

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 21, 1971

Senate called to order by the President.

Prayer by Rev. Fr. Henry B. Dal-laire of Hallowell.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House adjourns, it adjourns to Monday, May 24 at 1 o'clock in the afternoon, and when the Senate adjourns, it adjourns to Monday, May 24, at 2 o'clock in the afternoon. (S. P. 599)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From The House**Non-concurrent Matter**

Bill, "An Act Relating to Vacation and Sick Leave of Certain Employees of Highway Department." (H. P. 1063) (L. D. 1454)

In the House May 17, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate May 19, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Johnson of Somerset, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Senators

JOHNSON of Somerset
ANDERSON of Hancock
MARTIN of Piscataquis

Non-concurrent Matter

Bill, "An Act Relating to Public Utility Transmission Lines." (H. P. 918) (L. D. 1264)

In the House May 6, 1971, the Majority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

In the Senate May 19, 1971, Indefinitely Postponed, in non-concurrence.

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

Mr. Moore of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned pending the motion by Mr. Moore of Cumberland to Insist and join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (S. P. 183) (L. D. 535)

In the Senate May 12, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to be Engrossed.

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

In the Senate May 19, 1971, the Senate Voted to Insist.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Senators:

CHICK of Kennebec
JOHNSON of Somerset
DANTON of York

Joint Order

WHEREAS, the Supreme Judicial Court has upheld action of the United States Congress in granting the right to vote to citizens 18 years of age in national elections; and

WHEREAS, high school seniors are in their 18th year and are completing their 12th and final grade of the Maine public school system; and

WHEREAS, they are the intended beneficiaries of an educational system which involves so many of our hopes and so much of our wealth; and

WHEREAS, the constructive comments of such persons might well serve to better the system of

education and improve communications between generations; now, therefore, be it

ORDERED, the Senate concurring, that the State Commissioner of Education be authorized and directed to instruct the principals of our high schools to solicit letters of constructive criticism written by high school seniors on any matter involving school affairs, toward the end of improving efficiency and increasing learning. Such letters to be collected under the supervision of the senior class officers or senior members of student councils and mailed at school expense to the Secondary School Education Department, University of Maine, Gorham for analysis in their courses of education and future reference; and be it further

ORDERED, that the Director of said Secondary School Education Department at Gorham be directed to present the findings of said analysis at the next special session of the Legislature; and be it further

ORDERED, upon final passage of this Order that copies be immediately transmitted to the Commissioner of Education and Director of Secondary Education at Gorham, as notice of the intended survey. (H. P. 1349)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, substantial legislation is pending before this Legislature relating to the insurance industry and affecting all citizens of the State; and

WHEREAS, said legislation reflects tremendous changes nationwide in the philosophy, coverage and cost of insurance which require careful scrutiny in light of action by other states and the federal government; now, therefore, be it

ORDERED, the Senate, concurring, that a special interim legislative commission be established to study the matters of no-fault automobile insurance, pool underwriting associations for fire and extended coverage insurance, formation of pool associations by school administrative districts, cancellation and nonrenewal of agencies

and policies and inclusions of mental illness and treatment by psychologists under health insurance plans, as well as rate filings by insurance companies and rating bureaus.

The commission shall report such findings and suggested legislation to the 106th Legislature as will best serve the interests of the people of Maine. The commission shall give due consideration to the insurance laws of other states and the experience therein, and shall consult and cooperate with the Maine Insurance Department and Attorney General.

The membership of the commission shall be constituted and appointed as follows: Two members shall be members of the Senate of the 105th Maine Legislature, to be appointed by the President of the Senate; 3 members shall be members of the House of Representatives in the 105th Maine Legislature to be appointed by the Speaker of the House and 4 additional members to be appointed by the Insurance Commissioner who, together, shall represent the various Maine insurance constituencies who shall serve without compensation.

The Insurance Commissioner and the Attorney General shall also serve on the commission in an advisory capacity only; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of the funds provided, and that the members shall be reimbursed for their actual expenses incurred in the performance of their duties under this order, such sums to be paid out of the legislative account, and be it further

ORDERED, that there is allocated to the special committee from the legislative appropriation, the sum of \$1,500 to carry out the purpose of this Order. (H. P. 1348)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

The PRESIDENT: In relation to Bill, "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses," (S. P. 450) (L. D. 1296), a non-concurrent matter which we handled on yesterday's calendar, there being no objection, the Chair will discharge the committee of conference which was appointed yesterday and appoint the following to a new committee of conference: The Senator from Franklin, Senator Shute, the Senator from York, Senator Hichens, and the Senator from Oxford, Senator Fortier, as more nearly representing the prevailing view of the Senate.

Orders

On motion by Mr. Hichens of York,

WHEREAS, there is serious public concern as to the administration and operation of our mental institutions; and

WHEREAS, there is continuing evidence of inability to recruit and retain professional and nonprofessional staff; and

WHEREAS, there is substantial evidence of sagging morale among dedicated employees to the extent there is reason to believe patient care may suffer; and

WHEREAS, the Baumgarten Report of 1968 brings serious problems to light, with recommendations for change; and

WHEREAS, the public responsibility towards patients in the care and custody of these institutions demands compassionate care of the highest quality and the full protection of the constitutional and civil rights of those committed to our care; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the Legislature on Health and Institutional Services be authorized to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Mental Health and Corrections as they pertain to our mental institutions to ascertain that department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said standing committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

ORDERED, that this special committee report its findings and recommendations to the 106th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the said standing committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the said standing committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to said standing committee from the Legislative Account the sum of \$1,000 to carry out the purposes of this Order. (S. P. 598)

Which was Read.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I would like to start off my remarks by saying that I feel that the Health and Institutional Services Committee has done a commendable job wherein the Mental Health and Corrections Department is concerned, however, having considered this order, and having considered the changes which have taken place in the Mental Health and Corrections Department since I sponsored the body of this order back in February, I now feel that the order is obsolete and unnecessary at this time.

For example, the order includes concern over the administration of mental institutions, the inability to recruit and retain professional and non-professional staff, sagging mor-

ale and so forth. The resignation of the Augusta State Hospital Superintendent has been offered and accepted. This will enable the Department of Mental Health and Corrections to recruit a capable administrator. However, if the department is under legislative study such as this, I feel that sophisticated, capable professionals wouldn't even consider walking into a trouble spot such as this would appear to be. Therefore, recruitment of professional and non-professional staff would be adversely affected. I also feel that directors of nursing, nursing education and so forth would look askance at potential employment such as this, all people desiring to keep out of trouble spots. I also feel that the order, if passed, would interfere with the ability of the Department of Mental Health and Corrections to perform effectively.

It is my sincere opinion that major accomplishments relative to this department have been made. The Appropriations Committee has given favorable action to additional funds and personnel so that the Augusta State Hospital may maintain accreditation. The same committee has acted favorably on redefining positions and has shown real understanding of the problems and taken steps in the solution of the problems.

The Health and Institutional Services Committee has a better understanding of the problems which I brought to light, and which the Baumgarten Report has brought to light, and they have taken action on those problems. The Health and Institutional Services Committee has acted on institutional visiting boards for the several institutions. There will be five members of each board for each institution, and this will keep the public in touch with the residents of mental institutions. These visiting boards can keep abreast of problems and help to find out ways to solve these problems.

I feel that the \$1,000 that is asked for in this order could better be spent, for example, for pension increases for teachers who taught in 1888. These pension increases would not be very high, but they would be very beneficial to these

people. I feel that the \$1,000 could help to increase these and it would take care of quite a few of these pension increases.

I said when my order was killed that I would leave no stone unturned to get justice for the mentally ill. I worked with leadership, with the Health and Institutional Services Committee, and many professionals, and we have made a great deal of progress. We are pleased with this. There are still needs to be met and changes to be made.

I feel that we should give the Department of Mental Health and Corrections an opportunity to get its feet on the ground, take advantage of legislation which we have passed, and go ahead in progress. As I said before, I do feel that if they are under legislative study it certainly will hamper their opportunity to recruit employees, which are so vital to the health of the individuals who are living in these institutions.

I want to make it very plain, as I said in the beginning, that I am very pleased with the committee, and I would be willing to work with them during a special session if they feel that the Health and Institutional Services Department has not lived up to expectations. I would leave no stone unturned to get them to do so then. So these are not detrimental remarks against the Senator and his committee; it is all complimentary to them. Thank you.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: As I mentioned earlier this week, I got up one morning feeling like a tiger. I think everybody has been grabbing that tiger by the tail this week and swinging me around a little bit. I have had many surprises but this is the greatest surprise of the week, and I am very thankful that the week is about over.

I had talked this over with the Senator from Cumberland, and thought that she was in full agreement that the committee should continue their studies during the interim between now and the 106th

Legislature. This Committee on Health and Institutional Services, even though the order was turned down several months ago, went on their own and visited all except one institution under the direction of Mental Health and Corrections, and have talked with groups about the problems in other institutions, along with the State Hospital here in Augusta, and have found that there are problems.

We have been delighted, as has the Senator from Cumberland, with the actions taken over there at the Augusta State Hospital, and feel that there will be a great improvement there, but that is not the only institution in the State of Maine and, even though some of them may seem to be running very well at the present time, we know there are problems. I feel that where this committee has gone out on their own, many times at their own expense, on non-legislative days and visited not only institutions but boarding homes throughout the state to see some of these problems, that this is a fair order. I do not know whether we will need the whole \$1,000 that has been asked for in this order or not, but it is a cushion that we might use for traveling expenses and meals as we go about in the interim work if this order is passed. Thank you.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I do want to make it very clear that I did not intend this to be a surprise move against the Senator's order. I came down here earlier than usual. The Senate went into session at 1:00 o'clock, and I was down here at 8:30 looking for the Senator to explain to him that I could not go along with his order. When he walked in here today the first time, I told him that I was not going along with his order and I told him why. However, I would say probably a month ago, after Dr. Patterson submitted his resignation, I told the Senator, when he asked me if I thought the study should continue, I said to the Senator that I did not feel that the department should be harassed, and I would be afraid that this

probably would be taken as harassment.

So I continued to work for progress in the Department of Mental Health and Corrections and presented bills to the Health and Institutional Services Committee, one of the major bills being reactivation of the institutional visiting boards. The committee put that out Ought to Pass. This will be a committee which will service during the interim of legislative sessions. It will be an annual thing; it will not be biennial, and I would hope that the members of these committees would visit the institutions several times a year.

I want to make it very plain that I started visiting the institutions in 1957. I have followed up the problems through the years, I know what they are, I am working with professional groups, and each year that I serve in the legislature I try to accomplish major legislation to help improve our institutions, and that is my business here today. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the same Senator.

Mrs. CARSWELL: Mr. President and Members of the Senate: I move that this matter be indefinitely postponed, and I would like to say that come a special session of the legislature, if the department hasn't shaped up, then we can take a thousand dollars and shape them up.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, moves that Joint Order, Senate Paper 598, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: One of the items that Senator Violette and I gleaned from our association with the legislative leaders of other states when we were on our Washington trip was that many of these legislatures continue their standing committees and action during recess periods, and that this has resulted in good committee groundwork. When the legislature comes into session the several bills have

a lot of background material, a lot of support, and a lot of knowledge on the part of the legislators.

Now, I think that this is a minor start in the direction. I realize that it isn't completely the area of the committee, and neither is it in a very narrow area either. I think this is a good idea. I personally would like to see more of this sort of work done by our joint committees. I would hope that, with all respect to the Senator from Cumberland, who never needs to be put in the back as far as concern for our people is concerned, I would think that she would not take offense and would rather support it, because I honestly think this is a step in the right direction.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I am not taking offense at the presentation of this order. As the Senator made it very clear that he thought that I was in favor of this, I certainly was in favor of a study, but as I continued to study the obsolescence of the order and the harm that it would do to the department at this time, I don't feel that we have to trounce on a department when it is down. As I said before, we have instituted legislation, and passed it, which will enable institutional visiting boards to visit these institutions any time they please and keep in contact with the mental hospital patients.

Now, I just feel at this time that this is premature action. Let's give the department a break.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I do not feel that we are trouncing on the department. Our committee took a visit last Tuesday to one of the institutions, and I think we came up with something that may save the state a lot more money than the \$1,000 which is asked for in this order.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cum-

berland, Senator Carswell, that Senate Paper 598, the Joint Order dealing with the Health and Institutional Services Committee, be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone will please say "Yes"; those opposed, "No".

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Thereupon, on motion by Mrs. Carswell of Cumberland, a division was had. Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

The Joint Order then received Passage and was sent down for concurrence.

On motion by Mr. Tanous of Penobscot,

Ordered, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act Relating to Transportation of Seriously Injured People Directly to a Hospital." (H. P. 1051, L. D. 1443)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This order is not on the calendar. I was a little late in getting it together, but it is to recall L. D. 1443, which provides that an ambulance driver shall immediately take injured people to the hospital. My feeling is that there are some serious problems with the bill. I have talked with the sponsor of it and he is in agreement that perhaps we ought to call it back and see what we can do about amending the bill. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage and was sent down for concurrence.

Committee Reports House

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 to Provide the Elderly and Lower Income Residents of Maine Prescription Drugs and Other Medical Services." (H. P. 955) (L. D. 1316)

Bill, "An Act to Provide Funds for Additional State Office Space at Augusta." (H. P. 981) (L. D. 1343)

Bill, "An Act Relating to Death Benefits from Accrued Sick Leave of State Employees." (H. P. 730) (L. D. 992)

Bill, "An Act Creating the Maine Consumer Credit Code." (H. P. 1140) (L. D. 1676)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Repealing the Law Relating to Sterilization." (H. P. 529) (L. D. 691)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to Apprentices Preference to Maine Workmen and Contractors." (H. P. 853) (L. D. 1166)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Organize a Division of Housing within the Environmental Improvement Commission," (H. P. 658) (L. D. 888)

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.

Leave to Withdraw — Covered by Other Legislation

The Committee on State Government on, Bill, "An Act Relating to Salaries of Commissioner of Education and Commissioner of Parks and Recreation." (H. P. 1100) (L. D. 1506)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Refer to 106th Legislature

The Committee on Business Legislation on, Bill, "An Act Es-

tablishing a Pool Underwriting Association of Fire and Extended Coverage Insurance." (H. P. 697) (L. D. 940)

Reported that the same be referred to the 106th Legislature.

The Committee on Business Legislation on, Bill, "An Act Relative to Cancellation Termination of Authority or Modification of Contracts Between Insurance Agents and Insurance Companies." (H. P. 983) (L. D. 1345)

Reported that the same be referred to the 106th Legislature.

The Committee on Business Legislation on, Bill, "An Act Relating to Insurance Rate Filings." (H. P. 1138) (L. D. 1567)

Reported that the same be referred to the 106th Legislature.

The Committee on Labor on, Bill, "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine." (H. P. 1119) (L. D. 1590)

Reported that the same be referred to the 106th Legislature.

The Committee on Labor on, Bill, "An Act Granting State Employees and Employers the Right of Collective Bargaining." (H. P. 1160) (L. D. 1610)

Reported that the same be referred to the 106th Legislature.

The Committee on Business Legislation on, Bill, "An Act Relating to Health Insurance Coverage for Mental Illness." (H. P. 382) (L. D. 497)

Reported that the same be referred to the 106th Legislature.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Senate

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 Relating to Removal of Certain Municipalities from the Forestry District." (S. P. 500) (L. D. 1460)

Sent to the House.

Leave to Withdraw

Mr. Wyman for the Committee on Taxation on, Bill, "An Act to

Provide One Property Tax Rate for the Unorganized Territory." (S. P. 502) (L. D. 1501)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Leave to Withdraw

Covered by Other Legislation

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$750,000 for Student Housing at Washington County Vocational-Technical Institute at Calais." (S. P. 430) (L. D. 1244)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Refer to 106th Legislature or to the Next Special Session

Mr. Graham for the Committee on Natural Resources on, Bill, "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County." (S. P. 559) (L. D. 1699)

Reported that the same be Referred to the 106th Legislature or to the Next Special Session.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Quinn for the Committee on Legal Affairs on, Bill, "An Act Relating to the Name of Maine Juvenile Justice Association, Inc." (S. P. 558) (L. D. 1698)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Hichens for the Committee on Taxation on, Bill, "An Act to Clarify the Exemption of Pollution Control Facilities from the Real Estate and Personal Property Taxes." (S. P. 160) (L. D. 429)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-197).

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Resolve to Provide Funds for a Feasibility Study for New Marine Facilities for the Port of Portland. (S. P. 386) (L. D. 1141)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-199).

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing a Comprehensive Child Care Program of Maine." (S. P. 432) (L. D. 1247)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-198).

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Probation of Juveniles in Cumberland County." (S. P. 525) (L. D. 1565)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-200).

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Repealing the Poll Tax." (S. P. 14) (L. D. 42)

Reported that the same Ought to Pass.

Signed:

Senator:

FORTIER of Oxford

Representatives:

FINEMORE

of Bridgewater

MORRELL of Brunswick

COLLINS of Caribou

McCLOSKEY of Bangor

DRIGOTAS of Auburn

COTTRELL of Portland

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

Signed:

Senators:

WYMAN of Washington

HICHENS of York

Representatives:

DAM of Skowhegan

CYR of Madawaska

ROSS of Bath

TRASK of Milo

Which reports were Read.

Mr. Wyman of Washington moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: In view of the fact that the sponsor of this bill is not present here today, and also in view of the fact that at the committee hearing he gave us a very enlightening and educational treatise on the poll tax, I think that it would not be a waste of time if this body heard him, and I would hope that someone might suggest tabling this until next Monday.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending the motion by that same Senator to Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Amending the Minimum Wage Law." (S. P. 233) (L. D. 695)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-201)

Signed:

Senators:

TANOUS of Penobscot
LEVINE of Kennebec
MARCOTTE of York

Representatives:

GOOD of Westfield
SIMPSON of Millinocket
KELLEY of Machias
McTEAGUE of Brunswick
BUSTIN of Augusta
GENEST of Waterville
BEDARD of Saco

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

Signed:

Representatives:

LINCOLN of Bethel
LEE of Albion
ROLLINS
of East Dixfield

Which reports were Read.

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Regulate Revolving Credit Accounts." (S. P. 470) (L. D. 1528)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
DANTON of York

Representatives:

TRASK of Milo
CLARK of Jefferson
MADDOX of Vinalhaven
LITTLEFIELD

of North Berwick
SHELTRA of Biddeford
McKINNON

of South Portland

ROCHELEAU of Auburn

SCOTT of Wilton

PRATT of Parsonfield

O'BRIEN of Portland

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

Signed:

Senator:

CARSWELL

of Cumberland

Which reports were Read.

Mr. Danton of York moved that the Senate accept the Majority Ought to Pass Report of the Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I oppose the acceptance of the Majority Report in this matter. This bill concerns itself with a very popular item nowadays, the revolving credit account, which is rapidly, and has been for some time, taking more and more of the interest payments that are being paid by consumers.

Now, the major thing it does is put a limit on the amount of interest to be charged at one percent per month, which calculates to 12 percent a year. It appears to me

that this is an adequate return for the credit granted on installment purchases. It does affect the lower income segment of our society probably to a greater extent than some other interest matters, and it would seem to me that the people who are the least able to pay have to pay the most.

Presently there is no limit in the statute setting forth specifically what the charge will be on revolving credit, and I feel that one percent is adequate. I think the most common figure is 1½ percent at the present time.

There was a lengthy hearing and the banks and so forth say that they cannot operate on the 12 percent a year interest, but it appears to me that is just the attitude they have on everything that comes along, that they reject any thought of having what I would call a reasonable charge for this service. So, I would hope that the body would not vote to accept the Majority Report, and accept the Minority Report, which is a one percent interest charge.

As you probably are aware, there has been a ruling by the Banking Commissioner that these accounts do come under the small loan law, and that is being contested, I believe, at the present time. I think this would clear the air and would definitely establish that the one percent a month or 12 percent a year is sufficient. When the vote is taken I would like to have a division, please.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: I certainly feel sorry for people when they have to pay high interest rates but, on the other hand, you also have to think of the businessman. At 12 percent they just wouldn't be able to continue giving credit.

It was pointed out at the hearing that they do take a loss from people who do not pay their bills, and that if they were just left with this 12 percent interest rate they would not be able to carry out their programs of extending

credit. It just wouldn't be feasible for them.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator Danton, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Regulate Revolving Credit Accounts." A division has been requested. As many Senators as are in favor of the motion to accept the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Final Report

The Joint Standing Committee on Agriculture submitted its Final Report.

Which was Read and Accepted. Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Amending the Law Relating to Home Rule." (H. P. 814) (L. D. 1087)

Resolve to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance. (H. P. 1000) (L. D. 1362)

Bill, "An Act Relating to Zoning Appeal Procedure." (H. P. 1165) (L. D. 1619)

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

House — As Amended

Bill, "An Act Defining a Trainee Plumber." (H. P. 781) (L. D. 1047)

Resolve to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction. (H. P. 892) (L. D. 1212)

Resolve, to Reimburse Clarence Eldridge of Liberty for Loss of Sheep Killed by Dogs. (H. P. 943) (L. D. 1302)

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

Senate

Bill, "An Act Relating to Powers and Duties of Personnel of the Forestry Department." (S. P. 411) (L. D. 1226)

Bill, "An Act Relating to the Preparation of List of Prospective Jurors." (S. P. 594) (L. D. 1756)

Bill, "An Act Authorizing the Piscataquis County Treasurer to Pay over a Portion of the Funds from the Estate of Joseph Masteika to Certain Heirs of Joseph Masteika." (S. P. 595) (L. D. 1757)

Bill, "An Act Expanding the Definition of 'Mentally Ill Individual' to Permit Hospitalization of Persons Suffering from the Effects of the Use of Drugs." (S. P. 596) (L. D. 1758)

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

Sent down for Concurrence.

Senate — As Amended

Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction. (S. P. 281) (L. D. 815)

Bill, "An Act Appropriating Funds for Drug Abuse." (S. P. 341) (L. D. 1012)

Bill, "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands." (S. P. 363) (L. D. 1102)

(On motion by Mr. Conley of Cumberland, temporarily set aside)

Bill, "An Act Creating a Medical Advisory Board for Medical Criteria and Vision Standards for Motor Vehicle Drivers." (S. P. 414) (L. D. 1230)

Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (S. P. 481) (L. D. 1593)

(On motion by Mr. Bernard of Androscoggin, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed, as Amended.

Sent down for concurrence.

The President laid before the Senate the matter previously set aside by Mr. Conley of Cumberland: Bill, "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands." (S. P. 363) (L. D. 1102)

Pending — Passage to be Engrossed.

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

Mr. CONLEY of Cumberland: Mr. President, I would like to pose a question through the Chair, if I may, to enlighten this poor boy from the big city where we don't have too many greens growing around: could you please enlighten me as to what type of green a "fiddlehead" is?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I too, being a city slicker, did not know what this bill was when I presented it. I did not know what fiddleheads were when I presented the bill, so I went before the committee completely unaware of what fiddleheads were. But they are a fern-type, I guess you would say vegetable, or growth, and the head looks like the shape of a fiddle.

It seems that people from Canada like these so well that they come to the reservation and in their anxiety and anxiousness to dig these they dig up the root and all and take off. So it really has been somewhat of a conservation problem wherein the Reservation is concerned, and it is a very serious one, because if it is allowed to continue the Indians will lose money by this because they sell these fiddleheads and get quite a bit of money for them. They are quite a delicacy, and that is my opinion of fiddleheads.

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

Mr. WYMAN of Washington: Mr. President and Members of

the Senate: The good Senator from Cumberland, I think, is missing one of the delicacies of life, and if he hasn't tried fiddleheads I would suggest that he try some this week. Last week they were on sale at the First National for forty-nine cents for what I would say is a pound. I would suggest he try them because he is missing one of the better things of life.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I have tried fiddleheads this week and they are delicious. But last week the Institutional Services Committee went up to the Penobscot Reservation, and we were mentioning the fact that the settlement is in such a restricted area and we asked what was done with the rest of the island. They said "We do hunting and we also have thousands of fiddleheads there. In fact, all of the Indians quit work this noontime so we can go fiddleheading."

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I sometimes wish my seatmate wouldn't read these bills and create all these troubles. It just so happens that the Supreme Court has sent down a ruling which we asked of them, and there is a provision in this bill which is unconstitutional. So, if someone would table it, we will try to work it all out.

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

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

Orders of the Day

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

Bill, "An Act to Authorize a Food Stamp Program for Piscataquis County." (H. P. 1143) (L. D. 1584)

Tabled — May 19, 1971, by Senator Dunn of Oxford.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Further Consideration.

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Parimutuel Pools in Horse Racing." (H. P. 864) (L. D. 1187) Report "A" Ought to Pass in New Draft (H. P. 1331) (L. D. 1745); Report "B" Ought to Pass in New Draft (H. P. 1332) (L. D. 1746); Report "C" Ought to Pass in New Draft under New Title on Bill, "An Act Relating to Parimutuel Pools in Harness and Running Horse Racing." (H. P. 1333) (L. D. 1747)

Tabled — May 19, 1971 by Senator Fortier of Oxford.

Pending — Motion by Senator Fortier of Oxford to Accept Report "B" Ought to Pass in New Draft (H. P. 1332) (L. D. 1746)

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

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

HOUSE REPORT — Ought to Pass from the Committee on Legal Affairs on Bill, "An Act Relating to Home Rule Procedure." (H. P. 968) (L. D. 1328)

Tabled — May 20, 1971 by Senator Tanous of Penobscot.

Pending—Acceptance of Report.

On motion by Mr. Clifford of Androscoggin, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Closed Season and Minimum Size of Coho Salmon." (H. P. 1328) (L. D. 1742)

Tabled — May 20, 1971 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Bernard of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. (S-196) was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERNARD: Mr. President and Members of the Senate: This amendment would simply bring the taking of Coho Salmon in line with the present wording which refers to striped or sea bass, and perhaps in the near future it might save some Maine youngster from facing a possible court fine for spearing accidentally a salmon.

In all the years I have been diving I have never seen a salmon, but I have been asked to amend this bill. Some of the fishermen were very gracious in going along with the idea, however, the committee never did quite get around to doing it.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be adopted?

Thereupon, Senate Amendment "A" 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 fifth tabled and specially assigned matter:

Bill, "An Act Relating to Hunting and Fishing Licenses and Fees Thereof." (H. P. 1148) (L. D. 1600)

Tabled—May 20, 1971 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Mr. Bernard.

Mr. BERNARD of Androscoggin: Mr. President, I move that the rules be suspended for the purpose of offering Senate Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, moves that the rules be suspended for the purpose of offering Senate Amendment "A" to Committee Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would take objection to the motion. The intended purpose of the good Senator from Androscoggin is obviously to present this Senate Amendment to the Committee Amendment.

The Committee on Fisheries and Wildlife, when they saw this bill introduced, knew that it was going to be an extremely controversial issue. We had several meetings, executive meetings, of the Committee on Fisheries and Wildlife, at which time we discussed the increased license fees. We would consider a certain fee, and then the committee was instructed to go home, consider the matter, discuss the matter with their constituents, and return for consideration the next week. Now, this matter was repeated for three weeks. I said to the committee that I felt this was one issue on which this committee should come out with a unanimous report. After these many deliberations the committee did come out with a unanimous report. Among the members of that committee is the distinguished Senator from Androscoggin, and he endorsed the committee amendment which has been adopted by the other body.

Now, this amendment which the Senator offers would revert the resident hunting and fishing licenses back to its existing fees.

Yesterday I placed on your desks a green folder from the Inland Fish and Game Department, and I would call your attention to it. Now, the fees which the committee unanimously agreed upon, and I emphasize unanimously, all thirteen agreed upon, were the figures which were in the committee amendment. Now, the increased revenue would amount to \$800,000. I would point out to you what \$800,000 would do if we are going to continue to have hunting and fishing in the State of Maine. Now, if you do not want to continue hunting and fishing in this state, you want to do away with it, then let's not give the department the money to do the job which they are assigned to do, and they won't do

it and we will lose our fishing and our hunting. But I would call your attention to the items which the proposed revenue would do for our hunting and fishing.

The first item is an estimated increase in salaries for the department personnel. Now, if there are members of this body who do not propose to vote for a state employees' pay raise, then this \$235,000 would not be necessary. If however, on the other hand, you do vote for a state employees' pay raise, you are automatically obligating the Fish and Game Department to come up with \$235,000 in pay increases. Automatically there is nothing that the department can do about it but pay them, and you know and I know where the department gets their revenue to operate on.

Now, the next item is the Grand Lake Stream Hatchery, \$160,000; there is a disease problem there. You can see that the rate of loss is six hundred fish a week. Here again, if you do not care to have fish reared and put in our streams and lakes, then it will not be necessary to raise \$800,000 by new license fees.

I am going to pick out only the major items. Let's go down to the added cost of automobiles. We know that the fleet discount has been done away with, and when any of the departments are having to buy new automobiles it is costing them \$900 more for each new automobile than it has in the past. We have voted to authorize the state police to have new radios. Now, the radios which are in the cars of the Fish and Game Department are becoming rapidly obsolete, and if we can implement the new radios for the Fish and Game Department we are saving approximately \$400 on each radio by doing it in conjunction with the state police.

The repairs to the dam at Enfield: you can read that there is dire need for repairs to that hatchery, and the filters at the Enfield Hatchery is \$100,000. Now do you want to do away with these hatcheries? Do you want to do away with the rearing of these fish to stock our lakes and streams? If you do,

then the department does not need an increase in their license fees.

You will notice that down at the bottom of that page there is an item for ten wardens. Now, the members on the committee who have served over the terms are fully aware, and I know that many of you are aware, of the problems which we have in the State of Maine with poaching. I think that many of you are aware of the conditions which these wardens have to cope with and with the distances and the territories which they have to cover. Members of this Senate, it is disgraceful that we send those wardens up into the north country in those desolate areas alone. There should be two wardens go into those areas, in case one has an accident the other one can take care of him and get him out of the woods. Now, if you don't want ten wardens, if you want to continue the poaching that has been going on in the state, then you don't need to raise any license fees. Now, these are hard-nosed facts.

The department has done an excellent job. The sportsmen in the State of Maine feel that it is their department, and they are the ones who are anxious and are willing to see that this department continues the programs which they have got. And I am going to read to you a portion of a letter from the Associated Sportsmen Club of Cumberland County, signed by E. T. Allen the Secretary.

"The Associated Sportsmen Club of Cumberland County, representing fourteen sportsmen in conservation clubs in this county, endorses in principle L. D. 1600 which would increase the cost of hunting and fishing licenses. It is obviously inevitable that, in order to even maintain its activities at the present level, the Department of Inland Fisheries and Game must increase its revenue. We feel that an increase that would only meet next year's basic requirements, with no reserve, would be shortsighted. The increase should be sufficient to provide for projected cost increases for at least a few years ahead without another increase in license fees. We therefore suggest a fee increase for all the classes of licenses that

would average approximately four dollars."

Now the increases, which the committee proposed will not average that amount of money. The resident license fees are going up two dollars and fifty cents for a single license. And in some cases, like the boys and girls who want to go fishing, it is a very small sum. So, I would implore upon you to vote against the reconsideration of this motion so that this bill, as this committee unanimously endorsed it, may go on its way back to the other body for their final consideration. And I would ask for a division on the reconsideration motion.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I am not going to prolong this debate this afternoon. I think I have accomplished my objective which was to bring the thing to a debate, because here this little document was sailing through both chambers apparently not being debated.

When we consider the problem that is going to be facing this state in the very near future, and I am talking about when our citizens are asked to vote for or against repealing the State Income Tax, and then we turn around and say well, we are justified in raising hunting license fees. My amendment puts back the residential fees to the level that they are presently are. It allows the increase to out-of-staters.

When you look down the list you will notice that a junior hunting resident license goes from the present level of \$1.00 to \$2.50, I submit that that is more than a small nominal raise; that is an increase of something like one hundred and fifty percent, and I think that is outrageous. I have so said before the committee. I will agree that I did sign the Ought to Pass Report but, like a hurricane, I think that being a Senator I have the prerogative to change directions occasionally. And being one who commutes from home each and every day, I am in close con-

tact with many groups in my area. I can assure you that it was brought to my attention that there are many sportsmen who are opposed to this right across the board increase. So I felt as an obligation to my constituents that I should henceforth submit this amendment.

Let us consider a man, his wife and two teenage boys who like to go hunting. Under this bill, if it passes in its present form, it is going to cost that family twenty-six dollars to get a hunting license for these four members, plus two dollars recording fees for the city clerk. I think that is a little high. As one particular father expressed to me just the other night, this increase in hunting fees is more than he is now paying for the state income tax. I quote that he confronted me with the fact that I am going to be asking him sometime in November to vote to retain the state income tax, and yet I am turning around and am trying to raise an additional \$800,000.

Certainly it is nice to be able to hire ten more game wardens. I am not one to stand here and argue that the proposals set forth by the Department of Inland Fish and Game are not warranted. But I do submit that an addition of ten game wardens is in fact an expansion of state services, and I think we all are pretty well committed to holding the line, one more good reason why I submitted this amendment. I will just let the vote fall on those particular arguments. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I have since being in the legislature supported the Fish and Game Committee over the years in its program. I think they have done an excellent job, and I also feel that the Fish and Game Committee itself is sincere in the recommendations that they are making here this afternoon. But I concur very strongly with the good Senator from Androscoggin, Senator Bernard. During the recent debate I have been checking

the green sheet that the good Senator from Knox, Senator Hoffses, distributed yesterday, and I have also gone back and looked at the House Amendment or the Committee Amendment that is filed under H-275. I believe if everyone would take a gander at the committee amendment, and also looking at the original bill as sponsored that we do see some very inflationary increases in the increase of license fees.

Yesterday we debated a bill in here that was totally obnoxious to most of us in regard to fees that were placed on by another Committee, the Agriculture Committee, in respect to dogs and pet shops. Well, I find this bill here just about as obnoxious, and what really galls me is the fact that the entire bill just about galls me because of the large increases that are within the bill. What disturbs me even more is the fact that the Senator from Androscoggin is trying to make a minor adjustment that may be a little bit more palatable to me as one who likes to fish and the boys in my family, although they are not all old enough to participate in this sport, like to fish. And very quickly a little mathematics shows me that if I want to take my boys fishing after this bill was passed it would cost me \$27.50, which isn't too bad for a start. But when we start increasing fees at the rate that the good Senator from Knox, Senator Hoffses, requests, I think we are going just a little bit overboard.

Prior to the legislative session, one of the wardens came down to Portland to see me because he was very much interested in a twenty-year retirement plan that was before the last session of the legislature and somehow along the way met its demise. He spoke to me and made good points as to why they should retire after twenty years, and I honestly find no fault in his request. But his selling point, well, one of the largest selling points, was that they wouldn't have to raise any more money because of the fact that it is a dedicated revenue account and there was enough money there to take in under the retirement

plan those people who having twenty years of service could retire, and there would be a little or no additional cost to the state.

Now, we are coming in with this absurdity, which to me just puts the field of sports right out of the hands of primarily the people who occasionally get an opportunity to go out and do a little fishing and hunting. We don't all own camps in the state, and we aren't all wealthy people, but I am afraid that we are going to have a very restrictive fish and game society existing if these things continue to go on at the proportionate rates that are being suggested here. Mr. President and Members of the Senate: Unless we can come to some amicable compromise and settle this issue, until that time I am going to have great reservations about voting for any bill, particularly of this magnitude. Therefore, Mr. President, I move that this bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Bill, "An Act Relating to Hunting and Fishing Licenses and Fees Thereof," be indefinitely postponed.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I can't add very much to what the Senator from Knox, Senator Hoffses, has said, but I was very much disappointed to see this amendment put on the floor. We worked hard and long trying to come up with these increases and they do mean so much to one of our biggest industries in the State of Maine. We have got to go forward with our programs.

Now at the last executive session we held in the Commissioner's office we all unanimously agreed that we would carry on with the figures that were presented by Senator Hoffses. I recall at that time that Senator Bernard had to leave, and we distinctly asked him if these figures were okay with him and he said "Yes, they are".

So, it was a very great disappointment to me to see this amendment come on the floor.

I think that little ticket of entertainment, the fish and game license, is one of the best buys that we have in the State of Maine. When you consider that you have some form of sport in every day of the year, 365 days in the year, I don't see how you can go wrong with these figures. I certainly oppose the motion to indefinitely postpone.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: When I drew up this amendment I felt that the raising of the non-resident fees was in keeping with proper advances made by other states. I think our rates for non-resident fees under the proposed bill is well in line with the ability to pay for what these people will receive up here in this great state.

I don't want to see the bill entirely defeated. All I want to see is that we hold the line for our own Maine citizens and especially for the youngsters.

I agree wholeheartedly that the good Senator quoted my words per se, but as I already said, I felt that the increase to our Maine citizens is out of this world. I will stick by that.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: The distinguished Senator from Cumberland is concerned about the cost of licenses to take his twelve children out fishing. If the gentleman would care to turn to page three of L. D. 1600, the third paragraph reads this way, and I will read it: "Any resident under sixteen years of age, and any non-resident under twelve years of age, may fish without a license." So, I think perhaps that the very substantial cost to the gentleman from Cumberland may be a little over-estimated there due to this particular paragraph in the bill.

Now, I would say further to the gentleman from Cumberland that unless we take action, and unless the Department of Inland Fish and Game are permitted to carry on their programs, I think I can say this with a great degree of honesty, and I think that there are many who will substantiate it, that there will be no fishing for his children when they get old enough to wet a line in a brook or in a pond or a lake. Let alone what the cost would be for the license, the fish won't be there. The purchase of a license does not guarantee any of us that we are going to catch fish.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone. I intend to go along with the committee on this bill. As I was sitting here listening to the debate, I was quite surprised at the remarks of the good Senator from Cumberland, Senator Conley, when he mentioned the fact he was opposing the raise in fees on this bill like he had the day before on the dog bill. Evidently he has forgot his remarks of the day before because no one in fact mentioned anything about the raise in the dog licenses. So, I think that maybe also he neglected to find out that his children weren't going to have to have a license, most of them, so I don't believe he has done too good a job reading the bill, and I am going along with the committee.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't think that we can accomplish anything by killing this legislation. To destroy things is awfully easy; to build is a little bit harder. I think this bill should be amended. If there is any injustice in it, or the fees are being raised too much, we should adjust it.

As the good Senator from Cumberland mentioned yesterday that he had to pay a fine for one

of his children for not taking care of the dog right, and he tried to blame it on the bill that was before us. This legislation was not in effect, it didn't have any provision in it of that kind, and if it had been passed it would have taken ninety days. The good Senator is a member of the City Council in Portland, and they passed legislation there. I think if he would spend a little bit more time there and change the laws he wouldn't have to pay any fines maybe.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: With regards to the words stated by the good Senator from Knox, Senator Hoffses, any way you look at this thing, whether the fees pass, or if all the lakes and streams become polluted, apparently my kids aren't going to get that enjoyment to fish regardless.

I think the good Senator from Kennebec, Senator Levine, stated he didn't want to see the bill killed. I am always interested in the spirit of compromise, and I feel that the amendment that the good Senator from Androscoggin, Senator Bernard, is offering is a reasonable compromise. It is not my intent to see the bill demolished, so I would hope that at least the Senate in its wisdom would concur with the thoughts of the good Senator from Androscoggin, Senator Bernard. On that Mr. President, I withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Cumberland, Senator Conley, withdraws his motion to indefinitely postpone the Bill. The pending question before the Senate now is the motion of the Senator from Androscoggin, Senator Bernard, that the Senate suspend its rules for the purpose of reconsideration of the adoption of Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am in agreement

with this revision of L. D. 1600, the way that they have amended this and brought it down. I think it is within reason. Yes, there is inflation, there is inflation on everything. I am sure if Senator Conley of Cumberland takes his children to the movies he will see quite a change in the last few years, in taking his family to the movies or anything else, whether going bowling or out golfing or whatever, inflation has taken its effect.

But what we are talking about here is the protection of our natural resources, and if we don't do something about it we are going to lose millions and millions of dollars coming into this state because this is probably one of the greatest attractions that we have here, and we are talking about an increase of three dollars for hunting and fishing for a year, which I call very reasonable. We just passed a bill yesterday, enacted a bill yesterday, and I don't know if the Governor has signed it or not, probably he has, that is costing the department some \$90,000 when we allow wardens twenty-year retirement, Fish and Game wardens, and no one said anything about that. It was all in anticipation that this bill would be passed. I feel it is a must that we pass this bill if we are going to retain any of our natural resources, especially with the increase of ten wardens, we need them. In the last few years, and many of the men right here in the Senate know it, we expanded the roads in the north country, thousands of miles of new roads, and one warden will cover thousands of miles or try to cover it. We have got to have extra wardens in the north, there is no question about that, if we are going to protect it. I think it is a good bill and I don't want to see it amended. I hope the motion fails.

The PRESIDENT: Is the Senate ready for the question?

As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Bernard, that the rules be suspended for the purpose of reconsideration will please rise and remain standing until counted. Those opposed

will please rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and nineteen Senators having voted in the negative, and eleven being less than two-thirds of the Senators present and voting, the motion did not prevail.

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

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

SENATE REPORTS — from the Committee on Legal Affairs on Bill, "An Act Relating to Ambulance Service for Injured or Ill Persons." (S. P. 359) (L. D. 1055) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 20, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Quinn of Penobscot to Accept the Majority Ought Not to Pass Report.

On motion by Mr. Quinn of Penobscot, retabled and specially assigned for May 25, 1971, pending the motion by that same Senator to Accept the Majority Ought Not to Pass Report of the Committee.

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

Bill, "An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077)

Tabled—May 20, 1971 by Senator Minkowsky of Androscoggin.

Pending—Enactment.

On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

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

JOINT ORDER—Relative to Department of Health and Welfare adopting Rules and Regulations. (S. P. 600)

Tabled—May 20, 1971 by Senator Berry of Cumberland.

Pending — Passage.

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

Mrs. CARSWELL of Cumberland: Mr. President, will the Secretary please read the order.

The Joint Order was then Read by the Secretary.

(For text of the Joint Order, see yesterday's Senate Report.)

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I think that the order speaks for itself, but I would like to use a couple of visual aids here so that you will have a good idea about the matter of which I am speaking.

A law was passed in a previous session of the legislature a number of years ago. The state statutes state that rules and regulations must be adopted and published by the Health and Welfare Department to carry out the letter of this law. Now, the industry and professional groups have worked on rules and regulations, they started December 6, 1965, and they have gone through six different drafts. A good amount of professional time and departmental time, and the taxpayers dollars, were spent on compiling this set of rules and regulations. It is quite thick, and it is a very meaningful document. The State Health and Welfare Department is very definitely in violation of the state law, Title 22, Section 42 of the rules and regulations, and also Title 22, Section 45 of the rules and regulations, Maine Revised Statutes.

Now, instead of the department adopting up-to-date rules and regulations for a new law which thousands of dollars were spent in legislative work on this law, debating it and so forth, and finally it was accepted, however, the Health and Welfare Department has not chosen to live up to the law and adopt rules and regulations. They are operating on minimum standards of a 1956 law to carry out the laws of 1965. Here it is 1971 and they have not come up with anything yet.

Also in this chapter, I am reluctant to mention it, but it also states that whosoever is negligent in their duty shall be fined by a \$500 fine or imprisonment of six months in jail. I certainly would hate to see this happen to the Commissioner of Health and Welfare, really I would hate to see it happen. But it seems to me that these department heads must carry out the laws that we put into effect. What this legislation would do is to direct the department to do something about the laws which we have passed.

This order was formerly a bill, I believe it was 1527, a bill which I presented, however, rules and regulations cannot be written into the law; they have to be adopted by the department and published by the department, and then distributed to those institutions who must follow these rules and regulations. If these nursing homes and other facilities do not have up-to-date rules and regulations, they can be found in violation of the law, but what rules and regulations are they in violation of? It presents quite a dilemma. So, I asked that the committee give me leave to withdraw on my document because technically it could not become a law. However, the order states exactly what the bill stated, that the legislature will direct the Commissioner of Health and Welfare to adopt the rules and regulations it has been working on and to publish them, and to distribute them to the institutions that must live up to them.

I would like to say that a very good feature of this order is that these rules and regulations will have to be checked by the Attorney General's Department before they are adopted and published. So, I think that the people who will benefit by this are the poor and the elderly people of the state. Numerous people who are confined to mental institutions for lack of a better place to go certainly can benefit if we improve our nursing homes. This has been a problem for a number of years, and our nursing homes have improved through the years, but they certainly should not be expected to live up to rules and regulations that really don't exist. I hope that this

order receives passage. I brought it up to the Committee on Health and Institutional Services, and I understand that they are in favor of it. Thank you.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I rise in support of this order by the Senator from Cumberland. This L. D. 1527 was presented to the Health and Institutional Services Committee. There were several people from nursing homes around the state who expressed their bewilderment at regulations that they are now required to go by as presented by the Health and Welfare Department.

Even before this hearing was held I have been in sort of a dilemma down in my own area because of a nursing home where starting last fall they showed me regulations which had been given to them by the Health and Welfare Department that they had conformed with, and then in January they were informed that they were going to have to close the nursing home because they were not abiding by present rules and regulations. Many of these were different than those offered to them last November. They again tried to conform to the rules, and in March they received another letter saying that they were still not conforming with new rules which had been given to them. I have copies of these over in my motel room, and I tried to explain to one of the members of the Health and Welfare Department who has been lobbying in the halls, I understand all morning, he grabbed me on my way in, and that is perhaps some of the confusion that developed between the Senator and I on my order which was presented earlier in this session, because I couldn't get in here for her to talk to me about it. But we heard this bill, and at the request of the Senator it was withdrawn.

The order was given to us for our approval, and the committee added that portion of it which says pending approval by the Attorney General's Department, which was approved by the Senator, and it came out a unanimous report from

the committee that we would endorse and support this order. I hope that you will go along with it.

The PRESIDENT: The Chair recognizes the Senator from Andros-coggin, Senator Minkowsky.

Mr. MINKOWSKY of Andros-coggin: Mr. President and Members of the Senate: I am still in the process of trying to interpret the true intent and meaning of the six drafts, so-called. I did sign the report with the Health and Institutional Services Committee, but I am still a little bewildered about its real intent and purpose. I would appreciate at least this week-end to make further inquiries, and I wish somebody would table this until the next legislative day.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: A tabling motion has not been made. I hope that we don't make one. I think that if I

have ever heard full and complete debate I have heard it today.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage and was sent down for concurrence.

Reconsidered Matter

Mr. Moore of Cumberland moved that the Senate reconsider its action of yesterday whereby An Act Restricting Use of Certain Campsites, (H. P. 996) (L. D. 1358), was Indefinitely Postponed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Moore of Cumberland to Reconsider.

The Adojurnment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until May 24, 1971, at 2 o'clock in the afternoon.