

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, February 10, 1976

Senate called to order by the President.

Prayer by the Rev. Phillip Poland, Whitefield Union Church, Whitefield:

Shall we pray. Our Father, we thank you that we may come here this morning and pray with these legislators. Father, we pray that we might look into Thy wisdom and Thy strength to help us in what we have to do. We pray that you might help in the dealing with the problems in the laws of our state, that we might have divine guidance into the great problems of today, and that we might be able to seek Thy wisdom and Thy favor in solving them. Bless today in this session, in Jesus' name we pray. Amen.

Reading of the Journal of yesterday.

Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held at 1 o'clock in the afternoon in the Hall of the House of Representatives for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Speers, to convey the message.

Subsequently, Mr. Speers reported that he had delivered the message with which he was charged.

At this point, a message was received from the House, through Representative Rolde of York, informing the Senate that the House concurred in the proposal that a Joint Convention be held.

(Off Record Remarks)

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

Mr. KATZ: Mr. President, the big news today is not that former Senator Harold Beckett from Washington County is with us in the chambers, but you will find it very difficult to believe that on this next Saturday this young, spry character is going to be 80 years old.

Papers from the House

Joint Order

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sergeant Alphonse Gendrolis of Falmouth, Maine for his Heroic Actions in the Fire at the Cumberland County Jail

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. 2015)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Deputy Sheriffs Dohn Leighton and Conrad LaGrange of the York County Sheriff's Department for their Heroic Actions in the Fire at the Cumberland County Jail

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. 2016)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Deputy Sheriffs Wallace Nichols, Donald Copp, and Evelyn Sargent of the Cumberland County Sheriff's Department for Their Heroic Actions in the Fire at the Cumberland County Jail

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. 2017)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kris Stred of Winthrop State Finalist in the Lincoln-Douglas Debate Sponsored by the Bicentennial Youth Debates

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. 2019)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture is directed to report out a bill to repeal the authorization of the Maine Milk Commission to set resale prices. (H. P. 2021)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage.

House Papers

Study Report — State Government

The Committee on State Government to which was referred the study relative to the abolition and distribution of the powers of the Executive Council, pursuant to H. P. 1781 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that accompanying Bill, "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on State Government.

Which report was Read and Accepted and the Bill referred to the Committee on State Government, in concurrence.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Public Utilities

February 4, 1976

Legislative Council

107th Legislature

State House

Augusta, Maine 04333

Gentlemen:

In accordance with S. P. 540 directing the Public Utilities Committee to study the Safe Drinking Water Act, we enclose herein the final report and draft legislation of the Committee.

Signed: Respectfully submitted,

MINETTE CUMMINGS

Senator

Signed: EDWARD KELLEHER

Representative

(S. P. 688)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Study Report — Public Utilities

Mrs. Cummings for the Committee on Public Utilities to which was referred the study relative to regulation of the public drinking water supply, pursuant to S. P. 540 of the 107th Legislature, have had the same under consideration and ask leave to submit its Majority findings and to report that the accompanying Bill, "An Act to Regulate Drinking Water (S. P. 687) (L. D. 2198) be referred to this Committee for public hearing and printing pursuant to Joint Rule 3.

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

Sent down for concurrence.

Committee Reports

House

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

Bill, "An Act to Repeal the Local Leeway Provisions of the Present Education Finance Statute." (H. P. 1888) (L. D. 2044)

Leave to Withdraw

Mr. Katz for the Committee on Education reporting to the House pursuant to Joint Order (S. P. 679) on, Bill, "An Act to Provide that the Legislature Establish Total Cost of Education and to Provide Equal Support for all Public School Students." (S. P. 636) (L. D. 2009)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act Authorizing the Department of Mental Health and Corrections to Purchase Residential Services." (H. P. 1880) (L. D. 2055)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act to Clarify the Statutory Authority of the Board of Pesticide Control." (H. P. 1901) (L. D. 2088)

Reported that the same Ought to Pass.

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

Which reports were Read and Accepted in concurrence, the Bills 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 Concerning Individual Qualified Retirement Plans." (H. P. 1877) (L. D. 2052)

Bill, "An Act Authorizing the Town of Harpswell to Procure a Replica of "The Maine Lobsterman." (H. P. 1908) (L. D. 2095)

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

Bill, "An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements." (H. P. 1912) (L. D. 2099)

Which was Read a Second Time.

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

Mr. BERRY: Mr. President and Members of the Senate: With reference to this item, I have looked over the basic statute and I have read this L. D. I am a little bit interested that we do not get into a situation here where we are creating a new operation with its attendant supporting staff. I wonder perhaps if somebody from the committee would explain the origin and the need for this.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: If I may answer the question, the State Government Committee, which heard this bill, asked the same inquiry. The answer we received was that there would be absolutely no increase in the staff, no increase in the cost, that basically this seemed to be a

clarification of the statute because what is provided here is already what is in existence. The commission does exist, the Bureau of Public Improvements provides whatever secretariat help now is necessary, and would under this redraft of the statute. It is my understanding that there is no substantive change at all in what is now occurring and no increase in cost.

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

Mr. BERRY: Mr. President and Members of the Senate: In the face of that, that would almost seem to explain that we don't need this legislation. I am a little concerned under subsection 304, where under the current operation anyone who has a question in the development of the capitol planning area — and as you know, this is what we are talking about, the area contiguous to the capitol — anyone who has a question as to construction, setback, technical qualifications and specifications of any proposed construction, height of a building and so forth, would want to consult with the technical people representing the state, which is the Bureau of Public Improvements.

I think that the statement of fact of L. D. 2099 may contain the gist of what the bill tries to do, and it says, "This bill turns all of the functions performed by the Bureau of Public Improvements under the Capitol Planning Commission over to the Capitol Planning Commission." If you analyze that statement, I think perhaps, as Senator Curtis says, there is no change, but I have an inborn distrust of bills like this that do lead to increased personnel. Either the public is not going to be served properly under the new setup or it is being improperly serviced now. My knowledge of BPI, which is not insignificant, is that they are doing a very good job in this field, and on the face of it, I don't see any need, frankly, for this bill, unless somebody will explain it in a little bit greater detail than it has been explained.

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

Mr. CURTIS: Mr. President and Members of the Senate: I will try again. The prime proponent of this bill was the Director of the Bureau of Public Improvement. That office is already represented on the commission that is involved here. They will continue to have an input and a substantial one, they provide the secretariat for the commission.

There were two pieces of legislation or two provisions in the statute prior to this which referred to the matter of the Capitol Planning Commission in its authority. The intent of this bill is to be sure that the same language is used consistently throughout the statutes.

If it would be of any assistance to the Senator who raised the question, I will be glad to provide from our files copies of the statutes as they now exist and describe to him prior to the enactment of this statute, or anybody else who might be particularly interested, why there is no substantive change at all.

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

Mr. BERRY: I move this be tabled one legislative day.

The PRESIDENT: The Chair would inform the Senator that his motion is out of order since he has been debating the issue.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

House — As Amended

Bill, "An Act Designating March 15th as Maine Day." (H. P. 1913) (L. D. 2100)

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

Enactors

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

Resolve, to Adjust the Retirement Status under the State Retirement Law of Albert W. Hollowell of Owls Head. (H. P. 1826) (L. D. 1987)

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

Emergencies

An Act Relating to Animal Welfare. (S. P. 624) (L. D. 1978)

An Act to Correct Certain Inequities in the Motor Vehicle Law. (S. P. 641) (L. D. 2030)

An Act Relating to Unexpended Funds for Highway Construction on Indian Reservations at Pleasant Point and Peter Dana Point. (H. P. 1812) (L. D. 1971)

An Act Concerning the Provision of Legal Services by Third-Year Law Students. (H. P. 1842) (L. D. 2007)

An Act Relating to the Listing of Officers and Directors under the Nonstock Corporation Law. (H. P. 1848) (L. D. 2017)

These being emergency measures and having received the affirmative votes of 31 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec:

Joint Order H. P. 2021

Pending — Passage.

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending Passage.

On motion by Mrs. Cummings of Penobscot,
Recessed until 12:30 this afternoon.

After Recess

Called to order by the President.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec:

Joint Order H. P. 2021

Pending — Passage.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I move that House Paper 2021 be indefinitely postponed, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to make a few points here today. No. 1, first, is that milk is an essential food product. Secondly, we have to produce an adequate

supply. To continue to produce an adequate supply, we have to have a market for that supply in the State of Maine.

Maine consumes 350,000 quarts of milk per day, and Maine's largest dairies produce on the order of 50,000 quarts per day, whereas dairies out of state, which are much larger, by the way, one dairy out of state can produce upwards of one million quarts a day, or three times Maine's total consumption. If large volumes are being processed out of state, it means cheaper processing costs, and also out of state milk at times can be bought cheaper, or the raw product cost is cheaper.

In the southern part of the State of Maine, Cumberland Farms has an influence. Cumberland Farms is an out of state dairy which has plants in Portsmouth, New Hampshire, Massachusetts, Connecticut, New Jersey, and other areas. It is a vertically integrated corporation which has convenience type retail stores, many throughout the country, 22 of which are in Maine, mainly in the Portland, Biddeford and York area, and which sell out of state produced and processed milk at the lowest possible cost, almost as a loss leader.

Now, if we remove the retail price fixing powers of the commission, these out of state dairies which can produce milk cheaper, basically because they are larger, much larger than our own dairies, can move into the State of Maine, contract with our largest supermarket chains, and eventually these chains can be producing milk under their own label, which is then delivered in huge bulk quantities. The result of all this will be that these large out of state dairies will displace Maine produced milk on the supermarket shelves, which squeezes out the Maine dairies and eventually the Maine farmer whom we seek to protect.

At our regular session we restructured the Maine Milk Commission by putting consumers on the board. The commission has had only four months to work. They did raise milk prices by 13 cents a gallon, however, the courts of the State of Maine have a restraining order right now, so these are not in effect. I contend and hold that let's give this commission a chance to work and keep politics out of the issue. Again, if the local dairies are driven out of the milk processing field, and eventually the out of state dairies get full control, you will see the price of milk soar up then.

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

Mr. MERRILL: Mr. President and Members of the Senate: This issue, of course, has been discussed long before I was here, and although I hope that I am not right in saying this, it will probably be discussed here long after I am gone. I am not going to try to make any great addition to that public dialogue, but I think that something ought to be pointed out again, at least, that this is an issue that has received broad public support. It was endorsed in the platforms of both major parties in the State of Maine last year, and it has received, I think, broad public support when the issue has been discussed throughout the state by those of us who go out and talk with constituents.

I think that the Senator from Penobscot, Senator Trotzky, put the emphasis exactly in the right place when he talked about the plight of the dairy companies here in Maine, because that is who we are really

trying to protect with this retail price fixing power. The Senator from Penobscot did not point out, but he might have, that a majority of Maine farmers don't sell their milk under this price protection anyway; that the milk he is talking about is out of state milk because it is out of state dairies, and a lot of that comes from those Maine farmers who aren't selling under the Maine order but are selling on the Boston market.

What happened with that new commission we set up I think demonstrates very clearly the issue before the Senate today. That new commission started its work, it gave the farmers a little bit more money, and it pushed down the spread a little bit. Well, that started having an effect, especially on those dairies that weren't very efficient, because the new standard that we mandated in the legislature here in the regular session was that the standard would now be the most efficient dairies, and so the pinch came. So while the chairman was out of state, the matter was reconsidered and they asked for a 13 cent a gallon increase. What was the purpose of that increase? The purpose of that increase was to assure that no matter how inefficient your dairy is you will continue in business. And that is what we are talking about here.

What we have here, in its purest and simplest form, is welfare for big business in the State of Maine. This is a welfare bill. This is a bill where the State of Maine guarantees somebody a profit. Well, that is a nice situation to be in, and I am sure most of us who have businesses would like to be in that situation; guarantee us a spread, guarantee us a profit, and if we can come in and show we are losing money, give us a raise. Well, frankly, I am not moved to do it. I am somewhat troubled by the fact that some dairies may go out of business if they are not efficient enough to compete, but I am not so troubled as to say they should receive protection that other Maine businesses don't.

Now, there are a lot of complexities with this issue as it relates to the farmer, and I think that most of us who try to be honest in confronting this issue would admit that the blend, if this retail price were to be lost, that eventually the blend might fall off and the aggregate price paid to the farmer might drop in Maine, that minority of farmers lucky enough to be selling under this order now.

But I think that Senator Trotzky has pointed out the real issue: are we going to continue this special welfare treatment for one of Maine's industries because they are not efficient enough to compete, or are we going to say that the day has come, the time is finally here, when they, like most every other business in Maine, are going to have to compete and do the job efficiently or go out of business.

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

Mr. CONLEY: Mr. President and Members of the Senate: I commend the good Senator from Penobscot, Senator Trotzky, for raising the issue here today on this order that is to be reported to the Agriculture Committee to report out a bill to repeal the authorizations of the Maine Milk Commission to set resale prices. I am sure the people in Bangor are just going to stand up tonight and applaud the great Senator from Penobscot, Senator Trotzky, for the position he has taken.

All we have before us is an order to go before the Agriculture Committee to once again review the stands that they have taken in the past. It is my understanding that the Agriculture Committee is going to have a hearing tomorrow on another bill dealing with the Maine Milk Commission and the refining of some of the laws or the law that they passed in the last session.

I always used to sit back in my chair and look upon the great grand old party when it used to stand up and yell to the skies about how they believed and supported so strongly the free enterprise system, but when it comes to Maine milk and the dairy farmers of this state, it seems to me that the consumers of urban areas, as well as rural areas, go right out the window.

All this order before us today does is ask for a public hearing to give the Agriculture Committee a chance to once again be faced with their constituents, to listen to the problems on the prices of milk that are being cast upon them by the Maine Milk Commission. And I think a jump of 13 cents a gallon is enough to make anyone swallow, whether it is milk or any other raw material.

When this vote is taken, Mr. President, I request that it be taken by the "Yeas" and "Nays".

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

Mr. SPEERS: Mr. President and Members of the Senate: I think it is very important for the Senate to realize precisely what is before it today, as the good Senator from Cumberland, Senator Conley, has pointed out, and that is simply an order, an order requiring the Agriculture Committee to consider this whole question of the Maine Milk Commission.

The good Senator from Cumberland, Senator Conley, has suggested that this order is needed so that this whole issue can come before the legislature, so that there can be a public hearing, so that the public can air its views, and so that we in the legislature can understand precisely what it is that the public desires. Well, I think it is a little premature to be discussing the merits or the demerits of the Maine Milk Commission itself while we are discussing this particular order, because as the good Senator from Cumberland also pointed out — and I think it is very important for us to understand this, and for the public to understand this — there is going to be a public hearing, scheduled for tomorrow, before the Committee on Agriculture. They have this issue before them, they have the question before them: The vehicle is in the legislature with which to deal with this particular problem. The public will be able to make its views known on this issue and the legislature will have an opportunity to vote on this issue.

I don't really know the motives of the individual in introducing an additional order to be discussed, but I think it would be a mistake to view this particular order as a debate upon the merits or the demerits of the Maine Milk Commission itself.

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

Mr. MERRILL: Mr. President, as a freshman member of this body, I have been impressed at the ability with which the majority leader works. In setting here today listening to his remarks, I recall back to the regular session when we tried to deal with this issue, and it seems to me

that one of his greatest accomplishments has been to make it as impossible to get a roll call that is ever really on the issue of whether or not we are in favor of doing away with retail price controls.

I think that is precisely what this issue is about. We know the merits and the demerits. When we vote on this issue, let's have this vote be a vote on whether or not we want to do away with retail price controls so that all our constituents can know where we stand, and so that when our party platforms are written just a few months from now the rhetoric can be measured next to the performance. That is what this vote is about, and let's not pretend, let's not try to hide it.

We went through two and a half hours in the regular session playing games so that nobody would know how anybody felt about retail price control, so I think it is time we stand up and be counted. That is what this is about. We know the merits of the issue. And let the public read the roll call today with that in mind and they will be just about right.

The PRESIDENT: The Chair will interrupt debate to call the Senate's attention to the fact that the House has invited us to attend a joint convention in their chamber, and we have agreed to attend the same at 1 o'clock, which is five minutes from now. So I would say that the Senate will stand at recess until after the joint convention.

The Senators then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

After Joint Convention

Called to order by the President.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am tempted this afternoon to make several comments in answer to what I feel are completely asinine remarks of the good Senator from Cumberland, but I don't think we are here this afternoon to debate the issue of the abolishment of the Milk Commission. We are here to debate whether we are going to accept this order which has been presented to us.

I see no need for this order in the special session, even though the people in Maine may have become alarmed because of the decision of the Milk Commission last week.

Last October this new Milk Commission, made up of consumers to represent the people of Maine, began their deliberations, and it was in their good wisdom that they have come out with this need for the 13 cent increase. I haven't gone into all of their deliberations to see just why they came out with this decision but I am willing to accept it, even though I don't like to pay higher prices any more than anyone else in the State of Maine. But I think we should give this commission a chance, and in giving them a chance I don't think this is an issue for the special session.

I am reluctant to even inform the Senate that the issue may be used as part of a vehicle on the act which will be heard tomorrow by the Agriculture Committee concerning the establishment of minimum prices by the Maine Milk Commission. I told the sponsor that I felt this was a mistake to even bring it out in the special session because it might be used for a vehicle. But it was accepted, it will be heard, and if those who feel so inclined want to make an issue out of this thing,

they can use this as a vehicle, amend it the way that they want to, and we can vote on it.

But I think that we are wasting the taxpayers' money at this special session, when we want to get out of here as soon as we can to save the people of Maine the expenses of a special session. Give this Milk Commission a chance, and then next year, if it is proven to me that it is not working, I would be glad, if re-elected, to sponsor a bill to abolish the Maine Milk Commission. But at this present time, I would uphold the motion by the good Senator from Penobscot to indefinitely postpone this order.

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

Mr. CURTIS: Mr. President and Members of the Senate: I oppose the pending motion and hope we vote to defeat it. And I fail to understand the logic of the previous speaker, because it seems to me that L. D. 2129 will have its public hearing tomorrow. There is a possibility, I suppose, that the people who sit on the Agriculture Committee and conduct the public hearing will include among their recommendations or possible reports the proposal that I and some other people would like to vote for, and that is a proposal to eliminate the price fixing abilities of the Maine Milk Commission. However, there is a possibility they might not. Either way, it will do no harm to pass this order the way it stands now and direct the committee to give those of us who would like a chance on the floor to vote to abolish retail price setting to have that opportunity. So it seems to me there is no duplication, there would be no additional public hearing necessarily required, and we ought to pass the order.

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

Mr. SPEERS: Mr. President and Members of the Senate: There is absolutely no doubt in my mind whatever but that this body will have an opportunity to vote on the issue of the Maine Milk Commission, the abolishment of the Milk Commission altogether or the powers of the Milk Commission to regulate retail prices. And it seems to me that despite all of the rhetoric on behalf of the good Senator from Cumberland, Senator Merrill, that this issue or this vote is simply a vote in favor of or against the Maine Milk Commission. It is precisely that, just rhetoric.

It is very possible to make words mean what they do not in fact mean, and I am reminded of the passage in Alice in Wonderland where Alice meets Humpty-Dumpty, and Humpty-Dumpty smiles contemptuously, "Of course you don't understand what I mean til I tell you. When I use a word," Humpty-Dumpty said in a rather scornful tone, "it means just what I choose it to mean, neither more nor less."

Well, we can't really claim that this is a vote for or against the Maine Milk Commission simply by making that as a flat statement. And I suppose the real test must be the question, if this order passes, will the Maine Milk Commission thereby be abolished. And of course the answer is that it will not.

The vehicle is in committee at the present time. There will be a hearing before the committee tomorrow. That matter will be reported to both branches of the legislature, where it will have an

opportunity to be amended any way that any individual member of the legislature wishes to propose his or her amendments. The issue is simply directing the Agriculture Committee to do what it is already doing.

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

Mr. PRAY: Mr. President and Members of the Senate: I am greatly troubled by a few of the things that are being said here today in reference to L. D. 2129 being used as a vehicle. I spent a lot of my summer going around throughout my area, and one continual complaint that I have gotten is the legislative process of using another bill as a vehicle. I call to mind a couple of bills that we had before committees that I am on where we used them as vehicles to, for example, increase fees which the bill never stated, and those people that were concerned about the issue felt very badly that they didn't have a chance through the process of a public hearing of expressing their desires.

Now, individuals concerned with L. D. 2129 are not going to be concerned with the abolition, rightfully so, of the Maine Milk Commission, and for the legislature to sit here and say, we have got a vehicle in the process, let's use that, doesn't mean that we are going to have a fair representation at the public hearing tomorrow on the question of abolition of the Maine Milk Commission.

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

Mr. CONLEY: Mr. President and Members of the Senate: I commend the majority floor leader for his knowledge of children's poems, particularly his knowledge of the poetry of Alice in Wonderland. I am more familiar in my backyard with the child's poem "The Cow Jumped Over the Moon", and I think that is what we are discussing right now.

The fact is that we have an opportunity to get a public hearing on the Maine Milk Commission. As the good Senator from Penobscot has said, we are trying to sidestep that and make a law by a simple amendment on a law at a hearing that obviously is going to have some strong effect. If the public knows, is well informed of the fact that this type of an amendment would be discussed tomorrow, I think you would see a number of citizens down here to rip the Maine Milk Commission apart. I just think that to defeat this order is shutting of public debate that would give the citizens of this state an opportunity to express their opinions, and I hope that the Senate would defeat the pending motion.

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

Mrs. CUMMINGS: Mr. President, I agree with the good Senator from Cumberland, Senator Conley, but not today. I agreed with him yesterday or last week, whenever it was that he said the Reference of Bills Committee had turned down after much discussion a bill because of its merits as an emergency measure. We found ourselves in the Reference of Bills Committee several times discussing the merits of the bill, and had to be brought back to reality that we were there only to decide whether or not these measures were indeed emergency measures. This is not an emergency measure, and I think it should wait for the regular session.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I don't know what the yardstick for an emergency measure is, but we on this very day today voted to make March 15th State of Maine Day. I have to admit that the level of that emergency is not great, nobody in Portland ran up to me before or during the session and said, whatever you do, Senator, make March 15th State of Maine Day, because we are not satisfied with just celebrating the Ides of March. That is about as big an emergency as the most minuscule problem that I can possibly think of, and yet the same body that voted on that problem today as an emergency then can't let in this response to the price of milk going up 13 cents a gallon, when unemployment is as high as it is, because it is not an emergency. Well, the standard escapes me. If the blackflies are an emergency, if making March 15th State of Maine Day is an emergency, then certainly doing something about the fact that we give welfare to Maine dairies at the cost of Maine consumers is an emergency. Now, if you take away the others, maybe we have a debate.

So I am not going to follow blindly the standards set up by the Reference of Bills Committee, because I think this is a perfect example of those standards being out of order and out of whack.

Now, whether or not it would be germane to amend the bill presently before the Agriculture Committee which would reinstitute the bracketing system in Maine, whether or not it would be germane to amend that bill so as to do away with retail price fixing powers, I think is a close question. But it certainly is better procedure, if we really want that question to be raised, it is certainly better procedure to have a bill in by that title and let everybody know it, let it be advertised and let it go through the process that way.

The question has been asked rhetorically, if we vote for this order today, if we defeat the motion of the Senator from Penobscot, Senator Trotzky, will we thereby do away with the Maine Milk Commission? Well, of course, the order doesn't deal with that question. It deals with retail price fixing powers of the commission. But leaving that technicality aside, how many Senators here honestly believe that if we support the motion of Senator Trotzky that the retail price fixing powers will be done away with? It is the first step, it is not the last, admittedly, but how many believe that it isn't an important first step? How many honestly here believe, in spite of the Alice in Wonderland rhetoric by the majority leader, that if we defeat this motion here today that we are going to have a chance to do anything about this issue? I submit not one.

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

Mr. TROTZKY: Mr. President and Members of the Senate: It is ironic that those who preach in favor of free competition today are the same ones who tried to fix the minimum price of labor yesterday.

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

Mr. GAHAGAN: Mr. President, I request permission to pair my vote with the Senator from Kennebec, Senator Katz, who, if he were here, would be voting for indefinite postponement, and I will be voting against.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, requests consent to pair his vote with the Senator from Kennebec, Senator Katz, who, if he were here, would be voting "Yea", and the Senator from Aroostook, Senator Gahagan, would be voting "Nay". Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Of course, I am just like the fish that rises to the bait about the third time it is cast out, and when Senator Merrill stands up for the third time to exhort us on the subject of milk control, I no longer can remain mute.

His problem with the March 15th State of Maine Day, of course, is merely the old story of idle hands create mischief, and we just don't really have enough to do around here, so we play with things like that, and we swatted blackflies in the process too.

If I am reluctant to stand up because of my expertise on the subject of agriculture, I must say that I feel there are two or three speakers who preceded me whose impact on the subject would be pretty low on the Richter scale of earthquake measuring. However, Senators Merrill and Conley, from my own county of Cumberland, I am sure will welcome me to join the fray.

They continue to do a disservice to the people of the State of Maine by continuing to make political ploy out of what is far from a political subject, and that is the welfare of the people here in the state. It really is quite a serious thing, and like many subjects, like public education and financing of public education, we can't really straighten it out by any popular poll. So I don't believe the forensic forum is where we are really going to solve the problem for our constituents, and I suggest that the debate ought to be fairly serious and fairly responsible.

Perhaps this isn't the place to discuss it and perhaps this isn't the issue, and it will come out of Senator Hichens' Agriculture Committee. If so, the subject certainly merits going over twice.

The problem of doing away with the Milk Commission, which has been bandied around here this afternoon, in and of itself is going to do nothing but create chaos. It is going to do nothing but speed the already lamentable hasty departure of the Maine farm from the Maine scene. No joke, gentlemen. Very serious.

The proposal that we are encouraging inefficient farmers is another way of stating that we don't care anything about the small Maine farmer and that we would just as soon see him put out of business. Well, I suggest that some of us from the big cities take a little turn through the State of Maine. You really can't do it and get home at night. You have got to spend a little time driving around. As you drive around the State of Maine you will see a lot of small farms, lamentably many fewer than you saw very recently. The sad story of the auctioning off of the Maine dairy farm is certainly an event in Maine's history that is a very, very regrettable one indeed, and the fact that it is taking place before our eyes, and the fact that we here in the Maine Legislature may do something to either speed it or slow it down certainly ought to give us a lot of thought for pause in our deliberation.

So I would suggest that we put this subject of the Milk Commission in proper perspective. Don't treat it lightly. We are not going to vote its solution easily. It is going to come very hard. The problems of

the milk farm is not unique to Maine. It is shared by New Hampshire, Vermont, New York, and other states, and we only need to look to those places to see the terrible price that is being paid.

The alternative is simple, and I think each of us know it. Are we going to let a great big fat conglomerate that is spread from Florida to Maine come in here and put these small Maine farms out of business? Ask yourself that question. What is going to happen when the small Maine farm is out of business? Well, Senator Merrill can take his children over to New Hampshire to show them what a cow looks like maybe, but we in Maine are going to be totally dependent upon imported milk at that stage. And this isn't that far away, nor is it fanciful. So I would hope that we would bury this thing this afternoon just where it needs to be, away down deep. Let's get on with the business and handle this problem when it comes out of the Agriculture Committee.

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

Mr. PRAY: Mr. President and Members of the Senate: I was just handed a sheet of paper with some interesting facts on it as to the importance of the issue. Considering the 13 cent increase per gallon, and let's multiply that by the 400,000 Maine citizens who drink one quart of milk a day, we come up roughly with a \$13,000 a day issue for Maine citizens. If I am correct, that is about the same price that it costs the legislature to run per day.

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

Mr. MERRILL: Mr. President, I ask unanimous consent to address the Senate briefly one more time to correct a misimpression on this issue.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, having addressed the Senate three times, now requests unanimous consent to address the Senate the fourth time. The Chair hears no objection. The Senator may proceed.

Mr. MERRILL: Mr. President, I would just like to make one brief observation. I am sure the Senator from Cumberland, Senator Berry, thought it was rhetorical good fun to suggest that the Senator from Portland knew absolutely nothing about dairy farming, being a Senator from Portland, and thereby to suggest that I had no interest in the plight of the dairy farmers.

The Senator might be interested to learn that I in fact grew up on a dairy farm, my grandfather was a dairy farmer, and I put away much of the money that got me through college working on a dairy farm. I am therefore concerned with the plight of dairy farmers, and having lived on a street and on a dairy farm that once was dairy area, and to see the whole thing lost in spite of this Maine Milk Commission, I am concerned with the problem, very concerned with the problem, concerned enough to have traveled around this state and to know that most of these small farmers that we are talking about aren't even protected by this Maine Milk Commission because they are selling their milk on the Boston market right now.

It is not a lack of concern for the Maine farmer that makes me support this bill; it is just an overriding concern for the Maine consumer and the feeling that this bill really doesn't serve the Maine farmer, particularly the small Maine farmer, as much as its supporters would like to suggest that it does.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that House Paper 2021 be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of 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 is the motion by the Senator from Penobscot, Senator Trotzky, that Joint Order, House Paper 2021 be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Cianchette, Collins, Corson, Cummings, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, McNally, O'Leary, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Conley, Curtis, Danton, Graham, Marcotte, Merrill, Pray, Reeves.

ABSENT: Senator Clifford.

A roll call was had, 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,
Adjourned until 10 o'clock tomorrow morning.