us an opportunity to make the judgments that are going to be in the best interests of all the people.

The other comment I want to make is that there is nothing in this bill — and I say this for all of you who are concerned about the wood products industry — there is nothing in this bill that will in any way adversely affect the supply of wood fiber to the vital wood products and pulp and paper industry of Maine. With aggressive management of the public interest in these lands, we will provide more, not less, wood fiber to the wood products industry. The Committee has heard a lot of testimony in this area and we are very concerned. I believe this legislation will help provide additional raw material product to the forest products industry. I think it is clear, I think one of the whole motives behind better management of the public lands ought to be to provide more raw material resources to the wood products industry.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate accept Report "A", Ought to Pass in New Draft as Amended, of the Committee on Public Lands on Bill, "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations."

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, not to prolong this debate, because I think that the good Senator from Cumberland, Senator Richardson, has very ably explained what this bill does and what it does not do, but in answer to the Senator from Cumberland, Senator Berry, it seems to me when he says the state will be totally organized that I don't think this bill organizes the state in the sense to which he was referring. I think the organization in these grand plantations will be a loose organization.

It is an organization which the Maine Municipal Association has endorsed. I think it is just enough organization for the circumstances in the wildlands area. So I hope you would accept Report "A" of the Committee, Ought to Pass with the Committee Amendment. Thank you, Mr. President.

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

Thereupon, the Sergeant-at-Arms escorted Senator Berry of Cumberland to the rostrum where he assumed the duties of President pro tem, and President MacLeod then proceeded to occupy the seat assigned to Senator Berry on the floor of Senate.

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

Mr. MacLEOD: Mr. President and members of the Senate: This bill is of such importance that since I was the only Senator who signed the Ought Not to Pass Report, I felt that I should at least give you the reason why.

The Senator from Cumberland, Senator Richardson, in his very eloquent presentation of the reasons why this bill should be enacted mentioned that the grand plantation idea was not a kooky one. Well, I have been on this committee now for a year and we have had a lot of public hearings all over the state. I was not at the last two that the Senator referred to, but I have been to about five. And the idea of a grand plantation did not come before the Committee until the staff presented it to us approximately six weeks ago. But ever since I have been on this Committee the objective has been, and clearly stated, to steal back from the paper companies and large landowners what they stole from us back in the 1850's, and this has been expressed time and time again by members of the committee. This was the purpose of the Public Lands Committee, the prime purpose.

Now, this land that sold for pennies an acre in the 1850's for the grass and timber rights, land in fee simple, warranty deed land, was selling for pennies, fifty cents, seventy-five cents, and a dollar an acre. Well, grass and timber rights are no longer selling for pennies an acre, yet they are still being sold back and forth. Mr. Davenport, a gentleman who is connected with Kennebago Camps, testified before our Committee on Tuesday and said that in 1969 he had purchased the grass and timber rights to forty-one acres of land

for \$29,000. Evidence was presented at our hearing last week that the large landowners and the paper companies buy and sell the grass and timber rights in the same manner as they do warranty deed land, fee simple land. It has become a practice. Maybe they shouldn't be doing this but they have been doing it. They treat the grass and timber rights on the public lots as if they owned the whole thing, or that it is worth as much money when they buy it or when they sell it as land they own outright. So I think on the public lots the grass and timber rights should be terminated. I think they will be terminated, but I hope we don't use this sham of a bill to do it.

You will notice on the seven page amendment, the statement of fact — this was added after our executive session — the effective date of this act is to be June 1, 1975. Do you know why that is? That is to allow the paper companies, who are now in court in *Cushing V. Lund*, perhaps to negotiate with the Attorney General between now and June 1, 1975 to arrange what they call a consent decree. Now, you lawyers know what that is. I see the Senator from Androscoggin, Senator Clifford, smiling; he knows what it is certainly. They will work out a deal, the large landowners who own the grass and timber rights and the Attorney General to maybe give them one more cutting, say over the next five or six years, according to good accepted forest practices. Then at the end of the period the grass and timber rights would revert to the state, and they would give them up voluntarily on this deal worked out.

There are many reasons why this would be an attractive thing for the paper companies and large landowners to do because they don't know what the outcome of *Cushing V. Lund* is going to be. Maybe the court will hold that the grass and timber rights didn't mean in perpetuity, although the deeds said until these lands are organized into towns or plantations before they terminate. But maybe the court will say no, after you have had four or five cuttings that is enough, and it now reverts to the state.

Also, if the large landowners and paper companies can do this, there is a chance of getting a tax deduction because they can show that they have

been paying the same price for grass and timber rights as they pay for fee simple land, so it has cost them some money, that it is no longer pennies an acre but it is worth some real money.

Now, if this local government idea, these grand plantations, is going to give good local government to the people of these unorganized territories, then why was the June 1, 1975 date put in there? The June 1, 1975 date was put in there to give the paper companies and large landowners a chance to work out a consent decree with the Attorney General's office to terminate their grass and timber rights, and then the 107th Legislature could repeal this sham of a bill of local government. And there are people who signed the Majority Ought to Pass Report of this Committee who indicated they would vote for the repeal if they came back to the 107th Legislature.

Mr. Davenport has spent his \$29,000 to protect the sporting camps he owns, and he doesn't plan to cut a tree. It is 41 acres, and I think he should have a chance to maybe work out a tax deal with the IRS, to be able to terminate his grass and timber rights and maybe at least get a tax write-off on it, because he bought it in good faith in 1969 with a letter from the Attorney General and a letter from the Forest Commissioner saying, you know, you are O.K., this is good, you don't have to worry about this, you own it, you own grass and timber rights. \$29,000 bucks.

I hope that the grass and timber rights are terminated eventually, that the state does regain control over those 322,000 acres of the approximately 400,000 acres that comprise the public lands, but I do not sincerely believe this is the proper vehicle to accomplish that goal, and I hope you would vote against the motion of the Senator from Cumberland, Senator Richardson, to accept the Ought to Pass Report "A". Thank you.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I welcome the return of the distinguished Senator from Penobscot to the arena because down here we are not under any limitations other than those imposed by

the presiding officer and our own affection for one another.

If Senator MacLeod, who originally signed the Ought to Pass Report on this bill, thinks that there was any agreement by anybody on that Committee to at some later time come back in and repeal this bill, I think he is listening to another drumbeat from another quarter because there was no agreement to repeal this legislation.

A close personal friend of mine and of the Senator from Penobscot, Senator MacLeod, suggested that it might be appropriate to attempt to give the owners of grass and timber rights who are litigating this case that has been brought against the State of Maine an opportunity to work out a consent decree. That was no idea of mine, members of the Senate. I transmitted that suggestion to the Attorney General, and I agreed to postponing the effective date of this act in order to permit that type of negotiation to proceed. There is nothing sinister or unusual or bizarre about that.

Now, let's get back to the most grievously inaccurate portion of my distinguished friend's statement. A letter from the Attorney General? Let's see it. Let's have it right out in front, as we say, God and everybody, including the Maine Senate. Let's see the letter from the Attorney General that says that these grass and timber rights are tantamount, equal to, or as good as simple ownership. Let's see it.

Perhaps the most instructive thing — and there were many instructive parts of the comments by my friend, the Senator from Penobscot — perhaps the most instructive thing was his suggestion that these people are treating this as their land. That's the whole problem. The whole problem is that the people who own these grass and timber rights, which they bought for pennies an acre, are continuing to trade them as though they were fee simple ownership titles. And as the Bangor Daily News and so many others have pointed out, the state has an absolute right to enact such legislation as it deems appropriate to provide a measure of self government to these areas.

There is no question of stealing

anything from anybody. I reject that kind of language. I think it is inappropriate to this discussion. There is no exercise of eminent domain involved here and there is no expropriation of anybody's property. The issue is whether or not we have a right to enact a grand plantations bill. If you think it is kooky and bizarre, if you disagree with me, if you disagree with the Senator from Androscoggin, Senator Clifford, if you disagree with the Maine Municipal Association, if you disagree with the special counsel assigned to the Committee who, in my judgment, is the most knowledgeable municipal law expert in this state, then fine, go ahead and vote against it on that basis.

Now, as far as any tax implications to any of the owners of these grass and timber rights, I sincerely regret that the Senator from Penobscot brought that up. He is discussing on the floor of the Senate a matter which is perhaps going to end up damaging the interest that he is interested in serving or protecting by giving them an opportunity to delay. Whether or not this bill has the operative effect of terminating grass and timber rights is going to be for the courts to decide. To suggest otherwise is to seriously damage the legitimate economic interests of those who own grass and timber rights. The Attorney General of Maine, members of the Senate, the present Attorney General of the State of Maine has taken the position that these grass and timber rights have already ended by their own terms. The present Attorney General, representing the interests of the people of the State of Maine, has taken the position that all they bought for pennies an acre was one time around, that they got a chance to cut and carry away one growth. They didn't buy, according to the present Attorney General, the right to cut and recut and recut and recut. So whether or not the grass and timber rights have been terminated, either under the present state of the law or after this bill becomes law, will be decided by the courts. And to start talking about tax implications is really quite silly, frankly.

As far as this bill coming late to the scene, the fact of the matter is that the

Committee has gone to extraordinary lengths to try to get information about this bill out to the people. We have held two public hearings here in Augusta, which were fully advertised; we held three public hearings in the unorganized territories; we had staff people available to answer questions; we have mailed out a substantial number of these descriptive brochures, one of which appears on your desks, so I think it is just a lot of hogwash to talk about this bill coming late on the scene.

The distinguished Senator from Penobscot can read into the bill any motives that he wants to read into it, just as you can. The real issue, when you really boil it down though, is whether or not the bill is a sensible exercise of the legislature's responsibility to provide workable, sensible government for all the people of the state. On that test, I believe, and even the opponents of this bill who are not always motivated by interest in civics and good government, the opponents of this legislation themselves have repeatedly indicated that it is an extraordinarily fine piece of work. They don't agree with it and they think it has got a lot of problems, but they still recognize the fact that this is good legislation in terms of what we were able to devise to meet a very serious problem. And if the grass and timber rights were not thought to be an issue, this bill would sail through here without any problem at all. You know it and so do I.

Mr. President, we might as well cast the votes that we are going to cast this morning on the record so that there isn't any question about it. I make no apologies for the length of time that I have taken to bring this issue to you. The people of Maine are going to get their lots back, they are going to get their land back, and that is true whether we have the courage to do it today or it takes five years. It is going to happen. It is going to happen notwithstanding partisan politics, it is going to happen notwithstanding the vigorous efforts of a special interest group. The people of Maine are going to get their lands back, and I just as soon have the first vote on that recorded and, therefore, I would ask for a roll call.

The PRESIDENT pro tem: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I didn't intend to get into this debate but the good Senator from Penobscot, Senator MacLeod, kind of forced the issue. I thought he was in his seat, but I hope he is around so he can hear my remarks.

I was going to say that if his opposition to this bill is based on the argumentation which he just gave us, I would say that it is shallow argumentation. He used as his major argument, for instance, the case of Mr. Davenport. Well, I happened to be at the hearing at the time Mr. Davenport testified, and it is true that he did pay \$29,000 in 1969 for the grass and timber rights on 41 acres. But what the good Senator from Penobscot failed to mention is that this included 1,900 feet of lake frontage, and that is what they wanted the property for, the lake front. This is a campsite. In fact, Mr. Davenport did testify that they were not interested in cutting. They were interested in protecting their campsite and their interest. They were also interested in protecting the private road which goes to this property. So the figure of \$29,000 which was given to you by the good Senator from Penobscot is misleading. It is not for the grass and timber rights; it is for all of these other reasons that they paid the \$29,000.

He also made the statement that the date this bill would come into effect was June 1, 1975, and it therefore would give these landowners the right to make a cutting before they turned over these grass and timber rights to the state. Now, it is an impossibility for these landowners to cut 400,000 acres inside of a year, so that also is a very poor argument.

I have been involved in this matter of public lands for quite some time. In fact, back in 1963 I presented a bill, a forest management bill, which involved some of this. In fact, at that time I did some research on this. And when I lost my bill at the hearing on the constitutionality, I tried to reintroduce my bill as an amendment to the spruce budworm spraying bill. The argumentation that

the proponents were giving us at that time was that the State of Maine had a stake in these lands and that therefore we should provide them \$240,000 worth of public money to spray these lands. What they didn't tell us at that time, of course, was that the State of Maine didn't own the grass or the timber that was growing on these lands because it had been sold.

So I think by passing this, at least we would be making it constitutional. We have been feeding and feeding the kitty to spray these lands for spruce budworms, and we are spraying somebody else's crop. So at least by passing this we would be making that action constitutional. I am in favor of this bill that was presented by Senator Richardson.

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

Mr. MacLEOD: Mr. President and Members of the Senate: I first want to make one thing perfectly clear, that my longstanding affection, love and respect for the Senator from Cumberland, Senator Richardson, is not in any way diminished by the nasty things he said about me in his previous speech.

He implied that from my remarks there had to have been an agreement made in the Committee that before June 1st, 1975 this would be repealed if a consent decree were entered into to the satisfaction of the Attorney General and the parties concerned. I never said there was any agreement entered into, and I would like to ask the Senator from Androscoggin, Senator Clifford, when I sit down, to say whether it was or not discussed in the Committee that the people who signed the Ought to Pass Report said it was a lousy local government bill and would vote for the repeal if the grass and timber rights question were solved.

I never implied there was anything sinister about a consent decree. I am not a lawyer and some of these legal terms I get a little nervous about, but I never said there was anything sinister about a consent decree entered into between the Attorney General and the other parties. I never said anything about expropriation, I don't believe — well, yes, expropriation, I guess that means

the same as stealing. We did discuss stealing the land back. I didn't know about this expropriation, and that means the same thing, but the words that were used were "Let's steal back what was stolen from us."

I would like to take issue with one remark of the Senator from Cumberland, Senator Richardson, when he implied again there were people or interests that I was serving. I am not serving or protecting any special interest group. I never have since I have been a member of the Maine Legislature and I am not about to start now.

The people up there don't want it. He said they may be 50-50, but from all the evidence I have seen and from the petitions that were presented to the Committee, the people involved don't want this grand plantation imposed upon them from above. I said well, let's at least give them the right of self-determination, let's have a referendum to see whether they want to become one of these eight new grand plantations. No; we couldn't do that. We couldn't let the people vote on whether they wanted to become a part of it. Many of these people belong to organized townships who voted to deorganize because they didn't want that government. They are up there in the woods because they want to be in the woods without a city council, town council or a school committee. They are perfectly happy the way they are. Not all, O.K., but I will say more than 50 per cent of them. The statement by the Senator from Cumberland, Senator Richardson, was that it was about 50-50, but I would say it was nearer 80-20 that don't want it.

He described as hogwash my remark that this came late on the scene, this Grand Plantations Bill. We went up and held three public hearings. We went to Aroostook and we went over to Franklin County, and we never talked about "grand plantation" to those people. We talked about timber cutting practices and I learned about water bars, you know, the skidders that make these deep trails and you are going to have water bars. I got quite an education from these hearings, you know, the water that comes down and erodes the land, and we

discussed that type of thing, rather than imposing a new government from Augusta on those people up there in the woods who don't want it.

Mechanically, this is good legislation. It has been checked over by an expert in municipal law and government and it is mechanically O.K. Sure we can pass it. We can impose this on the people up there, we can impose these eight new grand plantations. They would have to drive 150 miles to go to a council meeting or town meeting, whatever they have, but we can do that.

At the conclusion of his remarks, the Senator from Cumberland, Senator Richardson, mentioned about whether we had the courage to vote for this piece of legislation. Well, I don't know if it is a matter of courage to vote for it or whether it is a matter of courage to vote against it. I think this Senate will do what they think in their minds and hearts is right. But I am telling you that for the legislature of this state to impose upon people in the unorganized territories these eight grand plantations, without even giving them a chance to vote on whether they want to be in one, is hogwash and it is designed not for local government but to determine the grass and timber rights. I said earlier that these grass and timber rights should somehow be terminated and returned to the state, but there is a lot more involved and it is a lot more complicated than just a matter of passing this piece of legislation and then coming in to the 107th and repealing it.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First I want to state that I will support passage of this legislation. I would support passage of any legislation for the state to rightfully get back what belongs to it.

Frankly, I am a little confused by the remarks of my good friend, the distinguished Senator from Penobscot, Senator MacLeod. He talks in terms of the timber interests stealing these things earlier and now the state stealing them back. Well, that is a rather strange sense of justice. I think if somebody steals something from me and I take it back, it

is not stealing when I take it back. It is just simple justice, something that should have been done probably years ago.

The question I had though is in regard to the grand plantations. After the public lots, hopefully, are fully recovered and retrieved by the people of the State of Maine, will there really be any need for the grand plantations? I would like to have someone try to answer that question.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The point that I have been trying to convey to you all morning is that the Grand Plantations Bill, the concept of which was supported by the Maine Municipal Association at our hearing, really is a good method of intermediate government to provide to these people. There is significant hostility toward the Land Use Regulation Commission and other departments and agencies of state government because the people who live in the unorganized territories have a very real sense that they are being told what to do and they don't have any opportunity to participate in the decision making process on schools, land use regulation policies, and other important decisions affecting their lives.

The whole concept of this bill is to permit them to set up a council of three, five, or seven members, to have their manager, and he is the man who is responsible for seeing to it that their interests are represented. He knows what the latest regulation of LURC is, and he knows what the latest requirement is for set-back and cutting, and so forth, and he is there to provide that kind of liaison.

Plantations have traditionally been a creature of legislative device. The legislature created plantations. There is plenty of precedent for permitting more than one township to be in a plantation. The idea is that the legislature has the responsibility to design a form of self government which will really meet the legitimate governmental needs of these people, and I believe this bill does that. And I believe that there is nothing hokey

or a sham about this legislation. I believe that the great majority of people who have studied this, who are knowledgeable in the field of municipal government, agree. I think that it is a perfectly sound proposal.

I cannot resist the opportunity, since I so seldom have an opportunity to talk with him and to him, to also mention to my dear friend, the Senator from Penobscot, Senator MacLeod, that I find it difficult to understand how he can suggest to you that a majority of people in the unorganized territories are against this bill because he wasn't at the hearings. I was there and I talked with these people. The hearing in Edmunds went from 7:30 until something around a quarter of 11:00 at night. Edmunds, for those of you who do not know it, is in Washington County, northeast of Machias. I attended the hearing in Kingman on Saturday and I spent three hours talking with these people and heard what their problems are. They are terrified about big government saying we are going to close your schools and they want an opportunity to have a legal voice in that decision, which is exactly what this bill gives them. Thank you.

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

MR. CYR: Mr. President and Members of the Senate: The good Senator from Penobscot, Senator MacLeod, mentioned that there was no interest on the part of the public. Well, I have here a letter — in fact, it is a letter that was sent to Senator Richardson of Cumberland, and which he distributed on our desks. This is from the President of the St. John Valley Woodcutters Association, and they favor this bill.

Now, possibly I shouldn't be getting up on my feet a second time, but this is important to us. I am a Senator from Aroostook County where five million acres of this wildland happens to be, and I will tell you what in my estimation this could do. The landowners have been using these public lots and cutting on these public lots as though they belonged to them. Now, we have about four large companies that are involved — I am talking about the major ones — that are involved, such as Great Northern,

International, and so forth, and Irving in Canada. Now, this is what is involved as far as we are concerned: A few years back we had a chance to bring in a pulp mill to St. Francis, and this would have been in competition with some of the companies now existing that are making paper in the State of Maine and own some of this land. Naturally, they are not interested in trying to get competition. Now, statistics will show you, the figures will show you, that our annual growth exceeds the annual cut, which means that we have more timber growing than our needs or that we are cutting in the State of Maine, which would indicate that possibly another pulp mill or two could be supported by the growth, the annual growth that we have in the area. So we worked pretty hard to try to get this company to come to St. Francis.

Now, there is no company that will establish itself in an area unless they have a pretty long contract on timber cutting. Well, they are at the mercy of the existing companies that own that timber today and are using it and keeping it for their own needs. If this plantation bill should be passed, then these 400,000 acres belong to the public, and this is a chance to help the public, to help the people of the area, to at least contract with them for the cut on these public lots. This is what is involved, as far as I am concerned, and this is the reason why I will support this measure.

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

MR. KATZ: Mr. President, I came into this chamber this morning feeling that this is a black and white situation, either you were for the people or you were agin 'em, and now I have a sense of a great big iceberg floating by and I can see the exposed tip very clearly but I can't see the submerged base, and I wonder what the submerged base is.

This legislature has already enacted into law some very significant legislation. We enacted a property tax reform, we repealed the poll tax, we established professional assessor districts, we created a district attorney system, we established a statewide system of vocational education, and we passed a bill of rights for the

handicapped child. All these bills had one thing in common: they were bills that had been previously proposed by other legislatures in one form or another and not finally enacted until this session. Many of them were enormously important pieces of legislation. This legislature has many strengths, but with the limitation of our staffing and the limitation of our time, when it comes to major legislation very frequently we have to get familiar with the problems, and very frequently the familiarization extends over more than one session of the legislature.

We all share one thing in common: we want to recapture these lands that belong to the public. I for one feel the nature of the iceberg is such that I really don't know the full implications of this bill. These lands are being held, in effect, in escrow for the people of the State of Maine and perhaps this system of escrow has acted to the advantage of the people because at least they are there and they are not developed. I for one will vote against this bill this time because I am completely uncertain, after listening to the debate, as to the nature of the full implications of this bill.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: First of all, there is a referendum provision in the amendment of this bill which allows the people in any one of these grand plantations to deorganize after a three year trial. So there is a referendum provision that they can deorganize if they feel after a trial run that the organization does not suit them.

I also think, Mr. President and Members of the Senate, it is incumbent upon me to elaborate on some of the discussion in executive session which has been alluded to by the good Senator from Penobscot, Senator MacLeod.

First of all, I think I do acknowledge as a proponent of this legislation that there are pros and cons to it and that it is not a black and white situation. It was a close question to many of us on the Committee. There was discussion relative to the effective date of this act because of those questions. We

acknowledged that there was a lot of money involved in one of the state's more important industries. We also acknowledged that the grand plantations was a new concept and that people should become more knowledgeable as to what it does to them so perhaps more time would be needed than the regular effective date. I think these are a couple of the reasons why the June 1, 1975 effective date was put on this bill. It would give the people time to become familiar with their municipal type organization and it would allow perhaps some of the people who had recently purchased cutting rights to get one cut and realize a return on their investment.

There was also discussion within the Committee that if in fact an agreement were to be reached in the case pending in the Kennebec County Superior Court between some of the owners of the timber cutting rights and the State of Maine, if an agreement were reached in that case which would guarantee that the state get back the timber cutting rights, and if it were determined over a period of months that there was substantial opposition in the unorganized territories to the grand plantation idea, if those two factors occurred, then some of the Committee members, including myself, agreed to consider voting for repeal of this legislation. I hope that will clear up what I understand to be the discussion and the reason for the effective date of June 1, 1975. I think that those factors and those considerations led me to vote in favor of the bill, because I think there is protection for all sides under the Report "A", the redraft of the bill with the Committee Amendment. I think that all sides are protected, good government goes into operation in the unorganized territories, and the public of the State of Maine gets back what is rightfully theirs. Thank you, Mr. President.

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

Mr. TANOUS: Mr. President and Members of the Senate: I am sure you have heard this remark a thousand times perhaps in this session, "I had not intended to speak on this bill", and I am not going to make that remark. I did

fully intend to speak on this bill, but I did want to have the opportunity to take in the debate. And I want to commend Senator Richardson from Cumberland for his most eloquent discussion of the grand plantation scheme. I think he did a fine job. In fact, he almost had me convinced for a moment, until the good Senator from Penobscot, Senator MacLeod, came down from the podium and shed some light on this most controversial subject, which has provoked some debate and further discussion whereby maybe an individual can make a better objective decision on the proposed legislation.

Now, first of all, I want to clear the air. The newspapers and individuals have made remarks that we, as State Senators, should not buckle under the pressure of big landowners. This has been said in the newspapers and it has been mentioned on the floor of this body, that we should not submit or buckle under the pressure of big landowners or have our arms twisted to vote against this particular piece of legislation. Well, members of the Senate, I come from a Great Northern Paper Company area. It is no secret that East Millinocket and Millinocket is Great Northern Paper Company area. And I have not had one individual speak to me, one paper official, one lobbyist, one single person, speak to me about this particular bill or my feelings on it, not one. In nineteen years of practicing law in that area I have represented Great Northern Paper Company one time in that nineteen years. I might add that I have sued them at least 300 times in that period of time. In fact, they are not too happy with my labor record either.

I think there are items that ought to be discussed that have not been touched upon. First of all, the right of an area, a locality, plantation, township, the right under the present law is with the people that reside within these areas to petition their government if they want to organize either as a plantation or a township. That right has always been the right of the people at the local level to petition their government of their state for permission to organize. It has never been the right of the state to shove down the throats of the people at the local level

big government. And I am fully convinced after hearing the debate, and after having spoken to many people who have taken an interest in this particular bill, that these people residing within the grand plantation scheme do not want this government shoved down their throats.

Now, if the reason for the grand plantation scheme is only to organize these grand plantations, then why not permit them to decide this for themselves? Frankly, I am convinced that the reason for the grant plantation scheme is to deprive the present owners of this land, deprive the owners of the public lots or those that have rights on the public lots, to deprive them of the right of cutting. Now, granted, I am sure that we would all like to see the State of Maine stop the present rightful owners at least from cutting on these public lots.

In the 1860's when this land was sold, along with this was sold the right for these individuals to cut the stumpage on the lots, to cut and take away the stumpage on these lots. This was a right that was granted. Now, there was a condition attached to this right of the people to cut on the public lots. The one condition was that when these areas became organized they would no longer have the right to cut or the cutting rights on these public lots. It was only when they became organized that these rights stopped and, of course, this bill would organize these areas and, therefore, their rights to cut would stop. Basically, this is the only issue there involved, the decision of whether we want these cutting rights stopped immediately or whether we want to permit the courts to do it.

Now, there is a case in court presently pending to determine whether the right that was granted back in the 1860's is a perpetual right or whether it was only intended to be one cutting right. And I am surprised really at our Attorney General that after 126 years all of a sudden this should become an issue. Why wasn't this done 100 years ago? The State may well have lost a lot of money here involved, but the point is that there was a deal made, there was a bargain made, there was a contract entered into by the State of Maine back in the 1860's

or that approximate time when the rights were granted to the owners of these public lots, through a deed, to cut on these public lots. Now, this is a contract that we entered into. This isn't something that they stole, as has been mentioned. This was a contract. The Maine Legislature voted to grant the authority to the state to sell this property. I might also say that when this property was sold it wasn't sold to paper companies back then, as the inference has been in many newspaper articles. There were no paper companies in the State of Maine when this property was sold. It was sold to individuals and subsequently through various sales much of the property became vested by purchase in the paper companies. They certainly weren't the ones that purchased it back in the 1860's.

I know that the newspapers have intimated that the paper companies stole this land from the State of Maine, but they purchased it from individuals. The state sold it to individuals, and the state must have known because the legislature had to give authority to sell this property originally. So certainly if there is any full faith to be given to any contracts entered into by the state, then we must recognize those sales as being valid contracts. Now, if there is a misinterpretation as to exactly what the state intended to do at that time, as to the rights granted to individuals, it is not for the legislature to preempt the situation because the matter is in the courts, and let the courts make the determination. I have enough faith and trust in the courts that they will render a decision base upon legal tenets and doctrines and not upon the emotions of the fact that people stole land from the State of Maine.

You know, if this is the philosophy that we are going to follow, Russia will want Alaska back from us because, after all, we pretty near stole it away from them, and the Indians will want much of their land back too. It wasn't unusual back then for the federal government or the state to sell land inexpensively. This was done, and it was given away by the federal government. They wanted the land developed, they wanted people to move in there, they wanted progress, so many state governments and the federal

government sold or gave land away to people for purposes of development and government sold or gave land away to people for purposes of development and progress in the area. Maine was no different. Maine had a lot of wildland and the legislature, in its wisdom, voted to sell most of it, but they did retain 1,000 acres within each township for ministry purposes and educational purposes. But they did sell the right to cut on these particular public lots until the area became organized into a township, at which time the right was to stop.

The newspapers certainly have come out in favor of this legislation, and we have been asked not to buckle under the pressure of the big landowners and the paper companies. But ladies and gentlemen of the Senate, I ask you not to buckle under the pressure of the newspaper editorials that you have seen. In most of the editorials and the writings that I have seen in this particular area the individuals certainly did not research their material properly because there are so many misrepresentations in these articles that it is unbelievable. So I mention to you now, don't buckle under to the editorialists who have written in favor of this particular bill.

Are we going to use the legislature at every session to deny the rights of certain people, regardless of who these people are? On something that a past legislature granted when we entered into a legitimate contract for the sale of these properties over 100 years ago, if there is any dispute over the rights of this contract, then it ought to be determined in the courts and not by us. I feel that regardless of who the individual is, whether he is a millionaire, whether he is a big landowner, or whether he is the poorest individual in existence, that that individual ought to have his day in court. Every citizen is guaranteed that right, the rich, the affluent, the wealthy, the poor, and the handicapped. They have the right to their day in court, and I am confident that the courts will act accordingly. When the day comes that we have to steal from people, as the legislature, what they legally purchased, and when the statement is made that we should give back to the

State of Maine what is rightfully theirs, as Senator Brennan has stated, I am confused, because these people purchased this land from the state, they purchased the rights from the state. If there is a question about the rights, then let the courts decide this. Expropriation is a fine term, and Webster defines this as to take away legally what is rightfully somebody else's. It is a fine word, and Senator MacLeod perhaps gave a better description of it, but when the day comes that we can't defend the rights of the rich people then we can ill afford to help our poor. Thank you very much.

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

Mr. MACLEOD: Mr. President and Members of the Senate: I guess it is a good thing that I don't come down very often from up there because I enjoyed this so much that I would be on my feet all the time and you would be sick and tired of hearing me, but I have to respond to the remarks made by the Senator from Cumberland, Senator Richardson, in his last speech.

One of the things that has come out of being on the Public Lands Committee is that our lives have all been enriched by meeting a gentleman from Edmunds Township, one Alton Bell. Alton Bell is a sixth or seventh generation farmer in Edmunds. He also serves on the Executive Committee in the gubernatorial campaign of the Senator from Cumberland, Senator Richardson. At our first public hearing in Augusta about a month ago, where we were having a public hearing on the proposed draft of the Grand Plantations Bill, Mr. Bell made the statement that he wasn't sure whether he was for or against the bill. He didn't know nothing about it, he hadn't had a chance to read it, but he damn well was going to be against it until he was sure he was for it. And at the hearing last Tuesday Mr. Bell was back from Edmunds, and there was no question of how he felt about the Grand Plantations Bill. I did not attend the public hearing at Edmunds that Friday night or at Kingman Township that next Saturday morning because personal and business commitments on that Friday night and Saturday prevented me. But

Mr. Bell presented at the public hearing on Tuesday a petition with 150 signatures from his area all opposed to the bill:

"We feel the Grand Plantation governmental structure is impractical due to the difficulties of transportation and communication in such large and sparsely populated areas. We feel there will be considerable added expense to Maine taxpayers if the state assumes the management burden of all the public lots and also the added administration costs of grand plantation government. We feel the issue of grass and timber rights should properly be settled by the court and not by this type of legislation." And there are 150 signatures from Edmunds Township.

In Kingman Township, this is handwritten, and not a fancy job: "We the undersigned are in opposition to the bill regarding the organization of unorganized townships into grand plantations, our reasons being: We were not consulted to determine whether we want this type of government. We also feel that it would be an added expense to the taxpayers if the state takes over the public lots and management of the grand plantations." I don't happen to agree with the part about the expense of managing the public lots. I think this is an expense we should assume and will eventually assume. "We believe transportation and communications would be impossible for any one man to cover" — this is the town manager or plantation manager we are going to hire — "without paid employees. We believe the courts should settle the issue of grass and timber rights, but not by this type of legislation."

As I said earlier, I think there would probably be about 4 to 1 of the people involved that would be opposed to this legislation, but they are not going to have any vote on it. They don't have any choice. It is what this legislature decides to do as to whether they have it or not.

I welcome the roll call, and I hope that the motion of the Senator from Cumberland, Senator Richardson, will be defeated.

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

Mr. SPEERS: Mr. President and

Members of the Senate: Unlike the good Senator from Penobscot, Senator Tanous, I definitely had not intended to speak on this bill, however, in listening to the debate, and I must say that it has been most informative, there has been one thing that has come through very loudly and very clearly. It may very well be true that the issue of the contracts is presently in the courts, but the question that is before the courts is the question of whether or not the cutting rights were granted for one growth or for a number of growths subsequently. But there is no question whatever but that whatever rights were granted, were granted only to the point that this territory should become organized.

So, I disagree with the good Senator from Penobscot, Senator Tanous, when he discusses the rights of contracts being impaired. If that were the case, I am sure that those interested would be back into the courts charging that this bill was totally unconstitutional, that they were being deprived of property without just compensation, and they would most certainly have due process before the courts under that approach. But the contracts are not being impaired by this legislation. The contracts are crystal clear that those rights are granted, and they are only rights to cutting, that they are granted only to such point as the towns become organized.

The Legislature of the State of Maine has the right, the duty, and the responsibility to organize those towns when it deems it is in the best interest of the people of the state. So if we decide here today to organize these towns, we are stating very simply and very clearly that the rights that were granted several years ago to cut the grasslands and the timber that were in these areas are hereby terminated, and those rights would then revert back to the people of the State of Maine.

I think that very clearly in this whole debate that is the issue that comes through and stands above all the others.

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

Mr. TANOUS: Mr. President and Members of the Senate: I fully agree with Senator Speers except that the law,

the present statute, and the time that the sales were made, and right up until now, the right of organizing a municipality, a town, has been up to the people, and not up to the state to shove government down their throat, the end result of which would deprive the people of their day in court, there is no question about that. The people residing within those localities, under our laws, have the right to petition their state to become organized if they so desire.

This is the reverse in this particular bill. We are telling them what is best for them, and I certainly disagree with that. The people ought to know whether they want to become organized at the local level. They have the legal vehicle by which to become organized. And it should be up to them to make this decision. Now, if we, in effect, are trying to shove government down their throats, the end result of which would terminate the rights of certain individuals under a deed, under an agreement, then certainly this is an invasion of the rights of people which should be determined in the courts. It is a backdoor approach to what I feel is a matter for the courts to decide.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson, who requests permission to speak a fifth time. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. RICHARDSON: Mr. President and Members of the Senate: I am sorry, Mr. President, I have never spoken this many times on any bill and it is quite a heady experience, I want to assure you. And I am sorry that our distinguished presiding officer, the President of the Senate, the Senator from Penobscot, is not in his seat, but I would like to remind him of our great and good friend, Alton Bell from Edmunds, who testified before the committee that he believed that in Edmunds the votes would probably be roughly equal on either side. The great majority of the petition signatures are from people in Trescott and Marion.

Secondly, 150 signatures out of 1,000 people is a long way from a mandate, even for a politician to claim.

Finally, my friend, the Senator from

Penobscot, Senator Tanous, is missing one of the essential features in this legislation. There is a referendum provision in this bill as it is now before you, as amended by Committee Amendment "A", which guarantees, not promises, but guarantees to the residents of the unincorporated territories now, who would be living in grand plantations, the right to hold referendums. If they in fact found that the Grand Plantation Bill and the grand plantation idea, with their own elected officials and their own manager, answerable to them and responsive to their needs, are not in fact what they wanted, they could vote it out. There is ample precedence in the way that the legislature has structured these governmental sectors over the years for this type of proposal that is before us today.

You have all been most tolerant, and I really appreciate the fact that you have listened so attentively to this bill. There is no question that if this bill passes it is going to provoke the wrath of special interest groups. I persist in believing that this bill will correct what I believe is a monstrous wrong and, to me, it is the ultimate cop-out to say it is over in the Kennebec County Superior Court and during the interim, well, because these people brought a suit against the State of Maine that the legislature is deprived of its responsibilities and its opportunities to do the job that you are elected to do. To suggest that because this is in the courts the legislature is supposed to sit here in a state of semi-paralysis and do nothing is just ludicrous.

You have a constitutional obligation to serve the people of Maine, all the people of Maine, and that is true, regardless of the fact that people who happen to own grass and timber rights decided that they didn't want to risk getting their rights affected over here in this legislature so they brought a suit. Now the cry has gone up all over the state to leave the matter in the courts. Well, the matter is being very properly and adequately and forcefully defended by the present Attorney General. But that does not, that does not deprive us or eliminate our obligation as elected representatives of the people of this state

to take action which I believe is clearly in the public interest.

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

Mr. HENLEY: Mr. President and Members of the Senate: Briefly, and this is brief, I am neither an attorney or a big landowner, just a small landowner. I would like to ask a few questions, and possibly pose them through the Chair, to any one of the proponents of this bill that would care to answer.

First, I would just like to make a statement or two. It seems to me that this whole problem has been partly generated by the news media and by a small nucleus of people who decided that a gross injustice has been imposed upon the State of Maine and its people. We heard back through the years in the legislature that the people were being robbed of taxation because the big timber interests were not paying their fair share of the land property taxes. That has been an issue in the legislature for years, the wildlands tax. Now it almost seems to me that this is another approach.

I am not trying to build up an opposed position against the bill. I am curious. I don't seem to know wherein the average citizen in the State of Maine is being benefited greatly by this bill. Is it just a matter of ownership? Is it just a matter for the average citizen of the street to say I am a part owner of 400,000 acres? Or is it going to gain us, the average taxpayer of the street, money? Is it going to save us money? What is it going to do for the average voter of the State of Maine? I am a little bit obscure on this. It seems to me as though year by year there are certain interests in the State of Maine, possibly some of the conservationists, that are throwing more and more obstructions in the way of the very thing which many of us are striving for, which is to raise the base of the standard of living of the people of the State of Maine.

Now, if we are going to continually throw more monkey wrenches into the gears of progress one way or the other, why, we certainly aren't going to help that standard of living any, and I just wonder if this is another one of them. I

have not been pressured. I do not have much to do with the large holdings in the wildlands. I have a sister-in-law who owns a couple thousand acres of wildlands, but it has nothing to do with this group and it would not have anything to do with this bill. It just seems to me that this bill is a manufactured legislative machine or gimmick to do quickly what we may be able to do through the courts in a little longer time.

Surely, if the towns and the plantations want to organize, as my friend Senator Tanous states, the machinery is there to do it, but is this bill just saying to them you can organize? No, it is saying you will organize, and if you haven't got people enough to do it we will send some in. It just seems to me an artificial program to short circuit or to bypass the logical, legal process.

Consequently, I cannot support the bill. I don't care what the newspapers say about it. As far as the editorials are concerned, they haven't been very sympathetic with anything the legislature has done for the last ten years, and I don't see that this is going to bring about any change. I am voting the way I feel that I want to vote, and I cannot buy this particular bill at this time.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: A couple of brief points: First of all, the taxes which have been paid on these public lands with the timber rights have not been taxes paid on a fee simple interest; they have been taxes paid on the timber and grass. So that the owners of the timber and grass cutting rights have not paid taxes on a fee simple interest. They paid taxes exactly on what they own, and that is the cutting rights.

I think some of the benefits which could be derived for the general public, because the courts have indicated that the public lots can be used, and of course the timber and cutting rights on the public lots, or what we are talking about, it is for the courts to determine, but are certainly probably being terminated.

The state has now a Bureau of Public

Lands which could trade and exchange public lots to secure, for example, a large area of land for recreation purposes to be used by the people of the state. The preservation of wildlife and wildlife habitat is another purpose for which some of these lands could be used. Game management areas could be set out on some of the public lots. Again after an exchange between the Bureau of Public Lands and the timber companies which own the majority of the wildlands. Wood products experimentation might be another purpose which would serve the general public of Maine. So there are numerous purposes that these public lots could be put to, especially after the Bureau of Public Lands would exchange the public lots in some areas, give some of those public lots to the timber companies in exchange for lots in other areas, for example, more suited to recreation or more suited to game preservations. So I think that there is certainly a very substantial benefit to be derived by the public if in fact the timber cutting rights were terminated. Thank you Mr. President.

The PRESIDENT pro tem: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate accept Report "A", Ought to Pass. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call please rise and remain standing until counted.

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

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, if Senator Anderson were here, he would have voted "No", and I would like permission to pair my vote with his.

The PRESIDENT pro tem: The Senator from York, Senator Danton, states that if the Senator from Hancock, Senator Anderson, were here he would vote "No", and Senator Danton would vote "Yes". Is there objection to the Senator being excused from voting? The Chair hears none, and the Senator is excused.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President, I would like to be excused from voting on this issue because of the possibility of an apparent conflict of interest.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Sewall, requests that he be excused from voting. Is there objection? The Chair hears none, and the Senator is excused from voting.

The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate accept Report "A", Ought to Pass, on Bill, "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State in to Grand Plantations." A "Yes" vote will be in favor of accepting the Ought to Pass Report "A" of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Clifford, Cyr, Kelley, Morrell, Richardson, Speers.

NAYS: Senators Berry, Cianchette, Conley, Cox, Cummings, Fortier, Graffam, Greeley, Haskell, Henley, Hichens, Huber, Katz, Marcotte, Minkowsky, Roberts, Tanous, Wyman, MacLeod.

ABSENT: Senators Joly, Olfene, Schulten, Shute.

A roll call was had. Seven Senators having voted in the affirmative, and 19 Senators having voted in the negative, with five Senators being absent and two Senators being excused from voting, the motion did not prevail.

Thereupon, the Senate Accepted the Ought Not to Pass Report "B" of the Committee.

Sent down for concurrence.

(See Action Later in Today's Session)

Second Readers

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

House - As Amended

Bill, "An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office." (H. P. 2054) (L. D. 2589)

Bill, "An Act Relating to the Dredging, Filling Otherwise Altering of Rivers, Streams and Brooks." (H. P. 2053) (L. D. 2588)

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

Orders of the Day

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

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act Providing for a Workmen's Compensation Insurance Fund." (H. P. 1811) (L. D. 2292) Report A — Refer to the 107th Legislature, Report B — Ought to Pass in New Draft (H. P. 2047) (L. D. 2580) Under Same Title, Report C — Ought to Pass in New Draft with New Title of "An Act to Create a Competitive State Workmen's Compensation Fund" (H. P. 2048) (L. D. 2581)

Tabled—March 21, 1974 by Senator Berry of Cumberland.

Pending—Acceptance of any Report.

Mr. Tanous of Penobscot moved that the Senate Accept the Ought to Pass in New Draft Report "C" of the Committee.

The PRESIDENT pro tem: The Senator has the floor.

Mr. TANOUS: Mr. President and members of the Senate: When this bill was heard before the Laor Committee, I originally had signed Report "A" to refer it to the 107th Legislature because I felt at that particular time I certainly couldn't buy the concept of a compulsory fund as is contained in Report "B". The reason that I can't buy a compulsory type of fund is, again, my philosophy is such that I don't like to shove down the throats of people again laws in government they don't want. The free enterprise system by far is certainly the best system, and to create a mandatory, compulsory fund is just antagonistic to my whole philosophy.

This is dealing with industrial workmen's comp. insurance, and presently our employers in the state buy workmen's compensation insurance from private industry, through insurance companies that do business in the state. This is the manner in which it

is carried on, and I think it is a good system and it is working out real well. There aren't many employers, in fact, I don't recall any employers that were at the public hearing, of any magnitude, that is, that were in favor of this, and of course there were none that were opposed as well. But I do mention the reason that I signed Report "C" is because we have an area of our employers in this state that find it virtually impossible to buy workmen's compensation insurance to cover their employees. I say virtually impossible because the expense is so vast that it is financially virtually impossible for them to buy, and many, many companies just refuse to write it. I know in my area it has been extremely difficult to find an insurance agent whose company will write insurance for woods workers because of its extreme hazardous nature, and in any type of hazardous employment of that kind, employers find it extremely difficult and very expensive to buy. To give you an example, a woods worker, for instance, who earns a hundred dollars, his employer has to pay seventeen dollars in premiums on every hundred dollars. For every hundred dollars he pays out in salary, it costs him another seventeen dollars to cover that man under workmen's compensation, and this is a very expensive procedure.

Report "C" is an elective type of deal. Nobody has to join the fund. No employer in the state is mandated to join the fund. They can do so if they feel it is for their best interest. And this is principally what it does, it sets up another area which free enterprise has been reluctant to serve and in many instance refuses to serve because of the exposure to expense on their part and the high cost of the premium.

This particular bill does not create a fund whereby it would immediately kick into operation. This is legislation which creates a commission, and the commission will have to formalize the whole operation of the fund system. They would have to come back to the legislature to kick the bill into operation. So that nothing can be done under this fund until it comes back and is reviewed by the legislature and further authority is granted to the commission to put it

into operation. Basically what we are doing, if we enact this, is to place something on the books, and a further plan has to be developed and has to come back to the legislature in order to be acted upon before the fund can be in operation. Thank you.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Because of reasons that I have previously indicated on the floor of the Senate, and because my firm does a substantial amount of workmen's compensation work — we either do the large or next to the largest volume — because of the potential appearance of a conflict of interest, I ask to be excused from voting on this matter.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Richardson, requests to be excused from voting on this matter. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to direct a question through the Chair: If the private interests have found that this is financially unfeasible, wouldn't this mean eventually it would be quite a large part of the state budget to maintain this insurance program?

The President pro tem: The Senator from Penobscot, Senator Cummings, has posed a question through the Chair to any member of the Senate who may answer if he wishes.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I perhaps should have mentioned that when I tried to explain the bill. The bill in itself is not funded by state funds. The only amount of money is that the bill needs an amendment on it, an appropriation of some \$35,000, and this is to create your commission and give them funds to operate with. But the state's credit is not in any way involved in the fund. This would be done through bonding features, and it would have to again come back through the legislature for the whole mechanics of the operation of the fund.

Of course, the legislature would have to vote on whether it agrees with it or not.

The only amount of money that I am familiar with that it would cost the state would be that initial \$35,000, which I have been told by Mr. Hogerty would be required to set up the commission and have it operate. The bill does contain a clause that any funds appropriated by the state would be reimbursed to the state when the fund gets into operation.

Other than that, I also have an amendment, if the report is accepted, to the bill which would require the fund to pay the State of Maine a two percent tax, which we presently receive from insurance companies on premiums that they derive from the sale of policies. Thank you.

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

Mr. MORRELL: Mr. President and Members of the Senate: Perhaps I am in error, but my information is that the base rate in Maine is \$13.75 per \$100. Perhaps I am in error, but my understanding is also that New York State has a base rate of \$22, with essentially the same benefit as any competitive plan. I guess what confuses me is that if this is so, if those rates are accurate as I described them, what baffles me a little bit is as to what the competitive system has achieved in New York State.

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

Mr. COX: Mr. President and Members of the Senate: I rise in opposition to the acceptance of the report which the good Senator wants. I see this legislation as further encroachment on the free enterprise system in the State of Maine. The \$17 premium on workmen's compensation is generated from two things: loss experience, on which the highest loss ratios in the state are in the timber lands. Two, action by this and previous legislatures in improving the benefits under workmen's compensation, and the premiums have to go up.

I find under working with workmen's compensation in private business that the insurance companies provide safety

people to go around and give you programs on loss control and the safety factor. I looked a little bit into other states, and I find in the State of Ohio they are now up to \$231 million in handling this program, and actually some of the costs are higher than they would be with private business. I hope this legislature would turn down this legislation.

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

Mr. HASKELL: Mr. President, I would request a roll call.

The PRESIDENT pro tem: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand it, there are some 18 states now that are involved in workmen's compensation. Of those states, 12 are involved with the competitive funds and six with the exclusive funds. I further understand that in those with the exclusive funds the premiums saved are approximately 30 percent, but I am realistic enough to know that that could not pass this legislature. But this may be of some assistance so that there would be more compensation provided for workers. For that reason, I will support the motion of the good Senator from Penobscot, Senator Tanous.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Ought to Pass Report "C" on Bill, "An Act Providing for a Workmen's Compensation Insurance Fund". A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those 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 Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, earlier this morning I talked with my seatmate, Senator Joly from Kennebec, over in the hospital. You might be

interested to know that he is getting along very well. He was being given a bath at the time and was enjoying his morning, and he expects to be back with us soon. Senator Joly, being here, would have voted against the motion, and I would be voting for, so I request permission to pair our votes.

The PRESIDENT pro tem: The Senator from Somerset, Senator Cianchette, requests permission to be excused. If the Senator from Kennebec, Senator Joly, were present he would vote "No", and the Senator from Somerset, Senator Cianchette, would vote "Yes". Is it the pleasure of the Senate that the Senator from Somerset, Senator Cianchette, be excused from voting? It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: For those of you who like myself have been contacted by many, many insurance companies relative to 2580, I would mention do not confuse 2580 with 2581; they are two different bills. After I talked with the people that contacted me on 2581 and explained this to them, they felt that if it was something that was elective on their part, that they weren't opposed to that particular one, but they definitely were opposed to 2580, and I would ask that you don't confuse perhaps those people who contacted you relative to this bill.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Ought to Pass in New Draft Report "C" of the Committee on Bill, "An Act to Create a Competitive State Workmen's Compensation Fund". A "Yes" vote will be in favor of the Ought to Pass in New Draft Report "C" of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Kelley, Marcotte, Roberts, Speers, Tanous.

NAYS: Senators Berry, Cox, Graffam, Greeley, Haskell, Henley, Hichens, Huber, Katz, Minkowsky, Morrell, Sewall, Wyman, MacLeod.

ABSENT: Senators Anderson, Olfene, Schulten, Shute.

A roll call was had. 12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with four Senators being absent and one Senator excused from voting, the motion did not prevail.

Thereupon, on motion by Mr. Huber of Knox, the Refer to the 107th Legislature Report "A" of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

(See Action Later in Today's Session)

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

Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Tabled -- March 21, 1974 by Senator Tanous of Penobscot.

Pending — Adoption of Senate Amendment "B" (S-411)

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

Mr. TANOUS: Mr. President, and Members of the Senate: Yesterday there was some discussion with Senator Haskell that there was going to be another amendment prepared for this, and I wonder if Senator Haskell might have any words relative to that?

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

Mr. HASKELL: Mr. President and Members of the Senate: In caucus yesterday it was my understanding that the Attorney General's office was asked to prepare an amendment which would clarify the situation with respect to the point that I raised in debate last week, namely: whether the language that is in the bill might jeopardize federal funding in the event we were not more specific about the area in which negotiation was allowed. The judgment of Mr. West of the Attorney General's Department, as I understand it, is that in the absence of the adoption of the amendment which I offered initially on the management rights section, the only other way to avoid the problem that was outlined, namely, the threat of cut off of federal

funding, would be Amendment "B" which I proposed. My understanding was that Mr. West was to talk to Senator Tanous. Apparently he has not, but that was my understanding of the situation.

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

Thereupon, on motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

Reconsidered Matter

Mr. Huber of Knox then moved that the Senate reconsider its action whereby on Bill, "An Act Providing for a Workmen's Compensation Insurance Fund", the Refer to the 107th Legislature Report "A" was Accepted in non-concurrence.

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

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

Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities." (S. P. 737) (L. D. 2149)

Tabled — March 21, 1974 by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-146)

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System." (S. P. 944) (L. D. 2590)

Tabled — March 21, 1974 by Senator Richardson of Cumberland.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-421, was Read.

The PRESIDENT pro tem: The Chair recognizes that Senator.

Mr. RICHARDSON: Mr. President and Members of the Senate: The purpose of this amendment is to obviate some objections initially raised by the Senator from Cumberland, Senator Berry, as to the propriety of requiring the Maine State Retirement System's Board of Trustees to report directly to the Joint Standing Committee on Veterans and Retirement in addition to the Governor and Council. The amendment would require the Retirement System Trustees to report on their annual review of the system and report as to its financial health to the Governor and the Legislature without specifically singling out any one specific committee. This matter was discussed in the committee hearing executive session a couple days ago, and it has the support of all of the members of the Committee on Veterans and Retirement, and I hope it meets the objection that had been raised.

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

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

Sent down for concurrence.

The President pro tem laid before the Senate the following:

Bill, "An Act Making Supplemental Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975." (S. P. 807) (L. D. 2290) reports that the same Ought to Pass in New Draft under New Title: "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (S. P. 951) (L. D. 2602)

Tabled — earlier in today's session by Mr. Haskell of Aroostook,

Pending — Passage to be Engrossed.

Mr. Haskell of Aroostook then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-423, was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. HASKELL: Mr. President and Members of the Senate: Up to this point in this session, I have failed very conspicuously to present my constituents well because by far the most serious problem that faces them is the very severe financial difficulties of Ricker College located in my home town. I have tried through the introduction of a bill that would have granted a loan to them to solve this problem, but this was defeated in the House and was defeated in the Senate without debate.

I have had the rather peculiar experience this year of serving as House Chairman of the Appropriations Committee up until the time that I assumed my seat in this body, and since that time I have had kind of a shadow relationship, let us say, with the Appropriations Committee. I had been serving on several subcommittees and I have continued to report back to the committee, and I have participated in some of their executive sessions. I had discussed the problem of supplemental funding for the student tuition equalization fund at some length with the committee while I was a member of it. I had the feeling that I had convinced the majority of the committee, at least, of the absolute necessity of some additional funding going into this budget, but apparently my reading of the temper of the committee was ill-founded because yesterday, following their executive session, I learned that no additional funding had been put into this section at all.

This is only one more step in my continuing series of failures to adequately communicate to the legislature the problem that is existing in the state, and I think I can give you the dimensions of it by dealing with specifics. Almost every weekend this year I have participated with various friends who are either on the Board at Ricker College or people in the administration trying to devise ways and means that we can continue the operation there. They held out great hope that perhaps we could get the loan process through because their problem is to generate working capital. This failed. I then indicated to these people, as well as to people representing all the

private colleges in Maine, that I would work very diligently and would try to get additional funding included in the supplementary budget. All of the private colleges support this step and recognize the absolute necessity of it if a great many of our private institutions are going to survive.

Now, the alternative to this, let's deal in specifics, if Ricker College cannot open next fall, I don't think that anybody here seriously would think that we are going to sit with an empty college plant in Houlton, with no other higher education facilities available between Presque Isle and Orono, and some 50,000 people in the area, and not be down here with legislation for the state to assume the operation of that institution, because I can assure you, whether I am reelected or somebody else is reelected, that is exactly what is going to take place.

Now, the budget at Ricker College has been running roughly in the area of a million dollars a year. As a state institution, it is going to be substantially higher because the tuition income is going to be substantially lower. This story can be repeated at least three or four other institutions in the State of Maine. So what we are talking about is the potential for the addition to the budget for higher education in the state of something in the area of five or six million dollars. I have tried for six years here to communicate to this body that you could accomplish the same thing if you would give subsidies to the private institutions. I have been a notable failure up to this point in getting this point across.

I finally did get a student tuition equalization bill passed and, after kicking and thrashing for two sessions, it finally got up to a level of funding of about \$300,000 a year, which doesn't begin to attack the problem. I thought that a reasonable amount within the ability of the state to pay would be a request for \$400,000. The people in the private college sector wanted much more than this. I told them that from my knowledge of what was available for financing \$400,000 would be an absolute top figure. I thought that this was reasonable, and I thought perhaps that we could get it funded. My advice to

them was ill-founded. In other advice that I gave them, I told them not to attempt to lobby the members of the Appropriations Committee who are, as I am sure you know, besieged by lobbyists for all kinds of enterprises all the time. I indicated to them that in my judgment the temper of the committee seemed to be favorable, and I had hoped that this amount would be included in the total.

Now, my knowledge of the total budget picture before the final cuts were made was that there was a potential for enough cuts to accommodate this figure. I did not participate naturally, not being a member of the committee, in the final cutting process. But the cuts were not applied enough to accommodate this figure, so we are now in a position where nothing is going to be done for the private college sector.

I personally feel a great deal of guilt in the process because my advice to these people through the winter has been ill-founded. My reading of my relationships with the committee members was wrong. I know, and I am sure all of you recognize, that my prospects for success in tacking an amendment on the appropriation requests are very minimal. But I do want made a part of the record exactly what is going on, and I hope that no one is surprised next session when you are faced with a request for state acquisition of possibly three or four private institutions at a very heavy cost.

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

Mr. KATZ: Mr. President and Members of the Senate: This legislature in the regular session defeated a bill which would have given a comprehensive student assistance program to all Maine youngsters, whether they attended public or private institutions. There is a substantial need for funding such as the Senator from Aroostook, Senator Haskell, presents to you, but the step program so-called never, never, never has addressed the question of the needs of all Maine students.

Now, the program which he is supporting presently has \$600,000 for this biennium in it. He proposes another

\$400,000. I am supportive of putting something else in this program, but certainly not at the level of \$400,000. And I don't think the \$400,000 figure is going to solve the basic problem which so perplexes him and perplexes me.

I am going to make two suggestions to this body: first, on the House Calendar today there is a bill creating the Maine Education Commission, which for the first time will be a vehicle for the private colleges sitting down in a statewide planning session so we can take a look at the whole need. Believe me lady and gentlemen, right at this point in the game a bandaid isn't going to accomplish very much. The basic problem is that the legislature has never faced up to the whole problem, and we keep putting a dollar here and \$100,000 there, and we just don't face the problem. What we need is a vehicle where everybody involved in the post-secondary education field can sit around and plan for the better utilization of our limited resources.

The second thing we need is a comprehensive student assistance program so that all the youngsters in the state get an equal and fair shake at whatever student assistance dollars we put in the program.

Consequently, with reluctance, I oppose the amendment at the present level, and I hope that the Senate realizes that if you accept this additional \$400,000 funding, you are going to make it increasingly difficult for the next session of the legislature to launch a comprehensive program which will help all Maine youngsters, whether they go to public, private, or indeed vocational and proprietary institutions. I think we have had enough bandaids.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I share with the Senator from Kennebec, Senator Katz, the very real reservations about making a commitment of a long term state subsidization of private colleges. I shared these reservations with the same Senator during 1969 when we were considering the same legislation and again in 1971 when, as an interested

member of the public, I was observing the activities of this legislature.

The amendment, as I understand it, involves the funding of an existing program. It involves putting funds into an existing program of tuition assistance for Maine students attending Maine private colleges. I had very serious reservations, as I have expressed them to you, but I think that it is no answer for these institutions to say well, we are going to study your problem, and then after they have fallen victim to the disease that plagues them, we are going to come along and say we are terribly sorry you died; we discovered a cure just a day or so ago.

I believe that this measure should take its place with other LD's that are on the table, including one to which I am opposed, and that is, as I understand it, an appropriation request in the amount of \$401,000 to fund a pay raise for legislators, to which I am opposed. We also have, as I understand it from my discussion with the distinguished Chairman of the Appropriations Committee, other LD's on the table, including, for example, a mileage allowance for state employees.

It is with great reluctance that I depart from the enlightened leadership of the distinguished chairman of the Appropriations Committee, but I really believe that it just isn't going to be any answer to say, you know, we are going to study it for a while, and then these private educational institutions go under while we are studying the problem. So with a clear understanding that this is an interim measure, as was the last one, I agree, with the clear understanding that this is an interim measure, I shall support the amendment.

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

Mr. KATZ: Mr. President and Members of the Senate: Let's put things in their proper perspective. I tried during the regular session to get this legislature to appropriate \$2,000 to the Maine Higher Education Council to start working on this problem. The legislature refused my request. I requested during the regular session a comprehensive student assistance program to serve the

total needs of the big picture, and the legislature refused to go along. I have been doing my darndest to meet this problem. The big stumbling block is the emergency, every time we turn around to look at a comprehensive answer, of bandaids. We are not studying it to death, and we really want to do the right thing.

If you think that this is a temporary program which you are now increasing up to a million dollars by this, you just wait until you try to get rid of it for a comprehensive program next year. And I call to your attention that if you enumerate your constituents who are institutions of post-secondary education, you will find that most of them are in public institutions, and it simply will not do to brush their need under the counter. And that is exactly what a proliferation of these appropriations do, with no attention being paid to the others.

Now, anyone who feels that the passage of this amendment is going to save an institution from going under, or two institutions or three institutions, I say that you are wrong. The only way we are going to solve this problem is by looking at the whole picture, and not sweeping it under the table, but by passing a statewide post-secondary commission and a comprehensive student assistance program. I am trying to shove this very, very harsh medicine down the throat of some private institutions, without any great success.

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

Mr. HASKELL: Mr. President and Members of the Senate: I would like to respond to a couple of points that have been made. I introduced this measure first in the 104th, and the solution then was a study. It was studied and the report came back. I introduced it in the 105th, and it was referred to the Finnegan Commission, so-called, for study. The study was made and it came back. It proposed the comprehensive bill which the Senator from Kennebec, Senator Katz, refers to.

I am supportive of that measure, and I will continue to be supportive of that measure. The reason it was not funded was the total funding cost, which

was in the millions of dollars. That kind of money was not available the last time around, and that is why it was not funded.

After the passage of six years, the total amount we have been able to squeeze out to attack a problem that requires not thousands, but millions of dollars, is \$300,000 a year. Now, this is referred to as a bandaid, that is true. Band-aids have in the past saved a life. And a bandaid is better than no treatment at all. And no treatment at all is exactly the posture we are in right now, unless this amendment to the supplementary budget is included.

Again, I offer this amendment, with very few illusions left as to the prospects of its success, but I did want to make part of the record the fact that probably the position that this money is in currently is my fault, my assessment of the committee action was wrong, my advice to the private colleges not to lobby aggressively down here was wrong, and the failure to do anything in this session is pretty largely my failure.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending question is the adoption of Senate Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: Very reluctantly, and I say reluctantly, I rise to oppose the adoption of the amendment which is offered by the good Senator from Aroostook, Senator Haskell. The committee has considered this very carefully, and the inclusion of this amount of money in the budget was the majority vote of the committee with other priorities in mind.

I will outline very briefly for the Senate the cash situation, if you will, today. At the present time we have on the Appropriations Table approximately \$1.7 million in requests. When this Supplemental Budget is passed, if it is passed intact, we will have a balance remaining of available funds for the remaining part of this biennium, if the estimates are correct from the budget Office and from the Department of Finance and Administration, we will have available \$2.3 million.

Having in mind the \$2.3 million

available, and subtracting the \$1.7 million which is now on the table, which includes, among other things, several major items which I believe have survived the legislative process and undoubtedly merit very high priority. One which has not come through yet, but which is on its way, is a \$500,000 appropriation for tax relief for the elderly. Another LD which exempts machinery used in manufacture from the sales tax, and has been deemed worthy by a majority of both branches as an appropriation, carries an appropriation of \$540,000. As the good Senator from Cumberland, Senator Richardson, said, there is a price tag on the legislative pay increase of \$400,000. The state employees mileage allowance, which is being raised from ten cents a mile to twelve cents a mile, will cost \$240,000. The other LD's on the table, of which there are approximately 35, total \$600,000. These are varying items for various worthy projects. So we have approximately \$600,000 of relatively minor requests available, if we are to spend up to the total balance of \$2.3 million. And personally, I would hope that some cushion would be left from that \$2.3 million in case revenues do fall off in the remaining fifteen months of the biennium as a result of the energy crisis and its impact on tourism and other factors.

So I guess what I am saying is that the Senate here today must decide how this tuition fund stands relative to the other items that I have mentioned and the \$600,000 requested for various LD's that are now on the table. If this were passed, it would mean that only \$200,000, if we were to spend up to the absolute limit, only \$200,000 would remain to fund the 25-odd LD's which are now on the Appropriations Table. Thank you, Mr. President.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending question is the adoption of Senate Amendment "B". The Chair will order a division. As many Senators as are in favor of adopting Senate Amendment "B" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and 18 Senators having voted in the negative, Senate Amendment "B" failed of Adoption.

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

Senate Amendment "A", Filing No. S-422, was Read.

The PRESIDENT pro tem: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: And now for some good news: this would reduce the appropriation by some \$55,000 for other worthy programs. The supplemental budget requests fifteen new spaces at the University of Vermont Medical School now and, although I support the expansion of the program, I just want to call to your attention there is no way, no way in the world, that we can introduce fifteen new students into a freshman class a year from September, fifteen additional students, into the program without by implication saying we are really in a four year program going to be expanding the program by 60. If we really want to add fifteen more students, let's do it four at a year, so as they progress we will expand the program from its present level of 40 to a level of about 55 or 56. We don't need the money in the budget this year to look forward to the years ahead, and I think this is a very prudent and a very honest saving.

Might I point out to you that presently, because you will be hearing more about it, the University of Vermont has 40 Maine students studying to be doctors. They pay a tuition of \$975, and the State of Maine buys spaces at the rate of \$5,000 per year per student. It is an expensive program. The regular session authorized the expenditure for five more students at Dartmouth Medical School, and this has not yet been implemented.

Earlier this session this Senate voted for a measure which ordered the Maine Delegation of the New England Board of Higher Education to study this program and other programs, and it was recommended by the New England Board Delegation that the program be kept at its current level pending the outcome of this study. So I think, in a

very real sense, by expanding the program this year we will perform the intent of the supplemental budget that we will not put \$55,000 of unnecessary money into the program when it is not needed.

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

Mr. HASKELL: Mr. President and Members of the Senate: Speaking in my shadow capacity with the Appropriations Committee, I was Chairman of a Task Force that has been working with the medical school without walls concept, and I am opposed to the amendment that Senator Katz has offered. Ideally, if we could proceed to procure medical school places the way we wanted to procure them, I would agree with his concept. Unfortunately, this is not the case, and I think that I can perhaps pinpoint our problem rather quickly to you.

This year at Vermont Medical School there were 93 State of Maine students who applied for admission. Under the terms of our contract with them, only 14 can be admitted next fall. I talked with the Dean of Admissions and he tells me that, without question, 70 of the applicants are fully qualified in all respects for admission to medical school. There are only places for 14. The rest of these boys and girls who want to pursue medicine as a career have almost no prospects of admission to medical school anywhere, because increasing medical school places are contract places or they are places reserved on state quotas, and the only way we are going to increase the opportunities for Maine youngsters to study medicine is through additional contract places.

Early in the winter the subcommittee of Appropriations met with representatives of the Maine Medical Association and with the University of Maine people who were working on the medical school without walls concept. The question was raised of whether we could buy additional medical school places. We were assured that this was possible. I talked this morning with the Dean of the Medical School in Vermont, and unfortunately, next fall the number

of openings are 14, and the following year the number of openings are four. This is because of the uneven numbers of students in the institution by classes. This upcoming fall there are only going to be four seniors graduate, so we are going to have four places. I asked the Dean if these places could be increased if we founded 15 additional places here, and his answer is "Yes".

I agree with Senator Katz that it would be desirable if we could have an even number of admission places open, not only in Vermont but in other medical schools, and I think this is a goal we should pursue. But if we fail to fund now or we fund a reduced number, the practical effect is going to be that next year we know the maximum number we can have is 14, and the following year it will be four, plus whatever we fund here now. My own view is that when we have 70 fully qualified Maine youngsters wanting to pursue medicine as a career, when we have a shortage of physicians in the state, that we have an obligation to provide opportunities for these youngsters to study medicine. It can be done, and the 15 additional places can be secured.

I am not in disagreement that it would be better if we could even out the opportunities, but it doesn't seem within the present framework that it can be done. So I very strongly urge that you support the appropriation as it is included in the appropriation act and reject the amendment.

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

Mr. TANOUS: Mr. President and Members of the Senate: It is very rare that Senator Haskell from Aroostook and I agree, and I just wanted this opportunity to say that he and I wholeheartedly agree with the opposition to this amendment for the very reasons that Senator Haskell of Aroostook has mentioned.

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

Mr. KATZ: Mr. President and Members of the Senate: I have been perplexed by this program. Some of you may know that I am chairman of the

New England Board of Higher Education, and I can tell you that so far we have identified only nine Maine youngsters. After all the hundreds of thousands of dollars we have poured into this program, only nine have returned to practice medicine, and I have a sneaky suspicion that you will find all of them in Portland or south.

The joint order that you passed earlier in the session directed us to look at the program and see how it is doing and are there alternative ways. I can assure you there are alternative ways and the report will be in in January.

In the meantime, to expand the program by 15 and shove all these 15 new students into one class seems to me to be an expansion that is unwarranted at this time. Four would be much more responsible, and there are four spaces that are open. I also call to your attention the fact that the Maine Delegation to the New England Board of Higher Education at a meeting within the last few weeks voted unanimously to request the Appropriations committee not to expand the program until we have turned our report in because of grave reservations on our part on how it is working.

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

Mr. MORRELL: Mr. President and Members of the Senate: A great many of the youngsters that go to the University of Maine don't settle in Maine, but that doesn't diminish one iota our commitment to education for Maine kids. I think Senator Haskell from Aroostook, for whom I have the greatest admiration, and in spite of what he might construe as rather rough treatment of him on the prior issue, I am in complete agreement with what he said. I think his analysis of the situation is correct. It was his analysis that the Appropriations Committee accepted. It is on that basis, and not because we are all-wise or all-knowing, but because we accepted the arguments that he presented on the description of the problem and the opportunities, that we make the recommendation to you in this document relative to the opportunities at the University of Vermont.

The PRESIDENT pro tem: The pending question before the Senate is the adoption of Senate Amendment "A". The Chair will order a division. As many Senators as are in favor of adopting Senate Amendment "A" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and 16 Senators having voted in the negative, Senate Amendment "A" failed of Adoption.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

Reconsidered Matter

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

Mr. BRENNAN: Mr. President, is the Senate in possession of L. D. 2584, Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits?"

The PRESIDENT pro tem: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

Mr. BRENNAN: Mr. President, I move that we reconsider our action whereby the Senate passed this bill to be engrossed, and I would hope that someone would table it for one day.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Brennan, now moves that the Senate reconsider its action whereby Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits", was passed to be engrossed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: If I understand this correctly, I can see no useful purpose in delaying this bill. If my understanding is correct, this is for the purpose of offering Senate Amendment "B", which is under Filing S-417. This particular amendment, as I understand it from the Taxation Department, will cost approximately \$750,000, in addition to the \$500,000 which the bill requires.

Now, we have heard the dismal report of the Appropriations Committee, and

even at \$500,000 it will have to take its chances with other bills on the Appropriations Table. And I think to put this amendment on is giving this bill the kiss of death because I think it will kill the bill, and certainly I want to help the elderly. The good Senator from Cumberland, I think, will propose this amendment, and I support help to the elderly, but I can see no purpose in going so far that we lose the bill. I think if we go with this position on it that we will kill the bill, so I oppose this motion to reconsider.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to say I have no intention of killing this bill. I want this bill, but I want a little more on it. Now, if you grant my reconsideration motion, I would then move the indefinite postponement of Senate Amendment "A". I then would offer Senate Amendment "B". And in essence, what Senate Amendment "B" would do, it would make eligible for rent and tax rebates and tax relief those who come under SSI, which is the replacement of aid to the aged, blind and disabled, and it would cost some \$750,000. But we are really talking about the poorest of the elderly in many respects.

As I understand it, with the SSI program and a possible eight dollars additional provided by the state, only about \$1776 would be provided per year for these people. I think these people should come under that program. I appreciate the restrictions we are under in regard to financing. I would like to see this go along to the Appropriations Table and compete with some of the other interests. It does cost \$750,000, and no one is kidding anyone about that, but I think it is a need that possibly the state could fill, and that is why I am urging reconsideration so I can offer my amendment.

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

Mr. WYMAN: Mr. President and Members of the Senate: I would agree with the good Senator from Cumberland,

Senator Brennan, entirely until it gets to the point of finding it. I just think that when it goes on the Appropriations Table with an additional amendment requiring more money that we may lose the whole bill. Therefore, I oppose this motion.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would suggest the good Senator from Cumberland take a look at the provisions within the SSI program, and I suspect a good part of what he is aiming at may possibly be handled in that manner.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I look at the bill, presently those who are eligible for SSI are not eligible for rent relief and tax relief, and that is the thrust of my amendment. Again, I appreciate the money it costs.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate reconsider its action whereby Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits", was passed to be engrossed. The Chair will order a division. As many Senators as are in favor of reconsideration will please stand and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Reconsider did not prevail.

Reconsidered Matter

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

Mr. TANOUS: Mr. President and Members of the Senate: Relative to Item 6-2, Bill, "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations." (S. P. 920) (L. D. 2545), I move that the Senate reconsider its action whereby it accepted Report "B", and I hope that I am equally as successful as Senator Brennan was in his preceding motion.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Tanous, now moves that the Senate reconsider its action whereby on Bill, "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations", the Ought Not to Pass Report "B" of the Committee was Accepted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

On motion by Mr. Sewall of Penobscot, Adjourned until Monday, March 25, 1974, at 10:00 o'clock in the morning.