

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Thursday, January 10, 1977

Senate called to Order by the President.

Prayer by the Honorable Matthew C. Levine of Winslow.

Mr. LEVINE: Lord, thank you for allowing all of us here gathered to have been born on Your good earth. May You see fit to give us wisdom in all of our endeavors on behalf of those who expressed faith in our abilities, and strength in order that we may attempt to rectify our mistakes, for we, as human beings, shall make mistakes. We pray that You, the Supreme Judge, will forgive us when we err and guide us that we may better the lot of all the people of Maine. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules;

On motion by Mr. Huber of Cumberland,

ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on February 16, and when the Senate adjourns, it adjourns to 10 o'clock in the morning on February 16. (S. P. 158)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

Bill, "An Act Exempting Homeowner Occupied Dwellings Built Before January 1, 1974 from Certain Safety Glazing Requirements." (S. P. 30) (L. D. 42)

In the Senate, February 3, 1977, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-4).

Comes from the House, the Minority Ought Not to Pass Report, Read and Accepted in non-concurrence.

On motion of Mr. Huber of Cumberland
The Senate voted to Recede and Concur.

House Paper

Bill, "An Act Relating to Budget Requirements of the Town of Winthrop." (Emergency) (H. P. 308) (L. D. 268)

Comes from the House, Passed to be Engrossed without Reference to Committee.

On Motion of Senator Speers, tabled for one Legislative Day, pending reference.

Joint Order

WHEREAS, the 200-mile limit is to become effective this year; and

WHEREAS, the State's response to the 200-mile limit and possible extensions of the state's territorial jurisdiction is uncertain; and

WHEREAS, it is in the best interest of the State to play a positive and forceful role in the implementation of the 200-mile limit; and

WHEREAS, extensions in federal and state territorial jurisdiction will increase the importance of marine research activities in the State, including the research being undertaken at the Bigelow laboratories and the Department of Marine Resources laboratories; and

WHEREAS, these changes demand consideration of the increased opportunities for effective state action; now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources be authorized to study marketing, extension and research activities relating to marine resources in relation to extensions of federal and state territorial waters; and be it further

ORDERED, that for purposes of this study, the Committee on Marine Resources may conduct public hearings throughout the State in order to solicit and receive information from

individuals and agencies expert in the field, including but not limited to, the Maine Department of Marine Resources; and be it further

ORDERED, that the committee report to the Legislature the results of its findings, together with any proposed recommendations and copies of any necessary implementing legislation in final draft form prior to May 1, 1977; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member of the committee and to each agency mentioned in this order. (H. P. 253)

Comes from the House, Read and Passed.

Which was read.

On Motion of Senator Speers tabled for later in Today's Session pending Passage.

STATE OF MAINE

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

**JOINT RESOLUTION
COMMEMORATING THE BIRTH
OF ABRAHAM LINCOLN**

WHEREAS, February 12, 1977 marks the 168th anniversary of the birth of Abraham Lincoln, the 16th President of the United States; and

WHEREAS, the American people have set aside Lincoln's birthday as an occasion to contemplate our appreciation of a towering statesman who devoted his life to the preservation of the sacred principles of liberty and equality for the benefit of all members of the human family; now, therefore, be it

RESOLVED: That we, the Members of the House of Representatives and Senate of the 108th Legislature of the State of Maine, as representatives of a generation momentarily entrusted with the well-being of the American Republic, faithfully execute our solemn duty to maintain and perpetuate the goodness of this nation, conceived in liberty and dedicated to the proposition that all men and women are created equal, so that the government of the people, by the people and for the people shall not perish from the earth. (H. P. 252)

Comes from the House, Read and Adopted.

Which was Read.

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

Mr. SPEERS: Mr. President, it would be inappropriate for me as Majority Leader of this Body, but more importantly as a Member of this Body, to let this Joint Resolution pass without a few comments.

Abraham Lincoln stands as ever the towering giant to whom the American Republic can still look upon with pride. His example as a Statesman, devoted to the political principles of justice, and dedicated through elevating the general condition of his fellow countrymen, serves as an eternal standard of decency and wisdom in American politics.

He loved his country, partly because it was his own, but mostly because it was a free country. He devoted his life and his considerable endeavors to extend that freedom to all citizens of this Nation. His example continues today as a steadfast beacon for men of every Nation to seek after freedom, and who are dedicated to the preservation of inalienable rights endowed by God.

We do honor to his memory by adopting this Resolution, but, more importantly, by rededicating ourselves to those ideals.

Adopted in concurrence.

House Papers

Study Reports — Joint Select

Committee on County Government

The Joint Select Committee on County Government to which was referred the study

relative to County Government, pursuant to H. P. 1670 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill An Act to Strengthen the Counties' Role in Human Services (H. P. 213) (L. D. 223) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select

Committee on County Government

The Joint Select Committee on County Government to which was referred the study relative to County Government, pursuant to H. P. 1670 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and minority report that the accompanying Bill An Act to Establish County Boards to Allow Them to Set and Approve County Budgets and to Allocate Services (H. P. 215) (L. D. 225) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select

Committee on County Government

The Joint Select Committee on County Government to which was referred the study relative to County Government, pursuant to H. P. 1670 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill An Act to Clarify and Reform the Laws Relating to County Law Enforcement (H. P. 214) (L. D. 224) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 17.

Come from the House, the Reports Read and Accepted and the Bills referred to the Committee on Local and County Government.

Which Reports were Read and Accepted, in concurrence, and the Bills referred to the Committee on Local and County Government in concurrence.

Study Reports — Performance

Audit

The Committee on Performance Audit to which was referred the study relative to the State Lottery Commission, pursuant to H. P. 2173 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act to Clarify the Powers of the Department of Audit when it is Acting as a Legislative Staff Agency (H. P. 211) (L. D. 221) be referred to this Committee for public hearings and printed pursuant to Joint Rule 17.

Study Report — Performance

Audit

The Committee on Performance Audit to which was referred the study relative to the state Lottery Commission, pursuant to H. P. 2173 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act to Improve the Performance of the State Lottery (H. P. 212) (L. D. 222) be referred to this Committee for public hearings and printed pursuant to Joint Rule 17.

Come from the House, the Reports Read and Accepted and the Bills referred to the Committee on Performance Audit.

Which Reports were Read and Accepted, in concurrence, and the Bills referred to the Committee on Performance Audit, in concurrence.

Communications

Department of State

February 8, 1977

Honorable May M. Ross
Secretary of the Senate
State House
Augusta, Maine 04333
Dear Mrs. Ross:

In keeping with the spirit of 3 MRSA c. 15, which provides for disclosure of professional

lobbying activities to "insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the State," I herewith submit the list of lobbyists and employers of lobbyists registered with the Office of the Secretary of State as of 5 p.m. January 31, 1977.

During the period in which the Legislature is in session, every lobbyist must file a monthly report of lobbying activities. This office will compile summaries of the information supplied in these reports.

All information filed under 3 MRSA c. 15 is public record and available for inspection in the Office of the Secretary of State.

Sincerely,

Signed:

MARKHAM L. GARTLEY

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

Senate Papers

Mr. Hichens of York presented, Bill, "An Act Relating to Adoption of Regulations for Maine Meat Inspection Act." (S. P. 143)

The same Senator presented, Bill, "An Act Relating to the Display of Live Animals." (S. P. 142)

Which were referred to the Committee on Agriculture and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act Providing for the Practice of Architecture through a Corporation or a Partnership." (S. P. 137)

The same Senator presented, Bill, "An Act Pertaining to the Central Licensing Division of the Department of Business Regulation." (S. P. 136)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Usher of Cumberland presented, Bill, "An Act to Provide State Support for Preschool Programs for Handicapped Children." (S. P. 153)

Mrs. Cummings of Penobscot presented, Bill, "An Act to Revise the Maine Regional Library System Law." (S. P. 140)

Which were referred to the Committee on Education and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Mangan of Androscoggin presented, Bill, "An Act to Clarify the Responsibility for Payment of Expenses on Rendition of Prisoners." (S. P. 155)

The same Senator presented, Bill, "An Act to Provide Investigators for the Several District Attorneys." (S. P. 156)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act." (S. P. 149)

The same Senator presented, Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (S. P. 150)

Mr. McNally of Hancock presented, Bill, "An Act to Strengthen the State Unemployment Fund." (S. P. 144)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Curtis of Penobscot presented, Bill, "An Act to Require Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings." (S. P. 157)

Mr. Collins of Knox presented, Bill, "An Act Relating to Incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine." (S. P. 138)

Which were referred to the Committee on

Legal Affairs and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Mangan of Androscoggin presented, Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators." (S. P. 154)

Mr. O'Leary of Oxford presented, Bill, "An Act Converting Rangeley Plantation into the Town of Haley." (Emergency) (S. P. 146)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down forthwith for concurrence.

Mrs. Cummings of Penobscot presented, Bill, "An Act Relating to the Examiner and Director, Economics and Finance of the Public Utilities Commission." (S. P. 139)

The same Senator presented, Bill, "An Act to Authorize the Transfer of all Assets and Liabilities of the Newport Sewer District to the Town of Newport and the Dissolution of the Newport Sewer District." (S. P. 141)

Which were referred to the Committee on Public Utilities and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Pierce of Kennebec presented, Resolve, "To Evaluate Substate Districts in Maine." (S. P. 148)

Mr. Carpenter of Aroostook presented, Bill, "An Act to Facilitate the Sale of Community Industrial Buildings." (S. P. 134)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down forthwith for concurrence.

Mr. O'Leary of Oxford presented, Bill, "An Act to Establish 4-Year Motor Vehicle Licenses." (S. P. 145)

Mr. Pierce of Kennebec presented, Bill, "An Act to Prohibit the Use of Electronic Devices for the Purpose of Detecting Radar." (S. P. 147)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down forthwith for concurrence.

Orders

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 135)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Increase the Monetary Limitation on Flight Insurance Policies." (H. P. 27) (L. D. 46)

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 State Government on, RESOLUTION, "Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriff." (H. P. 24) (L. D. 33)

Reported that the same Ought to Pass.

Comes from the House, the Resolution Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Resolution, Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Pertaining to Issuance of Marriage Licenses." (H. P. 57) (L. D. 78)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-4).

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

The Committee on Legal Affairs on, Bill, "An Act Concerning Certified Copies of Records of Marriage." (H. P. 56) (L. D. 77)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-5).

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program." (Emergency) (H. P. 7) (L. D. 17)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-6)

Signed:

Senator:

O'LEARY of Oxford

Representatives:

HICKEY of Augusta
DRINKWATER of Belfast
MARTIN of Brunswick
HENDERSON of Bangor
McPHERSON of Eliot
TRUMAN of Biddeford

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

Signed:

Senators:

HICHENS of York
JACKSON of Cumberland

Representatives:

GRAY of Rockland
BERUBE of Lewiston
LaPLANTE of Sabattus

Which Reports were read.

On Motion of Senator Speers of Kennebec, tabled for one Legislative Day pending acceptance of either Report.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Delete the Requirement that a Candidate's Name on a General Election Ballot Must be Followed by a Community Designation." (H. P. 23) (L. D. 32)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot
DANTON of York
KATZ of Kennebec

Representatives:

BUSTIN of Augusta
BIRT of East Millinocket
RAYMOND of Lewiston
DURGIN of Kittery
BOUDREAU of Waterville
McMAHON of Kennebunk
TALBOT of Portland
BOUDREAU of Portland

The Minority of the same Committee on the

same subject matter reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-10).

Signed:

Representatives:

MITCHELL of Vassalboro
TRUMAN of Biddeford

Comes from the House, the Majority Report, Read and Accepted.

Which reports were read.

Majority Report accepted in concurrence.

Senate

Ought to Pass in New Draft

Mr. Curtis for the Committee on Legal Affairs on, Bill, "An Act Relating to Licensing of Theaters and Motion Picture Houses." (S. P. 51) (L. D. 108)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 152) (L. D. 269)

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

Senate

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors." (S. P. 38) (L. D. 64)

Reported that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representatives:

STROUT of Corinth
HUTCHINGS of Lincolnville
LITTLEFIELD of Hermon
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico

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

Signed:

Senators:

GREELEY of Waldo
MINKOWSKY of Androscoggin

Representatives:

CARROLL of Limerick
LUNT of Presque Isle
ELIAS of Madison
McKEAN of Limestone

Which reports were read

On motion by Mr. Greeley of Waldo.

Minority Report Accepted.

The Bill read once and tomorrow assigned.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Repealing the Requirement for Wearing Motorcycle Helmets." (S. P. 4) (L. D. 9)

Reported that the same Ought to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin

Representatives:

STROUT of Corinth
LUNT of Presque Isle
HUTCHINGS of Lincolnville
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico
ELIAS of Madison
McKEAN of Limestone

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

Signed:

Representatives:

CARROLL of Limerick
LITTLEFIELD of Hermon

Which reports were read.

Majority Report accepted.

Bill read once and tomorrow assigned.

Second Readers

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

House

Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (Emergency) (H. P. 39) (L. D. 56)

Which was Read a second time.

On Motion of Senator Speers of Kennebec tabled for one Legislative Day pending passage to be engrossed.

Bill, "An Act Relating to Reapportionment." (Emergency) (H. P. 58) (L. D. 79)

Bill, "An Act Concerning Proofs Required for the Issue of a Marriage Intention Form." (H. P. 154) (L. D. 170)

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

House — As Amended

Bill, "An Act to Appropriate Funds to the Maine Chapter of the Epilepsy Foundation of America." (H. P. 5) (L. D. 8)

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

Senate

Bill, "An Act Relating to Expiration Date of Dance Licenses." (H. P. 50) (L. D. 107)

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

Sent down for concurrence.

Enactors

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

Emergency

"An Act Relating to Removal of County Buildings." (H. P. 9) (L. D. 19)

"An Act to Increase the Total Authorized Indebtedness of the Kennebec Sewer District from \$1,000,000 to \$3,000,000." (H. P. 41) (L. D. 58)

These being emergency measures and having received the affirmative votes of 29 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.

The PRESIDENT: The Chair will interrupt the proceedings to welcome in the rear of the Chamber the Congressman from the Second Congressional District, Congressman William Cohen, and I am sure the Senate will be very glad to listen to any remarks he may care to make, and I would ask the Sergeant at Arms to escort Congressman Cohen to the rostrum.

Congressman Cohen was escorted to the rostrum by the Sergeant at Arms amid the applause of the Senate.

Mr. COHEN: Thank you, Mr. President. This is a unique honor for me to be here today and to be invited up here, and to have such an attentive audience of legislators. It doesn't happen quite this way in Washington, so it is a very unique experience for me.

I just want to say I was in Caribou last evening at the Lion's Sportsmen's Banquet with Senator Collins and Governor Longley. At the conclusion of the banquet, or in the middle of the banquet, actually, they presented him with a special axe, and I think that the Governor would appreciate it if the Legislature and Senate would not try to emulate the Lions-Caribou Club in rewarding him with that kind of honor as the year goes by. But he was quite delighted to receive that award last evening, and he said some very kind things about both the House and the Senate in terms of wanting to work together for the benefit of the people of Maine.

I guess I come to Augusta not at a very

propitious time. As I walked into the House just a moment ago, it seemed they were about to undertake a rather controversial matter, and I would have liked to have made a call for a plea for non-partisan action as we proceed to do the business of the people of Maine, but I don't think it would have been appropriate for me to make that remark in that particular chamber today.

I had an opportunity to meet most of you this noontime for lunch. Apparently it was billed as a Republican luncheon. It was not intended as such, and I wish all of you could have joined us for lunch today, because I wanted to take the opportunity just to briefly inform the State Legislators exactly what is happening with respect to the Indian claim in Washington. I have been getting lots of inquiries from local legislators to try and explain the implications and ramifications of the suit, and I thought it would be helpful if I could just briefly tell you what is happening in Washington, and perhaps you would have a better understanding of the details, the implications, and what this means for the State, and how best to respond to your constituents.

Mr. President, would it be in order for me to take that much time to just give a brief rundown; if not, I can terminate my remarks and talk to you individually.

Well, basically, I will give the rundown again historically that the claim against the State of Maine is predicated, as you know, upon a 1790 Statute, called the Non-Intercourse Act, which precluded any trading or transactions with Indians by non-Indians unless Congress ratified or agreed to those terms. This is the key area that the Indian claims revolve around, and they maintain that the State of Maine did not seek ratification of any treaties with the Indians And, of course, Maine was part of Massachusetts at the time when one of the principal treaties was entered into. There is no evidence on record that this treaty was ever expressly ratified.

Now therein lies the nature of their claim that they are now entitled to roughly 60 percent of the land area of the State of Maine, which would encompass Washington, Hancock, Aroostook, and Piscataquis Counties. There is some dispute as to whether or not Waldo County is involved, but the Justice Department has indicated that it does not feel that the claim extends to Waldo County, but it does involve the others.

At this point we are faced with a serious problem as to how we remove that cloud over the title itself. As you know, the State has had difficulty with its bond issues, as have several municipalities. If the Justice Department does file its claim, which it is bound to do on March 1, to amend the complaint to include this claim for land damages, then I would submit to you that the State would come to a grinding halt, because not only would bond issues not be allowed to be issued, but I suspect that the banking community would not be eager to engage in any transactions with average homeowners as far as loaning money.

In addition to that, we have a question as to whether the Federal Government will continue the funding of various programs in the State. So the implications to the State of Maine are very grave. I have tried to — not I, and I should point this out because I want to talk about non-partisanship. The Maine Congressional Delegation, I think, has been one of the most effective delegations in the Congress. We have had that told to us many times by the various agencies and bureaus that we come into contact with, principally because we try and operate at all times on a non-partisan basis. We may have some philosophical differences occasionally, but when it comes to the interests of the people of Maine, we operate completely without

regard to party. So, as a result of that, we are working together as a team, each of us doing whatever we can to restrain any notion of any individual trying to gain any political credit or advantage over any position. So, if I might make a suggestion at one meeting, Senator Hathaway or Senator Muskie will make one at another, or Dave Emery one after that. So we are all in this together, cooperating fully with the Governor and the Attorney General, trying to do what is fair and equitable.

We have come to the conclusion, I believe I speak for the Delegation, in this regard, that it is in the interest of the State of Maine that we limit the claim to money damages. Otherwise, the State cannot continue to function, and we feel that if the claim is limited to money damages, that if ultimately the tribe should prove successful, they can always purchase land like any other citizen in the State of Maine. But to use the land claim in order to bring the operation of this State to a halt, to me would be not only unfair but unconscionable as well. So we are trying to be fair in our approach to a resolution of the issue. We now have requested the Justice Department to extend the March 1 deadline to June 1.

I had the good fortune yesterday morning of having breakfast with the Attorney General and asking him about his position on this, and he indicated he was in favor of the extension of the deadline and that he was also interested in seeing an independent evaluator appointed to try and develop a Carter Administration policy. What is important about this issue is that it doesn't just involve Maine. I have recommended that we sue the State of Massachusetts and also the United States, for that matter. So those in Massachusetts would be involved, Rhode Island would be involved, Connecticut would be involved, South Carolina would be involved and several other states.

Our burden, as your Congressional delegation, is to persuade the other Congressmen and Senators throughout the country that it is in the National interest that we resolve this dispute as quickly as possible, and as equitably as possible, because this is going to set the precedent for all of the other suits as well. I think the response so far from the Administration is it is one of their highest priority items. They are going to, in my opinion, agree to the extension of time; we are going to pursue the question immediately of getting Federal guarantees for the bond issues so the State can issue its bonds; we are also going to have the Judiciary Committee, if possible, lend its staff to the Interior Committee to start working on a proper legislative solution. I simply feel, from a personal point of view, that if the Indian claim can remain open for 180 years, that the Federal Congress has the power to ratify those treaties 180 years later, as well. And this is the approach that currently we are working on as a draft, which should be submitted for the House, and I hope the Senate, by next week.

That basically is what we are doing. We have been working today rather quietly, and working as a team behind the scenes, trying to educate our colleagues in the House and Senate as to the consequences, not just the State of Maine, because the initial reaction from our colleagues was that, 'I see you've got a problem up in your State.' And it is easy to become non-involved when it is somebody else's problem, but now that they see it is a much bigger problem, it is going to involve a lot of money potentially unless it is resolved rather quickly, then they would have very little interest.

So I think for your purposes, when you get inquiries from your constituents, tell them to write or call us, because we are going to have to resolve it in Congress. You cannot really be of much help at the State level, other than supporting the Attorney General, and perhaps in

his request for assistance in developing the legal position. As you know, he has several legal arguments that he is making: No. 1, they were negotiated prior to 1790, the Act never applied to the eastern Indians and they were ratified implicitly by Congress. I think there is some merit to those proposals. Only the Court can ultimately decide the merit of that case. What we've got to do is divide the Federal mechanism which allows the State of Maine to continue to function in the meantime.

That, Mr. President, is basically what we are doing now, just to assure you that we are working very diligently. I think Senator Muskie will be here next week and I would urge all of you to meet with him, especially the leadership to get any up-date that he might have. Senator Hathaway will also be coming to Augusta in the near future, and Dave Emery, but we want to work with you and keep you apprised of what the consequences are in the State of Maine and what progress we are able to make on behalf of the State.

Finally, let me just thank you for this privilege of addressing you. I normally have a chance to make speeches at banquets, and so forth, but nothing quite as extraordinary as this. I appreciate it.

Senator Cohen escorted from the Senate Chamber by the Sergeant at Arms amid the applause of the Senate.

(Off Record Remarks)

Orders of the Day

The President laid before the Senate Joint Order relative to the Committee on Marine Resources study. (H. P. 253)

Tabled early in the day by Senator Speers of Kennebec pending passage.

On Motion of Senator Speers of Kennebec.

Retabled one Legislative Day.

Out of order and under suspension of the rules, Bills and Resolves received from the House requiring reference to Committee were acted upon in concurrence, with the following exception; Bill, "An Act Relating to Length of Labor Agreements." (H. P. 231) (L. D. 294)

Come from the House referred to the Committee on Labor and Ordered Printed.

On Motion of Senator Katz from Kennebec, Tabled for one Legislative Day pending reference.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to Wednesday, February 16, 1977
at 10:00 in the morning.