

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

SENATE

Thursday, April 17, 1975

Senate called to order by the President.

Prayer by Father Kenneth F. Connor of Trinity Episcopal Church of Lewiston:

Let us pray, Grant, O Lord, that elected and appointed officials may come to undertake the work of government as a vocation and ministry, that they may bring to their work brains that think and hearts that feel, that they may have ideals, imagination, wisdom and courage, that they may never be enslaved by routine and convention and popular opinion, but may ever be upheld by your free spirit. And we pray, O Lord, for those in our community who are responsible for civic welfare, their health and security.

May your spirit guide our councilors that they may have a care only for what may promote good government, and to all others in positions of responsibility give such a sense of duty that no self-interest shall turn them from it.

We also remember before you those who are employed in our service in dangerous or lowly work, for we are all members of one another and all our labor is honorable in your sight. Help us, each one, to do well the work that we have to do for the good of all.

And finally, O Lord Almighty, guide, we pray Thee, all those to whom you have committed the government of this state and nation, and grant to them at this time special gifts of wisdom and understanding, of counsel and strength, that upholding what is right and following what is true they may obey your holy will and fulfill your divine purpose. We ask this in your name, O Lord. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Sergeant-at-Arms will please escort the Senator from Penobscot, Senator Trotzky, to the rostrum.

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

Papers from the House  
Joint Order  
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Major J. Edward Marks of Thomaston on his Retirement from Service with the Maine State Police

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1498)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Establish an Alternative Method of Support Enforcement." (H. P. 1468) (L. D. 1793)

Comes from the House referred to the Committee on Performance Audit and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

Bill, "An Act Concerning the Potato Tax and the Maine Potato Commission." (H. P. 1390) (L. D. 1798)

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

Mr. Cyr of Aroostook moved that the Bill be referred to the Committee on Agriculture in non-concurrence.

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

Mr. SPEERS: Mr. President, it seems to me that this clearly is a matter concerning the potato tax, and I would oppose the motion and hope that the bill would be referred to the Committee on Taxation, unless there is some overriding reason why this matter should go to the Committee on Agriculture.

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

Mr. CYR: Mr. President and Members of the Senate: It is true that in the title it refers to a potato tax, but this is only to make changes in the commission itself and doesn't apply whatsoever to the tax itself, and that is why the House Chairman has asked me to refer this to Agriculture. This has been cleared, Mr. President, also with the Senate Chairman.

The PRESIDENT pro tem: The Senator from Aroostook, Senator Cyr, moves that Item 1-22, L. D. 1798, be referred to the Committee on Agriculture. Is this the pleasure of the Senate?

Thereupon, the Bill was referred to the Committee on Agriculture in non-concurrence and Ordered Printed.

Sent down for concurrence.

Committee Reports  
House

Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act to Introduce Consideration of Socioeconomic Factors into the Site Location of Development Act." (H. P. 85) (L. D. 115)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Provide a Central Service Bureau to Advise Applicants of Project and Environmental Requirements Under State Law." (H. P. 576) (L. D. 711)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Provide Deadlines within which the Board of Environmental Protection Must Act on Certain Permits and Licenses." (H. P. 628) (L. D. 779)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Reallocation of Existing Institutional Resources of the Bureau of Corrections." (H. P. 559) (L. D. 688)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 709) (L. D. 888)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Provide Vocational Rehabilitation Services to Those Persons who are Deaf or Who Have Impaired Hearing." (H. P. 165) (L. D. 199)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-158).

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for Continuity of Treatment by Ambulance Personnel." (H. P. 495) (L. D. 613)

Reported that the same Ought to Pass by Amended by Committee Amendment "A" (H-159).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds for the Continuation of Children's Mental Health Service within the State of Maine." (H. P. 623) (L. D. 777)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-156).

The Committee on Liquor Control on, Bill, "An Act Relating to Premiums and Rebates by Class A Restaurants under the Liquor Laws." (H. P. 873) (L. D. 1047)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-160).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Marine Resources on, Bill, "An Act to Create the Maine Fishing Gear Damage Fund." (H. P. 412) (L. D. 500)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Create the Maine Fishing Gear Damage Fund" (H. P. 1489) (L. D. 1681)

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

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

**Senate**

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

Bill, "An Act Relating to Disqualification for Benefits under Employment Security Law." (S. P. 239) (L. D. 791)

Bill, "An Act Relating to Discharge for Misconduct as Disqualification for Benefits under Employment Security Law." (S. P. 240) (L. D. 792)

Bill, "An Act Relating to the Definition of Public Place in the Statute Prohibiting Drinking of Alcoholic Beverages in Public Places not Licensed for the Sale of Liquor." (S. P. 360) (L. D. 1164)

**Change of Reference**

Mr. Corson for the Committee on Legal Affairs on, Bill, "An Act Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board." (S. P. 315) (L. D. 1092)

Reported that the same be referred to the Committee on Judiciary.

Which report was Read and Accepted and the Bill referred to the Committee on Judiciary.

Sent down for concurrence.

**Leave to Withdraw**

Mr. Jackson for the Committee on Local and County Government on, Bill, "An Act to Increase the Borrowing Capacity of the Town of Bradley." (S. P. 354) (L. D. 1154)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

On motion by Mr. Curtis of Penobscot, tabled and Specially Assigned for April 21, 1975, pending Acceptance of the Report.

Mr. Roberts for the Committee on Labor on, Bill, "An Act to Provide that Experience Ratings be used to Determine Workmen's Compensation Insurance Premiums for Small Employers." (S. P. 425) (L. D. 1391)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Curtis for the Committee on State Government on, Resolve, Authorizing the Destruction of Student Fingerprint Cards Maintained by State. (S. P. 380) (L. D. 1231)

Reported that the same Ought to Pass.

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act to Increase Certain Fees of Registers of Deeds." (S. P. 249) (L. D. 830)

Reported that the same Ought to Pass.

Mr. Greeley for the Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Definition of "Approved Alcohol Facility" and to Allow Payments to be Made Directly to the Facility." (S. P. 273) (L. D. 879)

Reported that the same Ought to Pass.

Mr. Corson for the Committee on Legal Affairs on, Bill, "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act." (S. P. 331) (L. D. 1117)

Reported that the same Ought to Pass.

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

**Ought to Pass — As Amended**

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued." (S. P. 206) (L. D. 696)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-67).

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

At this point President Sewall entered the chambers and resumed his position at the rostrum. The Sergeant-at-Arms then escorted Senator Trotzky to his seat on the floor of the Senate, amid the applause of the Chamber.

The PRESIDENT: The Chair would like to congratulate the Senator from Penobscot, Senator Trotzky, for an outstanding job in this his first time as President pro tem.

**Divided Report**

The Majority of the Committee on Energy on, Bill, "An Act Creating the Dickey-Lincoln Power Authority." (S. P. 189) (L. D. 662)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York  
TROTZKY of Penobscot

Representatives:

BYERS of Newcastle  
TORREY of Poland  
JACKSON of Yarmouth  
DURGIN of Kittery  
CONNOLLY of Portland  
KELLEHER of Bangor  
BENNETT of Caribou  
GREENLAW of Stonington  
DAVIES of Orono

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

Signed:

Senator:

CIANCHETTE of Somerset

Representative:

FARLEY of Biddeford

Which reports were Read.

Mr. Cyr of Aroostook then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. ROBERTS: Mr. President, I rise to oppose the motion of the Senator from Aroostook, Senator Cyr, and I hope the Senate will accept the Majority Ought Not to Pass Report of the Committee.

I will ask for a division.

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

Mr. CYR: Mr. President and Members of the Senate: I will try to be as short as I can. I have been accused of taking too much time. However, I feel that this is a very important issue or it might become a very important issue.

To begin with, I would like to make it clear that this is only standby legislation, standby legislation. There is no appropriation to it, and there are safeties in the statement of fact.

There are two studies going on right now: there is a study on the benefit-cost ratio, and there is a study on the environmental impact. In the statement of

fact, it reads that in the event both of these studies are unfavorable then the authority is not activated. Also, if the two studies are favorable, and the federal government wants to proceed to build it, it is perfectly all right. This authority will not be activated. However, with the delays going in Washington, particularly in regard to the environmental impact study, if it is not acceptable to the environmentalists in California, for instance, and they have a delaying tactic with this, then the authority will be taken off the shelf and we can go ahead and proceed to build it through the authority.

In regard to building it as an authority, instead of by the federal government, these are some of the advantages that would be accrued. First of all, the State of Maine would stand to gain between 4½ and 5 million dollars a year which would be paid to the general fund of the State of Maine. This would be done by taxing half a mill to the project in lieu of taxes. But these taxes would be available to the general fund of the State of Maine, and not just to a particular area. This would be the first advantage. If it is built as a federal project, of course, this would not occur.

The second advantage: Studies have been made in Canada and also through the Interior Department in Washington of the event of building Dickey, and the downriver benefits would be to the extent of 350 million kilowatt hours a year. Now, half of that — and this has already been stated by Canada — half of that would become available to the project. Now, if it is built as an authority through the State of Maine, this would be available to the State of Maine for just the transmission costs. If it is built as a federal project, this would be distributed among those in the pool and would improve the benefit-cost ratio, and that is all. So the State of Maine would not have direct benefits from that standpoint. That is the second argument.

The third argument is that in the event of creating a storage in the upper St. John, and then releasing the water systematically, this would increase the generating capacities of the plants now downriver which belong to New Brunswick. Mactaquac, for instance, has six bins but only four are turbinated. There are two bins that are empty because there is not enough water, and they are expecting that some day possibly that project will be built. These two turbines would have a capacity of 100,000 kilowatts each, for 200,000 kilowatts. Grand Falls would be increased from 60,000 kilowatts to approximately 240,000 kilowatts. In essence, New Brunswick would acquire, for very little cost, just that of putting in the turbines, the equivalent of a 380,000 kilowatt plant.

Now, this, of course, would belong to New Brunswick and we would have no influence on it. However, with the contracts to export power now going on, it is a federal law that only surplus power can be exported, and this surplus power has to be offered to Canadians before it is exported. If they have a surplus, then they may export it. But these are only short-term contracts. All of your utilities today do draw from New Brunswick. In fact, in 1973 New Brunswick exported to us, to Maine and the New England Pool, 1,600,000,000 kilowatt hours of base power and 1,200,000,000 kilowatt hours of peaking power. In other words, they exported to us 2.8 billion kilowatt hours in one form or the other. So we are dependent on New

Brunswick and we are interested in seeing that the capacities in New Brunswick are increased.

Now, on this 380,000 kilowatt plant that I am talking about, we could have negotiations between Maine and New Brunswick for part of this to be contracted to our own private utilities on a long-term contract. The way it is now, we are depending on mostly five-year contracts, and you know what can happen. If all of a sudden Canada should decide to withdraw this surplus power, where would we be? We would be in the soup. We would be in terrible condition. And yes, we would be in the dark, as the good Senator mentioned. So it is to our interest to see that this project is built. New Brunswick is going to benefit more than we are, but at the same time when we are depending in this country on New Brunswick for 2.8 billion kilowatt hours, I think it is to our advantage to try to do everything that we can in regard to it.

I am not going to go into any more detail as to the employment. They claim this would employ about 3,000 people for a period of seven years during construction. And of course, there is the tourism, because it would create a tourist industry, and I am not going to go into that, because whether or not this is built as a federal project or as a state authority, it is still the same. However, all I am asking of you this morning is to approve this and let's have it as standby legislation, in case the federal government falters on this or delays on this, so then we have this authority and can go ahead and create it.

It is not going to be created by state funds. It is going to be entirely on revenue funds guaranteed by the contracts for the sale of this power. It spells out in the authority right here that the credit, even the moral credit, of the State of Maine is not involved in this. So I hope you will accept my motion to accept the Ought to Pass Report. Thank you very much.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The real issue here, I believe, is whether we should build Dickey-Lincoln. If we pass this bill, I believe we will only be encouraging the Corps of Engineers and the federal government to come in and build this hydroelectric project.

I have looked over the bill carefully, L. D. 662, and I have also looked over carefully the bill which the people of the State of Maine voted on a couple of years ago. The bill that we have before us now is really the Power Authority of Maine bill which the people of Maine strongly rejected in the fall of 1973. The sponsor has merely removed the words "Power Authority of Maine" and inserted "Dickey-Lincoln Power Authority", and made such other changes as were needed to confine the proposed construction to Dickey-Lincoln. The bill contains all the faults of the PAM bill, which even the bill's sponsor admitted after the election should have been defeated because of its defects. I respectfully suggest the people of Maine will not take kindly to having the legislature adopt, almost to the letter, the same bill they have spoken so forcefully against.

Secondly, I would like to speak on the Dickey-Lincoln Power Project because I do believe that if this bill is passed by the Senate it will only encourage the federal government to come in and attempt to build this. The upper St. John River is one

of the last free-flowing rivers in one of the last wilderness areas in the eastern United States. It provides the best wilderness white water canoeing, it is a fine trout habitat, it has thousands of acres of spruce fir forest which provides raw materials for our forest products industries, and it also provides a wildlife habitat for deer and moose and other wildlife.

As Chairman of the Natural Resources Committee, I vehemently oppose this bill. Unlike the Allagash, which has large lakes at its headwaters such as Chamberlain; unlike the Kennebec, which has a large lake, Moosehead, at its headwaters; or the Penobscot, which has a large lake, Chesuncook, at its headwaters, the St. John River which we are talking about has one small lake at its headwaters known as Baker Lake. During the spring of the year you get flows down the St. John going up to 250,000 cubic feet per second. After the spring freshet the river starts dropping until during the summer you only have 1,000 cubic feet per second in the river. In other words, the flow drops by 250 times. That is by the statement of fact in the bill. It can drop to 100 cubic feet per second, so what we are left with at the end of the summer is a large river bed with a little trickle in it.

If this area is dammed up by Dickey Dam — and let me describe what that dam is: The dam would be 10,600 feet long, over two miles long, and 335 feet high, which would be as big as the famous Aswan Dam on the Nile River in Egypt. It would cost the taxpayers 800 million dollars, and the purpose of the dam would be to capture the whole spring runoff. Then the water would be allowed to go through the generators and down the St. John River, and since there are no lakes at its headwaters, and during the latter part of the summer all the tributaries have dried up, the lake is going to start to go down. By the way, at maximum it is going to flood 88,000 acres. As it goes down, it is going to leave 21,000 acres of mudflats. Now, I question what recreational benefit this would be to the St. John River Valley.

Another point I would like to make is that the lake will back up 57 miles and would cut off over 200,000 acres from the American side. So, in other words, it would flood 88,000 acres and it would cut off 200,000 acres, which could only be harvested and the pulpwood or timber brought to the Canadian side.

Another point is that in this bill one of the sections refers to the public lots. The bill says that the public lots shall be swamped and flooded over. In other words, the public lots will lie at the bottom of this great lake. And I don't think that this would be constitutional because those public lots are to serve the people of Maine in other ways.

The other implication is the flooding in the St. John River Valley. I think I might just remind the Senate, by reading this article from the Bangor Daily News, of last year. It states: "Flood hits Fort Kent. A St. John River ice jam here reportedly was broken at approximately 3 p.m. Wednesday. By 5:30 p.m. water was running over Main Street in Fort Kent and into the business district. By 6:30 most of Main Street was under a foot and a half of water. Ice from the jam was flowing along with the water." It goes on to describe how homes in Fort Kent and other towns in the St. John River Valley are flooded. They are flooded mostly every spring. The Army Corps of Engineers has proposed to build dikes to protect these villages and

these cities. If the dikes won't work, it has also been suggested that the towns themselves be moved to higher ground. Now, consider putting 800 million dollars into building Dickey, when it would probably take less than 2 million to move these towns.

So I would urge this Senate to strongly defeat this bill because, again, this becomes a very political issue and most of our federal congressmen and senators are backing Dickey because most of the people up in the St. John Valley do back Dickey-Lincoln. But for the whole State of Maine — and by the way, the State of Maine is part of the United States — in terms of this one last area in all of the eastern United States, I hope we will preserve this and that this bill will be soundly defeated.

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

Mr. CYR: Mr. President and Members of the Senate: I was hoping that the good Senator from Penobscot, Senator Trotzky, wouldn't debate the environmental aspects of this because I have stated to you that there are two studies going on right now: there is a benefit-cost ratio study and there is an environmental impact study going on, which will be concluded sometime in '76.

Now, if all of the arguments of the good Senator from Penobscot are valid, it means that the impact study will be unfavorable. In the statement of fact it says that if one of these or both of them are unfavorable then the authority will not be activated. So what is he afraid of? What are the environmentalists afraid of? And this is exactly what I think is going to happen. Their arguments aren't going to stand up under scrutiny and the environmental impact study will be favorable, and then when this reaches Washington the environmentalists will have all kinds of tactics to try and stop this. So this is why I say let's have this as standby authority. I will answer some of his arguments, however.

The Power Authority of Maine, PAM, so to speak, as we have known it, was my authority. I am the one who presented it in 1971 for the first time. And in the referendum we had last year it is true that all the sponsor did was just take off my name and put his name in, and, as such, he didn't know what he was talking about. This is why the referendum failed, because the sponsor didn't know what he was talking about.

Now, PAM was the philosophy of authorities. It was the concept that we were trying to sell. PAM originated with about 12 people, and I happened to be the sponsor by the flip of a coin, not because I was any smarter than the others. That is how I happened to sponsor PAM originally, but it was the product of about 12 people, including our own PUC Commissioners and many people who knew what this was all about.

Now, PAM was statewide, while this is not. This is only for the Dickey-Lincoln School, and it has all of the safeguards that I enumerated to you a while ago. It cannot fly unless the two studies that are now going on are accepted. It cannot fly if the federal government wants to build it. So you have all kinds of safeties. Also, it spells right out that the power from this Dickey Authority can only be sold to other utilities. So, in other words, they are only involved in the generation of the power. They are involved in transmission for the

main line up to these utilities, and this is all.

Now, in regard to the flooding of it, the good Senator mentioned the cfs., the cubic feet per second, which is the flow of the river. This is in the statement of fact: during flooding time the river achieves up to 2½ million cfs. per hour. It drops to less than 1,000 cfs. during the summer. This indicates the extent of the problem. Now, we hear of flooding only in Fort Kent, but you have damage going on all along the river going down. You have river bank erosion and you have many other kinds of damages that are going on. And according to Professor Dineen, who made a study for New Brunswick Power and Light in 1973, the only way you can stop this amount of flooding is by creating a dam and building a reservoir to pick up the freshet in the spring of the year.

I hope you accept the Ought to Pass Report.

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

Mr. CIANCHETTE: Mr. President, I feel that I have a small obligation to explain why I signed the Ought to Pass Report of the Committee, and I will be very brief.

I listened to the committee hearing very attentively, and there were some things said at that hearing that I agreed with and some things that I did not agree with, some of the things you have heard here this morning. I don't think it is wrong for the State of Maine to take a good solid look at Dickey-Lincoln. As Senator Cyr from Aroostook has brought out, this bill does not mandate anything and only brings the thing to the attention of Maine people and gives them some sort of a vehicle to work with.

Sure, I think there are some things wrong with that bill, and many of the bills that we debate here have things wrong with them, but certainly they can be amended. Public lands is certainly one of the things that I could not support, because I don't think we ought to be tying up our public lands under the lake of a power project.

The Senator from Penobscot, Senator Trotzky, mentioned the mudflats problem. Well, gee whiz, I just don't happen to agree with that, and I think it is a gross exaggeration. I don't think they are taking into consideration the fact that this upper dam that I think would be used for peaking power could still produce power and, in fact, couple a pumped storage product by going down between the two dams and picking up the water that has already gone over the first dam and, as you might say, recycling the water, putting it back into the lakes behind the dam. At the same time you would be able to pick up the flow from the Allagash River by this recycling process and you would add all the waters coming out of that, if you need it in the summertime, to keep the head and to keep these mudflats from existing. I really believe that is a very reasonable possibility and the bill could be worked with.

You know, we talk about preserving the last wilderness area, the upper St. John River. That is fine. I see nothing wrong with that, and we could extend that argument to the whole State of Maine. It was brought out in the committee hearing that when they were considering building, I guess it was the Lincoln School Dam which would be below the confluence of the Allagash River, there was a compromise

made at that time and the Allagash River was made a national park. And at that time the opponents to building a dam said look, let us save the Allagash waterway system — protect that forever, and put the dam above the confluence of the rivers; use the St. John River, if you need, but let's don't take the Allagash wilderness waterway. Well, the same groups of people are back here now saying let's save the St. John River. They have forever locked in the national park, which is a great and wonderful thing, but now they are back saying well, let's save the St. John River. That argument could be carried on and on and on as to every section of the state, so I don't think it is a valid point.

I just thought I would like to say that I thought the bill did have some validity, and I think it deserves debate and deserves the attention of the Maine people. That is why I signed the Ought to Pass Report.

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

Mr. TROTZKY: Mr. President, my question here is why haven't the private companies built a dam on the St. John? They have dammed up every other river in the State of Maine. The Dickey-Lincoln project would be for peaking power, and most of this peaking power could not be used by the State of Maine, especially it could not be used by Aroostook County because of the sparsity of the population, so it would mean thousands of miles of transmission lines cutting across our northern forests to probably Bangor or somewhere around there to connect into the New England Power Pool.

Now, there are other alternatives for peaking power besides Dickey-Lincoln, and one of those would be what we call a pump storage site. Pump storage sites would be built nearer centers of population. For example, some of them that have been suggested are right up here above Bingham, up near Wyman Lake, a Rowe Pond pump storage area. There is one right here in Massachusetts, called the Northfield Mountain Project. So from the energy standpoint, I believe, from discussing it with people knowledgeable in the field, that local pump storage sites would better serve peaking power needs than a project such as Dickey-Lincoln.

I would also mention that a dam such as Dickey-Lincoln would require 65 million cubic yards of earth and fill for construction. Huge chunks of the Deboulie Mountain Range in northern Aroostook would have to be ripped away and trucked to Dickey. And the Deboulie area was one that was swapped by the Great Northern Paper Company with our Public Lands Bureau; it is quite a beautiful area, and this would be destroyed in building Dickey. Thank you.

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

Mr. CYR: Mr. President, I hate to have to get up and debate this over and over again, however, there are so many points that the good Senator from Penobscot is bringing out that have been answered. Apparently whoever wrote his speech didn't realize that Deboulie Mountain, for instance, is not going to be used at all. This was mentioned by the Army Corps of Engineers, that they have plenty of material right behind the dam itself, where the dam is going to be located, that they are going to use, and that Deboulie Mountain is not going to be affected whatsoever.

Also, there was mention of why hasn't this been built by the private utilities. In the first place, your private utilities in the State of Maine do not have those kinds of resources. Plus the fact that the downriver benefits have to be an exchange between New Brunswick Power and Light, which is public power, and the private utilities.

I don't know — I am hesitating because I don't want to debate these environmental points, but I will repeat again that I will stand by the study which is currently being done by the Army Corps of Engineers on the environmental impact. They are going to come out either favorably or unfavorably. If it is favorably, then I think the environmentalists should put up and shut up. If it is not favorable, I will put up and shut up. I would like a Yea and Nay vote.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that the Senate accept the Minority Ought to Pass Report of the Committee. The Senator further requests that when the vote is taken it be taken by the Yeas and Nays.

In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of having a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that the Senate accept the Minority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought to Pass Report' a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Gahagan, Johnston, Marcotte, McNally, O'Leary, Pray, Thomas.

NAYS: Senators Berry, Collins, Corson, Curtis, Graham, Hichens, Huber, Jackson, Katz, Reeves, Roberts, Speers, Trotzky, Wyman.

ABSENT: Senators Graffam, Greeley, Merrill.

A roll call was had. 15 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with three Senators being absent, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### House

Bill, "An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients." (H. P. 74) (L. D. 86)

Resolve, Authorizing the State Director of Property Taxation to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 241) (L. D. 296)

Bill, "An Act to Simplify the Computation of Tree Growth Reimbursement." (H. P. 244) (L. D. 298)

Bill, "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs." (H. P. 1491) (L. D. 1739)

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

#### House — As Amended

Resolve, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands. (H. P. 843) (L. D. 1028)

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

#### Senate

Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 230) (L. D. 774)

Bill, "An Act to Increase the Amount of Employee Life Insurance." (S. P. 377) (L. D. 1228)

Bill, "An Act to Increase the Amount of Dependent's Coverage for Group Life Insurance." (S. P. 378) (L. D. 1229)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing." (S. P. 323) (L. D. 1100)

Which was Read a Second Time.

On motion by Mr. Curtis of Penobscot, tabled and Specially Assigned for April 21, 1975, pending Passage to be Engrossed.

#### Enactors

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

An Act Relating to Voter Registration of Persons Born United States Citizens in a Foreign Country. (H. P. 13) (L. D. 21)

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

An Act to Exempt Scouting Supplies and Equipment from State Sales Tax. (H. P. 521) (L. D. 638)

On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

#### Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Human Resources — Bill, "An Act Establishing the Civil Rights of Hemophiliacs." (H. P. 161) (L. D. 202) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft Under Same Title (H. P. 840) (L. D. 986).

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — Minority Report Accepted, and the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-118).)

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

Mr. WYMAN: Mr. President, I move that we accept the Ought to Pass Report, and if accepted, tomorrow I will move indefinite postponement of House Amendment "A" and offer Senate Amendment "A".

The PRESIDENT: The Senator from

Washington, Senator Wyman, now moves that the Senate accept the Minority Ought to Pass in New Draft Report. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I just wanted to observe that this is a minor bill that is important to a very small group of people, and we have been perplexing about it for some weeks. And I want to express my gratitude to the Senator from Washington, Senator Wyman, for taking a hopelessly complicated situation which will be resolved by his very thoughtful amendment tomorrow.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass in New Draft Report of the Committee?

The motion prevailed.

Whereupon, the Bill in New Draft was Read Once and House Amendment "A" was Read.

On motion by Mr. Wyman of Washington, House Amendment "A" was Indefinitely Postponed in non-concurrence and the Bill Tomorrow Assigned for Second Reading.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to Dealers in Used Personal Property." (H. P. 502) (L. D. 618)

Tabled — April 15, 1975 by Senator Carbonneau of Androscoggin.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone Bill and accompanying papers.

(In the House — Passed to be Engrossed as amended by House Amendment "C" (H-124) as amended by House Amendments "A" (H-129) and "B" (H-130) thereto.)

Mrs. Cummings of Penobscot then withdrew her motion that the Bill and accompanying papers be Indefinitely Postponed.

On motion by the same Senator, the Senate voted to reconsider its prior action whereby House Amendment "C" was Adopted and, on subsequent motion by Mr. Johnston of Aroostook, House Amendment "C" was Indefinitely Postponed in non-concurrence.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

House Reports — from the Committee on Judiciary — Bill, "An Act Concerning Employment in the Department of Mental Health and Corrections." (H. P. 476) (L. D. 596) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — April 16, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In the House — Minority Report Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-155).)

(In the Senate — Majority Report Accepted in non-concurrence.)

(Comes from the House that Body having Insisted and Asked for a Committee of Conference.)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I am going to

move that the Senate adhere in this matter, and I think there should be a brief explanation.

This bill originated as a reaction to the problems that were so prominent in the news this past fall and winter at the Augusta Mental Health Institute. The bill was drawn so broadly that it would have presented the Department of Mental Health and Corrections from employing in the future any one who had been found either criminally or civilly guilty of abuse to any other person.

In the other body this was amended to take out the civil portion of it. However, as Dr. Schumaker pointed out to us in the hearing, there are cases — and we must remember that this bill is drawn to include not only health institutions but also penal institutions — there are cases where a person who perhaps has a fist fight with someone else and is convicted of assault and battery becomes a good citizen in later years, and where they might be employable and might even be a desirable employee of a penal institution, or even of a mental institution working on the grounds or in some other way that had no contact with patients. So the Judiciary Committee, in the majority, felt that the bill was drawn so broadly that it was an overreaction to the problem, and as there has been no attempt to refine it into a narrow posture that would truly be useful and responsive to the problem, we do not feel it is an appropriate part of our personnel regulations and laws, so, I move the Senate adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate adhere.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I move that we insist and join in a committee of conference.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate insist and ask for a committee of conference.

The Chair recognizes the Senator from Kennebec, Senator Katz.

On motion by Mr. Katz of Kennebec, a division was had. Six having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act Relating to Mandatory Reporting of Child Abuse or Neglect." (H. P. 1488) (L. D. 1680)

Tabled — April 16, 1975 by Senator Clifford of Androscoggin.

Pending — Motion of Senator Berry of Androscoggin to Indefinitely Postpone House Amendment "A" (H-161).

(In the House — Passed to be Engrossed as amended by House Amendment "A".)

Mr. Berry of Androscoggin then withdrew his motion to Indefinitely Postpone House Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, yesterday I outlined to the Senate some of the problems that seemed to be presented in this bill. Since that time, through the joint effort of counsel for the Maine Medical Association and members of the other body who were vitally interested in this bill, an amendment has been prepared. I now offer Senate Amendment "A" to L. D. 1680 and would speak to this amendment.

The PRESIDENT: The Chair would advise the Senator from Knox, Senator Collins, that it would be necessary to adopt House Amendment "A" prior to his offering Senate Amendment "A". Is it now the pleasure of the Senate to adopt House Amendment "A"?

Thereupon, House Amendment "A" was Adopted and, under suspension of the rules, the Bill given its Second Reading.

Mr. Collins of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-73, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, I have a letter today from counsel to the Maine Medical Association, and I think there are two or three paragraphs that should be read to the Senate.

"Dear Senator Collins: Following our conversation on April 16 and your subsequent comments on the floor of the Senate in regard to L. D. 1680, I had an opportunity to review the situation concerning the legislative posture of the bill with Dr. Daniel F. Hanley, Executive Director of the Maine Medical Association. As I believe you are aware, the concerns of the Association have been focused upon two areas: One, the potential disruption in the relationship between a parent and the physicians if a physician is required to report all suspected cases of child abuse. Two, the liability exposure which applies to physicians as a result of section 3857.

"The Association is aware of the statements which have been made by Representatives of the United States Department of Health Education and Welfare to the effect that the Maine law will not qualify the state for eligibility for federal funds unless it contains the mandatory reporting requirement for suspected cases of child abuse or neglect.

"The Association fully appreciates the quandary placed upon the legislature by the necessity to balance the various legitimate interests as you outlined in your Senate remarks. During these remarks you indicated that you would favor inclusion of the word 'suspect' in the mandatory reporting section of the bill if the criminal liability exposure as set forth in the bill were to be reduced. While such a proposal does not in my opinion modify the basic reporting requirement necessitated by the use of the word 'suspect', it does go far in making such a provision more palatable to the various professionals who will be subject to it.

"A concern has been expressed that once the word 'suspect' were inserted, a subsequent legislature would increase the criminal penalty. That I believe is always a concern since no legislature may bind a subsequent legislature. However, I hope that such a situation could be averted.

"After a careful review of all considerations, I have been authorized by Dr. Hanley to advise you and other members of the legislature that the Maine Medical Association would withdraw its active objection to the inclusion of the word 'suspect' in the bill's mandatory reporting section if section 3857 were amended to read as follows:

The amendment that is before you today under Filing No. S-73, distributed this morning, picks up the language that has been recommended here.

"I have been asked to convey to you the feeling of the Association that inclusion of the word 'suspect' is going to cause a

significant disruption to the relationship between parent and physicians if physicians adopt a defensive posture. However, the Association does not wish to jeopardize the availability of federal funds if a reasonable solution can be effected. A review of the statute dealing with privileged communication and conversations with other attorneys leads me to the conclusion that if a parent were to voluntarily seek treatment from a physician, psychiatrist, or other professional, the professional would be required to file a report, regardless of whether the word is 'suspect' or 'believe.' Therefore, I would strongly suggest an appropriate amendment be added to the bill."

I have added this amendment to the bill, and this is aimed basically at protecting the psychiatrist. This amendment would provide that no person otherwise required to report pursuant to this act shall be required to report if the factual basis for knowing or suspecting a case of child abuse or neglect exists was derived as a result of treatment of the individual suspected of committing such child abuse or neglect. For example, if a person goes to a psychiatrist and is explaining his problem, and one of his problems is that he has a compulsion to beat his children, then the psychiatrist doesn't have to make the report. On the other hand, if a parent brings a child to a physician and the physician is there to treat the child, and he sees evidence that indicates there has been or may be child abuse, the physician is still obliged to make the report.

I submit to the Senate that this amendment makes a suitable compromise and, hopefully, may cure the problem that was posed to us.

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

Mr. KATZ: Mr. President, again, I would like to express my personal appreciation to a member of this body for helping our committee out of a real dilemma. I suspect it would not have been resolved otherwise.

I am concerned that there are some 350 bills before the legislature this session, which are all noble in purpose, which deal more or less with the question of health care or physician care of our people. In these 350 bills we have a magnificent opportunity to create some real havoc with the cost of health care and the quality of health care if we just address ourselves to the noble purpose without identifying the spillover or the fallout from the legislation which we pass.

I am particularly fascinated this time because we are concerned about the effect of the lobby here on the third floor, that it was the lobby representing this large group of Maine physicians who pointed out the middle course in a highly professional area so that this Senate could move in order to accomplish our purposes of protecting the child and at the same time not creating inordinate disruption within a profession. I move the pending question.

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

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

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

Mr. CONLEY: Mr. President, it is my understanding that there is a deadline

affecting this legislation, and I would move that under suspension of the rules the bill be sent forthwith to the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the rules be suspended and this bill be sent forthwith to the House for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate the fifth tabled and Specially Assigned matter:

Senate Report — from the Committee on Liquor Control Bill, "An Act Relating to Special Agency Stores." (S. P. 290) (L. D. 1015) Ought to Pass as Amended by Committee Amendment "A" (S-59).

Tabled — April 16, 1975 by Senator Hichens of York.

Pending — Acceptance of Report.

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

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: This L. D. 1015 is a repeat of the same legislation presented during every term I have served in the Maine Legislature, and wisely defeated in every session.

This legislation further erodes the monopoly system we now have in Maine and which was endorsed by the Liquor Control Committee who made a thorough study of the problem last year. How members of that committee could recommend continuation of the monopoly system and then endorse this bill is beyond my sense of reasoning.

We read on the L. D. that it will mean an increase in revenue of one million dollars in ten years for an eventual total of fifty stores. Again we look at revenue only and not the eventual increase in problems already recognized as the greatest influence on the deterioration of our society by experts and lay people alike.

This bill sets up fifty additional state liquor agencies in Maine, something we can certainly do without. It also states that the bureau shall have authority.

Under Chapter 1, Section 2, "Definitions" 6A, "the Bureau shall mean the Bureau of Alcoholic Beverages within the Department of Finance and Administration."

The law also clearly points out that the Director of the Bureau shall not be a member of the Commission. In addition, it indicates that one man regulates and makes regulations.

Under section 55 "Powers and Duties", Number 7, it clearly indicates that the Liquor Commission is empowered to issue and renew all licenses under Title 28 MRSA. However, this law relating to special agency stores positively eliminates the Liquor Commission in the licensing under this act and leaves it solely at the discretion of the bureau, and I can only assume that is the Director of the Bureau, in the absence of anything clearer in the proposed law. Too much power to give to one man, but it does indicate that the liquor must be purchased from the Commission under section 204.

They talk of Vermont and their success. Who puts out this propaganda? Let's look into their agency stores, not by writing to our Commission or the Vermont Commission, but to those concerned. They have licenses in clothing stores and hardware stores, so I am told, and I do not



have personally have anything against clothing or hardware stores.

Just imagine, as indicated, in ten years some fifty agency stores. What a field day the liquor vendors would have pressuring these agency stores to sell their products.

Another point I cannot clearly understand, if this bill goes through: Are they agents of the state? If so, I would presume it would be hard to punish violators, for there is on record a case where a state liquor store employee illegally sold to a minor and the court ruled at the time that, as an agent of the state, the Liquor Commission should also be a party to the action. Think that one over. I believe it was in 1949 or 1950, and don't you think for one minute that the lawyers did not have a field day on that one.

I trust that the members of the 107th Legislature will follow the lead of previous legislatures and defeat this bill.

I therefore move indefinitely postponement.

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

Mr. DANTON: Mr. President and Members of the Senate: I can see that the good Senator from York, Senator Hichens, didn't read the bill. If you will bear with me for just a minute, I will try to explain it.

The State of Maine has over 200 cities and towns which have voted to have liquor stores. Needless to say, it is impossible to provide this many towns with liquor stores due to the investment by the state. This bill would allow small towns to have an agency store; that is, the bureau would license a grocer or other retail store in a small town to sell liquor at the same retail price as the state liquor stores. The licensees would purchase their liquor from the state here in Augusta with a licensee discount of ten percent. This would free much working capital for the State of Maine as it would not have its money invested in this inventory.

There are stores in the state operated by the bureau that cost more than ten percent to operate and, as you are aware, the cost of operation is growing each year. With agency stores, the bureau would not have to pay rent, lights, heat or employees' wages. This would be an incentive for the small towns to retain the business in their own communities and provide a service to those many people who have voted to have liquor in their communities.

The store operator would be subject to inspection by the bureau at reasonable hours for the purpose of an audit and to determine if the operation complies with the rules of the bureau.

Some questions have arisen, such as how would the agents be selected. Please bear in mind that these would be in the small towns only, and in each and every small town there is one store that is superior to the others in the areas of location, size of store, history of operator, and type of operation. The bureau enters into expensive leases with landlords throughout this state, so we certainly do not feel that would be a problem with selecting a local agent.

Using the total population served, and the average per capita consumption and per capita purchase, it is estimated this would bring much needed revenue to the State of Maine, without causing any damage to anyone.

Whereas the agents would be licensed, they would have to comply with the rules and regulations of the bureau. If violations

occur, then they are subject to loss of their licenses, so it is felt that these licensees would comply with all the laws, rules, and regulations for the privilege of having an agency.

This would not require an investment by the Bureau of Alcoholic Beverages. Local agencies would be allowed to use their own shelving and cash registers. The only expense to the bureau would be the shipping of liquor to the agent and the necessary order forms supplied by the bureau.

This is not a step to make Maine an open state, but rather one to provide a service to those persons who have voted to have same and to produce much needed revenue for the State of Maine.

This concept of agency stores is not new. In fact, in the 18 control states, such as Maine is a control state, the agencies' stores total about 3,060 stores, whereas state stores total 2,779. And nine of the 18 control states now have agency stores like the one we are proposing for Maine. Our neighboring State of Vermont has 31 agency stores, compared to 30 state stores. They have had this agency concept for a great number of years and it does not appear to create any problems in the state, and as indicated, it is still a control state.

The good Senator should look at the committee amendment, which says that the bureau chief does not have the complete say as to who will get these agency stores. The bureau chief will recommend to the commission, and both of them will decide which community or which store in that community will get the agency store.

I hope you would vote against the indefinite postponement motion.

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

Mr. CARBONNEAU: Mr. President, I concur with what Senator Danton said about this bill, and I would like to add another fact that he probably overlooked. That is that many of the now existing stores will be closed eventually when the leases run out, due to the fact that they are operating at a much higher percentage operating cost.

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

Mr. PRAY: Mr. President and Members of the Senate: Being an individual in this body who represents roughly a geographic area of close to 30 percent of the state, it gives me an awful lot of small towns and communities, and I think perhaps my district would be greatly benefitted by such legislation. In no way, though, does it require or force any individuals to go in and buy liquor. I think perhaps some of the arguments that we have heard in the last week or so relating to liquor perhaps might be the concern of the Senator from York, Senator Hichens. I would just like to express that I think this idea is a very good idea, no matter what the legislatures have done in the past. I would hope that this body this time would pass it.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, for the second time in my career I have been threatened with political suicide if I vote for the way I am going to vote. I can remember the first time I was told if I voted for the income tax that I was committing political suicide, and I said it was a darn good way to die. And I have

been living on ever since then. I wholeheartedly, if there would be a bill come in here to do away with the Liquor Commission and the liquor stores as of today, I would vote for it. But to go along with this piecemeal rig, which is all it is, I cannot see it and I am not going to vote for it.

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

Mr. DANTON: Mr. President and Members of the Senate: I would like to point out that this bill received a unanimous committee report.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that this Bill, L. D. 1015, and all of its accompanying papers be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the sixth tabled and Specially Assigned matter:

Bill, "An Act Amending Certain Laws Relating to Games of Chance." (H. P. 1486) (L. D. 1678)

Tabled — April 16, 1975 by Senator Corson of Somerset.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Corson of Somerset, Recommended to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the seventh tabled and Specially Assigned matter:

Resolve, "Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers." (S. P. 327) (L. D. 1113)

Tabled — April 16, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

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

Senate Amendment "A", Filing No. S-70, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and Specially Assigned matter:

House Reports from the Committee on Transportation Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 571) (L. D. 725) Majority Report — Ought to Pass in New Draft Under Same Title, (H. P. 1223) (L. D. 1211); Minority Report — Ought Not to Pass.

Tabled — April 16, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would hope that the Senate would defer any debate on this particular matter until tomorrow when amendments will be in order. I understand there are amendments that are being prepared to this particular bill, and I would hope that we could move this along to the point where amendments may be offered. I therefore move acceptance of the Majority Ought to Pass in New Draft Report.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in non-concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the ninth tabled and Specially Assigned matter:

Bill, "An Act to Permit Furloughs for Prisoners of County Jails." (H. P. 427) (L. D. 521)

Tabled — April 16, 1975 by Senator Collins of Knox.

Pending — Enactment.

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

On motion by Mr. Collins of Knox, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

On subsequent motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-71, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: This bill was originally brought to our Committee on Judiciary by the Maine Sheriffs Association, who wished to have the power to furlough prisoners from their jails in some circumstances. The committee retailored the bill somewhat, but when it came to the other body, the other body did not think well of it, amended it, or attempted to amend it, and still did not think well of it and sent it back to this body which has passed it.

The chief argument that I think influenced the committee to give it majority support was the situation where a prisoner in a county jail has to go to the hospital for a few days for treatment, and so my amendment reduces the scope of furloughs to only two conditions: one, for the purpose of visiting a dying relative, and two, for the purpose of obtaining medical services. The limit is three days except that in the case where medical services are required, if it is medically necessary, the furlough may be extended.

As I see it, this would be useful to our counties, to our sheriffs, to the function of the county jails, because there are cases where a prisoner becomes ill, needs hospitalization or trips to doctor and, I have known cases in my own county where the county had to pay guards around the

clock to sit in the hospital corridor in order to conform to the present law.

I would remind the Senate that these people in the county jails are only those who have had final conviction and, obviously, they would not be in the county jail if the offense were very serious. If it were for a felony, they would be in the state prison or in one of the other correctional institutions. But in the county jail, of course, the average sentence is not more than three months. So that this is largely a cost-saving and convenient device to our sheriffs in the case of people already convicted by the courts. It cannot be available to those who are there because they cannot raise bail. It is not available to those who have taken appeals. It is not available to people who are there on bound-over situations. It is only for those finally convicted to a sentence in the jail, and only for those two purposes. I move passage of the amendment.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate adopt Senate Amendment "A" to Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

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

Sent down for concurrence.

The President laid before the Senate the tenth tabled and Specially Assigned matter:

Bill, An Act Relating to State Subsidy for Units with Federally Impacted Students. (H. P. 107) (L. D. 104)

Tabled — April 16, 1975 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Reading of Senate Amendment "A"

The President laid before the Senate the eleventh tabled and Specially Assigned matter:

Bill, "An Act Relating to the Prohibition Against Hitchhiking." (H. P. 1474) (L. D. 1564)

Tabled — April 16, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

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

(Off Record Remarks)

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

Mr. REEVES: Mr. President and Members of the Senate: Today, April 17, is being celebrated as Food Day. This is a nationwide day for action on the food crisis. In local activities, the three major emphases include the severity of the world food shortage, rising food prices here in the United States, and the declining quality of the American diet and its effect upon health.

At Bowdoin College in Brunswick, students are fasting today to benefit other countries; at the University of Maine in Orono and Portland, Hunger Awareness Week is being observed; and today in Skowhegan students are participating in a teach-in on Alternative Foods. In Lewiston, the National Farmers Organization is conducting a direct sale of cheese, potatoes and beef. And all this week I have been planting peas in East Pittston. Also, you will notice, each member of the Senate has received a copy of a special Food Day Newspaper. It outlines many of the problems associated with food, costs, production, why some people have more food than they can eat, and why others have none. And it lists the ten-top junk foods, including Frute Brute cereal and Coca Cola.

One attempt at reducing the effects of these problems is the formation of co-ops. Co-ops are member owned, democratically controlled, organizations established to serve the member owner. I am one of about 30 members of the Pittston Food Co-op, where we pool our orders for food, buy good quality food in quantity, and contribute our time and labor to distribute the food. In so doing, we are able to buy at case-lot prices, purchase top-quality merchandise, and perform for ourselves the distributions and display functions of the local retail market.

We all tend to criticize the "give-away" programs and the people who aren't willing to help themselves, but we spend little time encouraging local self-help efforts of people who are willing and working to solve their own problems. Co-ops are such an effort. People all across the country are investing their own time, money and effort in local attempts to provide better and less expensive food for themselves by joining together and cooperating.

Here in Maine one organization which is helping to foster and encourage these efforts is the Federation of Cooperatives, which is located in Hallowell. This is an educational organization which provides information and a coordinating function for Maine's co-ops.

The Federation received operating funds through our own State Economic Opportunity Office, under the direction of Herbert Sperry, and now Tim Wilson, and from the Campaign for Human Development. With a Board of Directors composed of one member from each of the co-ops, the Federation has provided organizational information for groups interested in starting co-ops and is helping to establish and further develop local farmer's markets so that Maine's consumers can easily buy Maine-grown and produced food. It has encouraged local co-ops to become certified to handle USDA Food Stamps, thus, further increasing the food purchasing power of Maine's low income, and has started to explore ways in which Maine's co-ops and cooperators can further work together to benefit the people of Maine.

Finally, I would like to call your attention to a television program on Public Television tonight called "The Last American Supper". It is being shown in connection with National Food Day and stresses the need for a national food policy.

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

Mrs. CUMMINGS: Mr. President, I am

sure that you yearn for me to adjourn until 1:30 Friday, tomorrow afternoon.

The PRESIDENT: The Senator from Penobscot, Senator Cummings now moves that the Senate stand adjourned until 1:30 in the afternoon tomorrow. Is this the pleasure of the Senate?

The motion prevailed.