

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Tuesday, February 29, 1972  
Senate called to order by the President.

Prayer by the Rev. Reese M. Riley of Gardiner.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Kindling Out-of-door Fires." (H. P. 1480) (L. D. 1923)

In the House February 15, 1972, Passed to Be Engrossed.

In the Senate February 25, 1972, Passed to be Engrossed as Amended by Senate Amendment "A" (S-355) in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Peabody of Aroostook, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways." (S. P. 728) (L. D. 2006)

In the Senate February 24, 1972, Report "A" — Ought to Pass in New Draft Under Same Title (S. P. 765) (L. D. 2039) Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Comes from the House, Report "B" — Ought Not to Pass — Read and Accepted, in non-concurrence, thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions." (H. P. 1494) (L. D. 1937)

In the Senate, February 24, 1972, Failed of Enactment.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-528), as Amended by House Amendment "A" Thereto (H-579), in non-concurrence.

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

**Communications**

University of Maine  
at Orono

Bureau of Public Administration  
28 Coburn Hall  
Orono, Maine 04473  
207-581-7603

Honorable Members of the  
105th Maine Legislature  
State House  
Augusta, Maine 04330

**Re: Maine State Government  
Internship Program  
1971 Annual Report**

Gentlemen:

Pursuant to provision of M.R.S.A. Title 5, Chapter 14 it is my duty and privilege to report to you on the above program. In 1971 fifteen (15) interns were placed with state agencies during the summer, including the Office of Legislative Research, although not without considerable difficulty due to the lack of funds for intern salaries or for program coordination. The number of placements, largest in the four year history of the program, reflects increased interest by college men and women.

Unfortunately, 1971 was also the year in which the Legislature again chose not to fund the program. As a consequence it was necessary for the Bureau of Public Administration to terminate its gratuitous administration of the 1971 program on July 1, 1971.

Financial support of the internship program is necessary if qualified college students are to be placed with state agencies on the basis of merit and potential usefulness to the state rather than primarily on the willingness and ability of a state agency to pay the intern's weekly salary of less than \$100. It also insures adequate overall coordination of the program.

If the state is to realize the original objectives of the state internship legislation, which include attracting responsible young Maine men and women to consider state government as a career, it needs direct financial support.

A list of students participating as state government interns in 1971 is appended.

Respectfully,  
Dana R. Baggett  
Director

MAINE STATE GOVERNMENT  
INTERN PROGRAM  
SUMMER 1971  
NAME/ADDRESS,  
SCHOOL/MAJOR,  
AGENCY/SUPERVISOR

Sherwin E. Bowie  
Lisbon, Maine  
Colby College/History  
Archives/Howell Lowell  
Charles DiPompo  
Corinna, Maine  
UMO/Int. Affairs  
Legislature Research  
Samuel Slosberg  
Cynthia Everett  
Augusta, Maine  
UMO/Ed. History  
Archives/Howell Lowell  
Ken G. Finegan  
Gray, Maine  
UMPG/Pol. Sci.  
MLEPA/Gary Elwell  
Peter N. Gardiner  
Portland, Maine  
UM/Law  
Environmental Adm.  
Wm. R. Adams, Jr.  
Joseph M. Huston  
Bangor, Maine  
UMO/Pol. Sci.  
Liquor Commission  
Thomas M. Joyce  
Portland, Maine  
UMO/Pub. Mgt.  
State Budget Office  
Roland M. Berry  
Roger J. Katz  
Augusta, Maine  
Harvard/Gov.  
Mental Health  
Dr. William Schumacher  
John S. Kellam  
Portland, Maine  
UMPG/Pol. Sci.  
Soil & Water Conservation  
Charles Boothby  
Thomas G. Reeves  
Auburn, Maine  
BU/Law  
Public Utilities  
Allen G. Ross  
Auburn, Maine  
BU/Psych.  
Mental Health  
Wm. F. Kearns, Jr.  
Douglas V. Scribner  
Phillips, Maine  
UMA/Pol. Sci.  
Agriculture/Daniel Harlan  
Vicky Slagle  
Johnstown, Pa.  
Colby College/Amer. Civ.

Executive Department\*  
Kermit Lipez  
David S. Turesky  
Portland, Maine  
Amherst College  
American Studies  
Legislature Research  
Samuel Slosberg  
Allison Whitmore  
Manchester, Maine  
UMPG/Pol. Sci.  
Augusta State Hospital  
\*Without Compensation

(SP 771)

Which was Read, and Ordered  
Placed on File.  
Sent down for concurrence.

**Committee Reports  
House**

The Committee on State Govern-  
ment on, Bill, "An Act Creating  
the Maine Industrial Port  
Authority." (H. P. 1505) (L. D.  
1947)

Reported a new draft (H. P.  
1592) under same title and recom-  
mended that same be printed and  
recommitted to the Committee on  
State Government.

Comes from the House, the  
report Read and Accepted and the  
Bill Recommitted to the Com-  
mittee on State Government.

Which report was Read and  
Accepted and the Bill Recommitted  
to the Committee on State Govern-  
ment in concurrence.

**Senate**

**Ought to Pass in New Draft**

Mr. Johnson for the Committee  
on State Government on, Bill, "An  
Act Implementing the Reorganiza-  
tion of the Department of Environ-  
mental Protection." (S. P. 752) (L.  
D. 2024)

Reported that the same Ought  
to Pass in New Draft Under Same  
Title (S. P. 772) (L. D. 2051)

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

**Second Readers**

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

**House - As Amended**

Bill, "An Act Reallocating Funds  
for Professional Contractual  
Employees for the Joint Standing

Committees of the Legislature.” (H. P. 1450) (L. D. 1893)

On motion by Mr. Berry of Cumberland, tabled until later in today’s session, pending Passage to be Engrossed.

**Senate - As Amended**

Bill, “An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts.” (S. P. 712) (L. D. 1986)

Which was Read a Second Time.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I have an amendment which I would like to offer to this bill. There have been some questions raised about one or two of the counties that may actually lose money because of the operation of this bill. The purpose of this amendment, which has a Filing Number of S-373, would be to assure that no county would lose money by the operation of this bill based on the year 1971.

Now, this does have precedence. Under our state subsidy law for education we have used this so that the towns and municipalities, of course, could make their plans accordingly, and this is the basis on which this amendment is offered.

This would be an amendment to Committee Amendment “A”, so I believe I should move at this time that we reconsider our action whereby we adopted Committee Amendment “A”.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate reconsider its action whereby the Senate adopted Committee Amendment “A”. Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then presented Senate Amendment “A” to Committee Amendment “A” and moved its Adoption.

Senate Amendment “A”, Filing No. S-373, to Committee Amendment “A” was Read and Adopted and Committee Amendment “A”, as Amended by Senate Amendment “A” thereto, was Adopted.

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

**Enactors**

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

An Act Implementing the Reorganization of the Department of Agriculture. (S. P. 716) (L. D. 1989)

An Act Implementing the Reorganization of the Department of Public Safety. (S. P. 718) (L. D. 1991)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

An Act Relating to Reporting Tumors and Establishing a State-wide Tumor Registry. (S. P. 766) (L. D. 2043)

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

An Act Providing Funds to Town of Mattawamkeag to Construct Municipal Buildings Destroyed by Fire. (H. P. 1525) (L. D. 1968)

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

An Act Implementing the Reorganization of the Department of Secretary of State. (H. P. 1535) (L. D. 1978)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

An Act Implementing the Reorganization of the Department of Transportation. (H. P. 1541) (L. D. 2013)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

An Act Reallocating Funds for Auburn-Lewiston and Rumford Airports Provided by 1967 Bond Issue. (H. P. 1574) (L. D. 2031)

An Act Establishing a Tuition Equalization Fund for Maine Students Entering Maine Private Colleges. (H. P. 1575) (L. D. 2032)

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

An Act Relating to Restoration to State Service. (H. P. 1579) (L. D. 2036)

Which, except for the matters set aside, 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 laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock: An Act Implementing the Reorganization of the Department of Public Safety, (S. P. 718) (L. D. 1991), pending Enactment.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on these three bills, L. D. 1991, L. D. 1978, and L. D. 2013, I request it be taken by division, and I would speak to my motion.

The PRESIDENT: The Senator has the floor. The matter before the Senate is the enactment of An Act Implementing the Reorganization of the Department of Public Safety.

Mr. ANDERSON: Mr. President and Members of the Senate: Our present system of state government has been functioning for over 100 years. We are asked to change this system in a matter of a few days at a special session. I realize that Senator Johnson and his committee have worked on these reorganizational bills for over a year. The rest of us haven't seen them until they show up on our desks. How can we possibly make an intelligent analysis in this short a time?

We have passed several of these bills. Let's wait and see how they function before accepting any more. If we try to gorge ourselves with the whole menu we may wake up with a bellyache. Again, I move that when the vote is taken it be taken by division. I don't want to take up our time with the Yeas and Nays, for I know full well the outcome. Thank you.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the passage of the bill to be enacted will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had, 21 Senators having voted in the affirmative, and six Senators having voted in the negative, the Bill was Passed

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

The President laid before the Senate the second matter temporarily set aside by Mr. Anderson of Hancock: An Act Implementing the Reorganization of the Department of Secretary of State, (H. P. 1535) (L. D. 1978), pending Enactment.

On motion by Mr. Anderson of Hancock, a division was had. 23 Senators having voted in the affirmative, and five Senators having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the third matter temporarily set aside by Mr. Anderson of Hancock: An Act Implementing the Reorganization of the Department of Transportation, (H. P. 1541) (L. D. 2013), pending Enactment.

On motion by Mr. Anderson of Hancock, a division was had. 20 Senators having voted in the affirmative, and nine Senators having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter temporarily set aside by Mr. Graham of Cumberland: An Act Relating to Reporting Tumors and Establishing a State-wide Tumor Registry, (S. P. 766) (L. D. 2043), pending Enactment.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: Some information has recently come to my attention just yesterday that it is possible this bill will need an amendment. Therefore, I would much appreciate it if some member would table this bill for one legislative day.

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

Thereupon, on motion by Mr. Marcotte of York, tabled and Tomorrow Assigned, pending Enactment.

#### Emergency

An Act Relating to Interceptor Sewers and Pumping Stations of Waterville Sewerage District and Municipalities Within Kennebec Sanitary Treatment District. (S. P. 758) (L. D. 2030)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

"An Act to Review the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Tabled — February 25, 1972 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

On motion by Mr. Schulten of Sagadahoc, retabled until later in today's session, pending Passage to be Engrossed.

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

JOINT ORDER — Relative to Maine Education Council.

Tabled — February 28, 1972 by Senator Berry of Cumberland (H. P. 1590)

Pending — Passage.

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

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

Bill, "An Act Relating to Penalty for Sale of Certain Drugs." (H. P. 1582) (L. D. 2040)

Tabled — February 28, 1972 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have had distributed a few moments ago a proposed amendment to L. D. 2040, under Filing S-376. This is quite a change from the present proposal in the bill and I think it would be wise if perhaps someone would table this until later in today's session so you might have an opportunity to study the amendment.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Thereupon, on motion by Mr. Shute of Franklin, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 768) (L. D. 2047)

Tabled — February 28, 1972 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-365 was Read.

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

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: I rise to oppose the adoption of this amendment. My information is that there will be several amendments offered today to the supplemental appropriations bill and, reluctantly, I will have to oppose all of them.

We didn't feel that granting raises during the special session was a proper thing to do, even though the recipients, without any doubt, are most worthy of having increases in salary. I don't think there is really anything more I can add to the argument. I question the time, as it will only be eight

months or so until we come back into regular session, and the Appropriations Committee felt that this was a regular session item, not one for an emergency session. Thank you.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I certainly hate to stand up and oppose my good friend from Penobscot, Senator Sewall, on this particular amendment. I might mention at this time that Senator Conley from Cumberland wanted to submit the amendment, but he was to be absent today and asked me to do it in his behalf.

At the regular session of the 104th we denied the judges a salary raise at that time, and at the special session of the 104th we gave them a \$500 raise. Now, the \$500 raise we gave them, for the most of them, I guess, it failed to even pay the income tax which we had passed at the regular session, so actually they got no raise whatsoever. At the regular session last time we enacted a raise in salary for just about everybody coming and going on the basis of 11 percent, and everybody got a raise at the regular session, except us and the judges, I guess. So that this particular amendment that is proposed is an amendment which calls for roughly an 11 percent raise in the judges' salaries.

I may add that your judges in this state are probably the lowest paid, or among the lowest paid, judges in this country as far as salaries of judges are concerned across the country. I think we rank about 38th, which is pretty far down the ladder. And these people, it is my feeling from being closely associated with them, certainly put in a full day's work, they really work hard at it, putting in 10-hour days and sometimes 12 and 14 hours, no question about it. They have very little staff to help them, and I just feel that they deserve a raise. Everybody else got one at the regular session and I just feel they ought to have one. Thank you.

The PRESIDENT: The Chair

recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: In the bill some staff has been provided. Ten people have been cut out of the bill was the pay raise, and the Senator from Penobscot, Senator Sewall, stated in his statement that the Committee felt that they did not want to go along with pay raises at this time, and that was just about the whole case. But they do have staff provided in this, and I would request a division when the vote is taken.

The PRESIDENT: A division has been requested. The pending question before the Senate is the adoption of Senate Amendment "D". As many Senators as are in favor of the adoption of Senate Amendment "D" will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 17 Senators having voted in the affirmative, and 12 Senators having voted in the negative, Senate Amendment "D" was Adopted.

Mr. Martin of Piscataquis then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-362, was Read.

The PRESIDENT: The Senator has the floor.

Mr. MARTIN: Mr. President and Members of the Senate: This amendment would knock off the \$396,667 recommended by the Appropriations Committee for spruce budworm control. I don't think that this is necessary. I feel that we have a bill on the table unassigned regarding the Maine Forestry District Tax that will increase the tax by two and three-quarter mills for the year 1972, and I feel that to double this increase would provide the two-thirds needed, as recommended previously: one-third by the property owner, one-third by the general fund, and one-third by the federal government.

I feel the people involved who own this property can provide two-thirds of the cost, run this money through the Governor and Council and be eligible for the federal funds just as well.

I feel that this is a subsidy. I feel that the potato farmers up in Aroostook County pay out of their own pockets to fight their potato bugs, the blueberry farmers in Washington County, the apple growers, and this is showing special treatment for special interests. I think we have many more things in the Appropriations Budget that have been knocked out that should have priority over this one here. Therefore, I hope the Senate will vote in favor of this amendment.

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

Mr. BERRY of Cumberland: Mr. President, I move the indefinite postponement of Senate Amendment "A", and would speak very briefly to the motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Senate Amendment "A" be indefinitely postponed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The budget document provides in Section C, under the Forestry heading, a total of \$396,000, which represents the one-third appropriation for the state's share of the spruce budworm disease expense. Another third comes from the federal government, and the other third from the landowners.

This has historically been the allocation of costs in this subject of spruce budworm control. It seems at this late stage of the game that to make a very basic change in the treatment of this, in the allocation of costs, is far more significant than just the dollars involved. The companies involved have their budgets all made out and the work should go right ahead. This well might result in the postponement of this very, very important treatment to stop the spread of spruce budworm disease.

I don't disagree perhaps in principle with the good Senator from Piscataquis, Senator Martin, that perhaps there should be, but historically we have done it this way, and there is ample justification when it is spread three ways. The owners are paying their

fair share of the cost. Out of the land involved we get a lot of good for the state and the people in the state from recreation and so forth, so the state is justified in paying part of the share of the cost to control this disease. I hope you would vote with me to indefinitely postpone this, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As the good Senator Berry points out, this has been the historical method of raising this money. I can't help but chuckle at this statement because, if it has been historical, then we admit, as Senator Berry has so admitted, that it isn't actually the correct way to do it, and why not attempt to correct it this year? It is a \$400,000 plum to certain interests, I am definitely against it, and I hope my amendment is adopted.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I rise to refute the statement of Senator Martin. Just because I say it is historical doesn't mean that we are continuing a bad custom. This has been done. I say that the reason perhaps we shouldn't change the method now is that it hasn't been indicated it is a bad method. If it has been going on for years, and it hasn't been indicated bad, it certainly seems that at this special session isn't the time to change the method.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There is one thing here that perhaps we have overlooked. It seems to me in this case that perhaps the paper industry means too much to the economy of the state. I think that whether you get wages from this manufacturing process or not, it is tied in with our whole economy, and it seems to me to

be perfectly logical for the state to bear a certain amount of this expense.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "A" be indefinitely postponed. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 10 Senators having voted in the negative, Senate Amendment "A" was Indefinitely Postponed.

Mrs. Carswell of Cumberland then presented Senate Amendment "K" and moved its Adoption.

Senate Amendment "K", Filing No. S-375, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: You will well remember last session how I tried to improve the conditions in our nursing and boarding homes, and many other people have been working for years to do the same thing. However, I find this session that we can make one small improvement which would mean a great deal to the safety and well-being of these people who have to live in nursing and boarding homes.

I would like to read just a paragraph written by Kimberly Clifford. It was written in the Portland Press Herald on February 17th: "Nursing Home System Called Danger to Aged. The Executive Director of the Jewish Home for Aged said Wednesday that the state's present system of nursing home services is hypocritical, self-defeating and endangers the lives of patients." I just think that state-ment alone really should make us act on this.

Now, what this legislation would do is just state that the taxpayers money will be spent for services rendered. In other words, if a nurs-

ing or boarding home is unsanitary or if it is overcrowded, which certainly in time of fire would endanger the lives of many people, it just states that these people shall not receive the increase. 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 hesitate to rise in opposition to this, but the Health and Institutional Services Committee has visited many of these homes, and I feel that the Senator from Cumberland is bringing out special points that may not be involved in this amendment.

Many of these homes, and there aren't too many that are on temporary licenses, their biggest problem is the lack of funds, and I think that if we put this amendment in that prohibits them from getting these funds, that it is going to force them to close, where probably the additional funds might give them the needed boost that they need to come up to the standards required.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I received a list of those nursing homes and boarding homes which were on temporary licensure last June, and I talked with an individual in the Department who is in the Licensure Division. It seems that the list has increased and, from my perusal of the list, it was overcrowding, unsanitary conditions, and this sort of thing that were causing these places to be temporarily licensed. This is what I am trying to get at, and I think the time to act is now rather than to pick up the paper some morning and find where so many people have burned to death in a nursing home that was not properly run, or a boarding home or another health care facility that was not properly run. It is too late to pray for these people once they are dead.

The PRESIDENT: The Chair recognizes the Senator from

Cumberland, Senator Berry.

Mr BERRY of Cumberland: Mr. President, I would like to direct a question to the Senator from Cumberland, Senator Carswell. Would the denial of these funds to nursing homes that are on a temporary basis be defeating the purpose of giving them the funds to put themselves in order?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair which the Senator from Cumberland, Senator Carswell, may answer if she desires.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, no, I think it would be an incentive to these people. I think once they realize there will be money available for them to upgrade, they certainly will get the scouring pads out and get their elbows working to clean these places up, and also take the one or two patients that are overcrowding them and put them into other facilities. I think it would be an incentive.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I cannot help but disagree, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the adoption of Senate Amendment "K" to Bill, "An Act to Appropriate Moneys for the Expenditures of State Government

and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." A Yes vote will be in favor of adoption of Senate Amendment "K"; a No vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Fortier, Graham, Greeley, Harding, Kellam, Marcotte, Martin, Peabody, Tanous and Violette.

NAYS: Senators Anderson, Berry, Chick, Dunn, Hichens, Hoffses, Johnson, Katz, Minkowsky, Moore, Quinn, Schulten, Shute, Wyman, and President MacLeod.

ABSENT: Senators Conley, Danton and Levine.

A roll was had. 13 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with three Senators absent, Senate Amendment "K" was not Adopted.

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

Senate Amendment "J", Filing No. S-372. Was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to oppose the adoption of Senate Amendment "J". We again felt that during the special session this was not a critical item. These people were given a raise in the last session and we didn't feel it was necessary at this session to give them any additional monies.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I arise to support the amendment presented by Senator Bernard, the Senator from Androscoggin. This is a pay raise for the court reporters in our court system.

We presently have fifteen employees which would fall within this category. Their present salary is \$12,500. The amendment offered by Senator Bernard would raise their salary to \$14,000, or an increase

of \$1,500. The total appropriation on the bill is \$22,500.

The court reporters did not get a pay raise during the special session and they, along with the judges, were probably the only state employees who did not receive the 11.5 percent pay increase that the state employees received during the regular session of the 105th.

I think we need not look any further than the well of the Senate to realize how talented and how important these court reporters are. They do the same thing that George MacDonald and Sue Jenkins do on the floor of the Senate. They are a vital part of the court system, and without them the courts could not function. They are highly skilled people and their talents are very sorely need in Superior Courts throughout this state, and I would urge you to support this amendment.

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

Mr. SEWALL of Penobscot: Mr. President, I rise to correct a statement I made. In concurrence with the good Senator from Androscoggin, Senator Clifford, they were not given a raise during the last session. I stand corrected on that. However, their salary range is in the order of \$12,500 a year, and it is our understanding on the Appropriations Committee that they do substantial work in addition to this so their recompense is certainly at this point in time, in the opinion of our Committee, adequate.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "J". As many Senators as are in favor of the adoption of Senate Amendment "J" will please say Yes.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Thereupon, on motion by Mr. Bernard of Androscoggin, a division was had. 17 Senators voted in the affirmative, and 12 Senators having voted in the negative, Senate Amendment "J" was Adopted.

Mr. Graham of Cumberland then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-364, was Read.

The PRESIDENT: The Senator has the floor.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: This amendment restores to the budget the \$250,000 formerly in the first bill allocated to the Donated Commodities Program. This money, the \$250,000, will take up the slack when the federal funds lapse.

On March 31st the O.E.A. funds will cease, and on August 31st the Emergency Employment Act funds will cease, so I feel it is essential for this money to be provided for by the state. As I say, it was originally in the budget.

Now, just a few moments ago we voted \$400,000 for a few powerful corporations. I think the least we can do is to vote \$250,000 for the low income and deprived of Maine. Otherwise, this program will be seriously hurt. As it is now, the state only provides about three percent of the funds for the Donated Commodities Program. The O.E.A. has been providing a large percentage of it, and some cities and towns have been providing their funds.

As to the Food Stamp Plan, that is provided for largely by the Department of Agriculture. It is a very lengthy program for very lengthy process for the counties to get this authorization. It has to go through the state, and the state then applies to Washington. Therefore, I feel that this is an emergency measure, and I urge you to vote for this amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I oppose the adoption of this amendment. If you will read the amendment itself, it says it will provide funds to counties to help defray costs of the Food Stamp Program and the Federally Donated Commodity Program.

This is not going to take the place of the \$250,000 that is being dropped from the Surplus Food

Program by O.E.O. Part of it would go there, so they would get some benefit there, but it goes on to state down here that the payments to the counties will be made quarterly, which will divide the appropriation into equal quarterly amounts. Each county's share will be determined by the ratio that its average number of participants in these programs for the previous quarter bears to the total statewide number, so that you would get a certain number of dollars per participant. But it will include people that are taking advantage of the Food Stamp Program at the present time and it will include people that are coming under the Surplus Food Program, so the amount going back will not replace in every instance the money that is now going into the Surplus Food Program. It would partially do that but it would not do the whole thing. So I would ask for a division on this.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, S e n a t o r Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I agree that this \$250,000 will not replace all the money in the program, but it will replace an essential part, because the Office of Economic Opportunity is now providing 24 percent, and the state providing about three percent. Well, when that 24 percent is knocked out, the counties will have to come up with the rest.

I think these programs are very important because we know that we have a very high rate of unemployment in Maine. In fact, I believe it is nearly eight percent, or the third highest in the nation. And these families, the families of unemployed people, are benefitting from these programs. Their standard of living is being raised a little. Likewise, not only with the unemployed, but the underpaid families whose income is very low also benefit from this program. And these two categories, the unemployed and the underemployed, make up nearly fifty percent of those who benefit from the Donated Commodities Pro-

gram. So I consider this money absolutely vital for the well-being of many people in our state.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "C". A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "C" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 15 Senators having voted in the negative, Senate Amendment "C" was not Adopted.

Mr. Violette of Aroostook then presented Senate Amendment "I" and moved its Adoption.

Senate Amendment "I", Filing No. S-371, was Read.

The PRESIDENT: The Senator has the floor.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This amendment would provide two additional positions to the Land Use Regulation Commission, and would also allow additional money in other areas for operating expenses.

It is with some degree of reluctance that I present this amendment because, as many of you know, I am Chairman of this Commission, but this Commission has been given a very, very huge responsibility, and that is to establish land use, zoning, planning and regulating in all the unorganized and the organized areas of the state which is, roughly speaking, almost one-half of the land area. Frankly speaking, this Commission also does not have the staff, nor does it have the wherewithal to adequately do the job.

Now, I realize that this Commission is also new and that it is in its growing stages. We have presently on the Commission a staff of five people. But, as the Commission gets involved in its work, it is requiring additional personnel and additional money for operating. We have a budget now of approximately \$99,000 annually and, at the very, very minimum, if our Commission were to even start doing an adequate job of

getting into this situation the way it should, I would expect it would need a minimum budget of about \$250,000 annually. We do have at this point \$99,000 for each year of the biennium.

Now, we don't need money for the first year of the biennium because it will be approximately July 1st before we get our rules and regulations promulgated, before we get our interim zoning classifications ready, and I think we can do with that. However, after that is done, we are going to require at least one additional person to do some field work. We have five people working now and we only have one secretary, so we absolutely do not have a secretarial staff to take care of the work load that is being done by our staff.

I am not critical of the Appropriations Committee for cutting this out. I just merely want to say that I think this is a tremendously important body in our government. I think that was evidenced by the degree of interest which was shown when this law was expanded at the last regular session to what it is now, and I think that if the state has established a policy that it is going to go into the area of land use, zoning and regulating of this vast area of our state, then I think it is incumbent upon our state to give it some of the money that it needs in order to do the job.

Here again, I think the demand is not that unreasonable, but if we have adopted the policy of going into this area, I think we can do either one of two things: prevent it from being brought to fruition by denying it the basic budget that it needs to begin doing its job, or we can give it a reasonable beginning by providing it with some money. The budget demands that are being made are certainly very minimal, in my judgment, and as much as I say I hate to disagree with the Appropriations Committee, I think for the year 1972-'73 that this Commission is really not going to be able to do even part of the job that is going to be requested, but which it has been commissioned by the state to do, unless it receives this minimum

budget. So I would hope that this amendment would be adopted.

As I say, I think we can defeat the purpose of the law in one way, and that is by failing to carry it out. And with the very minimal budget that this Commission now has, I just don't see how it will even be able to do its job. I suppose that sometime or other we are going to have to decide whether we are going to do that job or we aren't going to, but we indicated at least at the last regular session that we wanted that job done.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: We were told at the regular session that if this language was put on the books, and that if the budget that we did give them was allotted, that they would be able to get by without any more money until the next session. That was the feeling of the Committee at this time. We thought they were all set to do whatever was necessary up through the duration of this biennium.

If this is carried through, there is no doubt but what over the years this department can grow into quite a good sized department, so I oppose the amendment and request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I am unaware that a representation was made that this Commission could get by with the money what was allotted to it for the biennium. I don't know who made such a representation. I most certainly did not, and I am not aware that anyone from our Commission did, because we started out with a basic request for \$250,000 a year for the biennium, and it was reduced to \$66,000 and \$99,000. So, if it was made, I don't know who made it.

The PRESIDENT: is the Senate ready for the question? The pending question before the Senate is

the adoption of Senate Amendment "I".

The Chair recognizes the Senator from Aroostook, Senator Violette.

Thereupon, on motion by Mr. Violette of Aroostook, a division was had. 10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, Senate Amendment "I" was not adopted.

Mrs. Carswell of Cumberland then presented Senate Amendment "F" and moved its Adoption.

Senate Amendment "F", Filing No. S-368, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I would like to take this opportunity to congratulate the Appropriations Committee for the tremendous amount of work they have done on this budget, but particularly for the work they did last year. In my opinion, they took the leadership, and nobody else, they took the leadership in upgrading our mental institutions, and I would like to have that on the record.

At this time I feel that we have hospital administrators running these hospitals, they have given the figures, and I feel they have an idea of what it is going to take them, according to the present population, to feed these individuals who are in these state hospitals. And I would like to make the point that good physical health makes for good mental health, and adequate diet really helps these hospitals to rehabilitate the patients and send them back into their communities, so I would hope that this legislation passes along with this amendment.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I would like to thank the good Senator from Cumberland for the very kind words that she had to say about our Committee. They certainly are appreciated.

We discussed this item at some length in Committee, and our reasoning for reducing it was not because we are as hardhearted as

some people would like to make us out to be, but we did feel that with shrinking patient load at these various institutions, something in excess of 600 patients in the last year — I can't seem to find my paper that has these exact numbers on it — but it is in excess of 600 patients less this year in the three mental health institutions than there were last year — this, coupled with legislation that has been passed which will, to a degree, put an end to some of the apparent — I don't like to use the word "pilfering", but I don't know exactly what the word is to use for the fact that many of our state employees were using some foodstuffs which were supposedly destined for patients — these two items made us believe that the food quality would be upgraded, and should be upgraded, with proper managerial techniques. This is what we hope and expect from these institutions. So I oppose the amendment on these grounds.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: When the various legislative delegations took up the county budgets last year I know that we in Aroostook County were quite moved by the plea of our sheriff to provide him with additional money so that he could give a better food program to the prisoners in the Aroostook jail. He provided us with a budget that would allow him to spend about 90 or 91 cents per day on prisoners.

This one here says that we should try to spend \$1.00 per day on the diet of the people who are in those institutions. I don't know what that comes out to in numbers, as far as figures are concerned, whether it is \$70,000 or \$100,000, but I would hope we would do better on the dietary conditions in those institutions than our sheriff was trying to do for the prisoners in the Aroostook County jail. So I hope we would support this amendment, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think there is probably a word left out of this proposed amendment, and the word is "additional". I would like to ask the Senator from Cumberland, Senator Carswell, what the per capita cost of feeding institutional residents is now and what this would additionally provide per resident?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has asked a question through the Chair which the Senator from Cumberland may answer if she desires.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I will have to ask the Appropriations Committee Chairman for those figures.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Obviously the sponsor of the amendment doesn't have the information that she should have to defend the amendment. I would request a division.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There are various ways to reach this cost accounting. When I was on the Appropriations Committee, I recall at that time the cost was less than fifty cents a day that we paid to keep our people, who I call these poor tortured souls, in these institutions. I understand this has been raised some, and there are various figures floating around, but it is less than a dollar.

We have our own allocations here which we turn in, and on which we get seven dollars a day to sustain ourselves, but these people are incarcerated. And I just can't think of what priorities we are going to use. I mean, we spend \$400,000 as a subsidy for the con-

trol of budworm. This involves an expenditure of approximately \$50,000, but it sets a standard, a minimum standard, so that these poor souls who are in an institution will get at least a dollar a day for their food. I just don't see how we could sit here and get seven dollars a day from the State of Maine and deny these poor people at least a dollar a day. So I hope this amendment would be adopted.

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

Mrs. CARSWELL of Cumberland: Mr. President, in answer to the Senator from Cumberland, Senator Berry, I am prepared but, with all the papers on my desk and all the amendments, this paper was misplaced.

From the Department of Mental Health and Corrections the statement is: "At the time the appropriations were prepared last fall for the Governor, it would have required \$149,354 to increase the daily food purchase costs in the various institutions to \$1 per patient per day. It should be emphasized that \$1 is a minimum goal and is still well below what would be needed for a Class 1 diet for a food program. On the basis of today's populations in the various institutions, it is estimated that \$100,000 is needed to reach the \$1 minimum, underlined minimum, figure in all institutions."

Does that answer your question, Senator Berry?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I have some figures here that I think might be well to bring out. This is the reduction in patients: From 1965 in the Augusta Hospital it was 1,634, and on January 31, 1972 it was 1,220, a drop of 400. The Bangor Hospital has dropped from 1,218 to 688. Pineland has dropped from 1,222 in that time to 784. That adds up to 2,692 in the three institutions. If we are talking about the amount it would affect them per capita, I don't have the population in the other institutions.

There is one thing here that I think might be well to bring out. This money is in the "all other" category, and there isn't a thing in the world to keep the people running these institutions from paying \$2 a day for food if they want to. It is a matter of priorities. No one has said that they are going to pay 60 cents or 75 cents a day for food. They are given so much money and it is up to them. They can be spending \$1 a day now if they can find the money. They have got to choose between food maybe and something else, so I think it is pretty much as simple as that.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I would like to add to the remarks that have just been given by Senator Dunn. Last year when our Committee visited the Augusta State Hospital, we were told that they were paying 42 cents per day per patient for food. They have since cut down on their — well, I was going to say membership, but that is not the right word — but they have cut down in these other institutions accordingly, and yet we have not seen where these savings are going to.

As the Senator has said, I think that there is no priority on this amount that they can spend, so it could be put into food if they wanted to.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It is certainly a difficult subject to get up and oppose, but there are a few items or matters that ought to be brought out in this body right now, and I feel it should be done.

First of all, I understand that in the Bangor State Hospital and the one in Augusta over here your number of employees equals almost as many in number as the patients equal. Not quite, but almost as many, like we have about 600 employees at the Bangor State Hospital and we have perhaps in the area of 650 or 700 average

patients in care through the year. My understanding is that in the past, from what I have read and the reports that I have seen, that many of these employees were eating of this food. And apparently we have passed legislation here, or legislation is in the process of being enacted, which will stop this practice of the employees eating of the food for which we have appropriated money for the patients. So I would think that in this area the dollar value would greatly increase once this practice has been stopped. I understand further that much of the food that was eaten or taken by the employees, and so forth, was probably the choice food that we thought we were using for the patients.

Also, you know, I have a large family, seven children, my wife and I, and I was just figuring this out: we get by on roughly \$1.60 a day per person. Now, we are doing this on a nine-person basis. When you are talking about 600, 700, 800 or 900 people, certainly you can feed, feed adequately and do it well, on a much lesser sum as that number increases. So I certainly would oppose this proposed amendment. Thank you.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: The only institution I can talk about would be at Pineland, and I understand from those that are working in the kitchen there that they have the same number of cooks working there now that they had when they had twice as many patients there, and it seems to me that a lot of this should be controlled by managing and a little efficiency in these kitchens, because a lot of the cooks that are working there now can't understand why there are just as many there as when they had twice as many patients.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "F". A roll call has been requested.

Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of order a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the adoption of Senate Amendment "F" to Legislative Document 2047. A Yes vote will be in favor of the adoption of Senate Amendment "F"; a No vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

**YEAS:** Senators Bernard, Carswell, Clifford, Fortier, Graham, Greeley, Harding, Kellam, Marcotte, Martin, Minkowsky and Violette.

**NAYS:** Senators Anderson, Berry, Chick, Dunn, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman and President MacLeod.

**ABSENT:** Senators Conley, Danton, Katz and Levine.

A roll call was had. Twelve Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with four Senators absent, Senate Amendment "F" was not Adopted.

Mrs. Carswell of Cumberland was then granted unanimous consent to address the Senate:

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel that both sides of the issue that we just settled feel that they are right in their thinking. I do feel that our institutions are operating under, let's say, suspicion. Sometimes I am suspicious of what is going on, and I know that other legislators are. I have talked with our Senate President MacLeod, and talked with the governor asking that we have some kind of a Blaine House conference, or some kind of a conference, on the state of our institutions so that communications will be improved. I feel that there is a tremendous communications gap, and I am looking forward to this statewide conference on the

state of our institutions and allied problems.

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

Mr. Violette of Aroostook then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G", Filing No. S-369, was Read.

The PRESIDENT: The Senator has the floor.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is an amendment which would restore the requested number of positions at the Bangor State Hospital, or the number which were requested in the original budget document of 77 persons, and which was cut to 50.

I guess I have no illusions of what is going to happen to this amendment but, nevertheless, I feel that it should be offered. I am particularly moved by the information which has been provided by the Commissioner of Mental Health and Corrections, Mr. Kearns, with regard to the conditions at the Bangor State Hospital, the reasons which have required requesting this large number of positions and the general situation at this institution. I, as well as many other people, when we first looked at the number of positions requested and saw 77, was somewhat overwhelmed and said well, how come the need for so many people? I guess as you discuss the matter with him, I know this is an institution that he is charged to administer, and he has an absolutely desperate feeling with regard to the status of this institution and its ability to do the job that it is, or at least we say it is, in being to render.

I would just like to briefly go over the list of positions on that request. Six of them are professional positions. 24 are ward clerks. In the present situation we have the situation of the nursing staff, the people who should be devoting their attention to the actual medical and psychiatric care of the patients, actually having to devote a large part of their time to clerical work, and this would release these people in order to

od the job which they are really trained to do.

There are 20 housekeeping personnel. The present housekeeping staff consists of 18 women and four men to cover one-half million square feet of institution. Nursing personnel have to devote part of their time to do this kind of work which really should be done by other people.

There are 18 people for the food service personnel and nine for laundry. Many of these are to replace people who were patients at the hospital and who have been released from the care of the institution and have been either placed in boarding homes or have been replaced in the community. We had the situation of having many, many of the inmates provide the labor at the institution for a large number of years. Of course, as they are being released, this has become more and more necessary.

Commissioner Kearns feels that this is a real desperate situation. He really feels that, unless an even larger number of people are provided, that he really seriously questions whether or not these institutions ought to be closed. Perhaps, as an administrator, he might be to some extent overstating his case, and I imagine that many people feel that he may be.

There is no question that our mental institutions today — they don't call them mental they call them psychiatric — are really in a very, very desperate situation regarding the amount of care, the degree of care, the quality of care, that they are being required to give, and most people seem to be in agreement we are not doing the job that we ought to be doing. I know that it costs money, but I would just say this: I am as concerned just as much as anyone else with regard to the cost of our government. Somebody said a while ago, well, we are willing to vote almost \$400,000 for eradication of the budworm problem, and yet when we talk about some of the very desperate needs of some of our institutions, institutions who care for the people who we have placed in the custody of the state to take care of, try to rehabilitate,

and do the best job they can in caring for them, and yet when it comes to those, there are not too many people to lobby here for them, I guess, that is probably the reason. There is nobody to come in here and bring people into our straight jacket institutions and have them view the situation there, as there are to pick some of us up to give us airplane rides and to take us over some of the defoliated parts of our forest and show us the damage that the budworm has done to our forest. Incidentally, I voted for the appropriation on budworm control, but I think that I would be willing to make an equal effort for the people that we have in our care.

I guess that each of us in our own families, if we have a person who is sick, who is in our care, and for whom we are responsible, there is no one of us who is not going to spend every dollar that he has, or even go into debt, to try to insure the recovery of that person, and yet we place the people in our institutions and you might say out of sight, out of mind, and we forget about them.

I imagine this amendment is also going to be defeated, but I offer it because I think it is in the best interest of the care of these people. I move its adoption, and I request a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Some of these items are a little bit difficult to argue about. On this one, I would call your attention to the fact that in the Augusta Hospital they have 1220 patients and 734 personnel, a ratio of 7-12. The Bangor Hospital, 688 patients, and they have at the present time 535, and the bill calls for 50 more, so it would be 585, and that is about 6 to 7. That ratio, it seems to me, should mean something. It seems you almost have a 1 for 1 population there of patients and people being taken care of. Pine-land is 784 patients and 640 personnel, so that the Bangor Hospital will be in the best position in ratio to personnel of the three institu-

tions. I oppose this and I hope you will not go along with it.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I have a comment and an inquiry to clear this point up in my mind. Last evening I had the opportunity of watching Commissioner Kearns. He gave a very strong case for the addition of additional personnel, and he claimed that if Bangor State Hospital lost this number of people that it would reduce that institution to the status of a geriatrics care facility, and this strikes me as undesirable from a legislator's standpoint. My question would be to anyone who would care to answer it: Is this charge a true one? Would it reduce the Bangor State Hospital to the status of a geriatrics care facility and, if so, is this the general direction in which the legislature intends this type of institution to go?

The PRESIDENT: The Senator from Franklin, Senator Shute, has posed a question through the Chair to any Senator who may wish to answer.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I am afraid the only answer I could give would be right back to the figures of 700 patients and 600 people taking care of them. It seems to me there should be something there in the matter of care, that they should be getting quite good service.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: Certainly I can't suggest to anyone here that I am an expert on patient care at the mental institutions. I would agree with the good Senator from Oxford, Senator Dunn, on his statistics, vis-a-vis, the number of employees versus the number of patients, which certainly might be one good indication, I should think anyway, of the concern the legislature has on the type of attention these patients are

getting. Or, if they aren't getting this kind of attention, I could pose a question to the Commissioner, or anyone else: Why aren't they getting this kind of attention? We appropriate approximately \$40 million per year earmarked for the Bangor State Hospital. Again, I don't know whether this, against national statistics, is a high figure or a low figure, but on the surface, at least, it sounds as though quite a lot might and should be done for 650 to 700 people for \$4 million.

Maybe we get a little callous in the Appropriations Committee. We listen to requests all winter long from various well-meaning and certainly very able department heads. Of course, they are all interested in their own bureaus and their own professions, which is understandable, but we do get maybe a little more hardened to some of these disaster stories that we hear day after to day, if we don't appropriate such and such, give so many positions to so and so, why the whole structure of whatever their particular interest is will fall down, collapse and be abandoned.

It is very hard for me to get up and oppose monies for the Bangor State Hospital, and I am sure you can all realize that, but it certainly hasn't been our experience that appropriating large sums of money necessarily cures problems. I am certainly one who believes that good old Yankee hard work, thought and management, I guess may be the word, will go an awful long ways, provided it does have, of course, necessary monies to carry out essential programs. But I get awfully sick of this one-way ratchet wrench that these departments use. Here we are typed penurious, or whatever you might want to call it, by not appropriating more monies for approximately two-thirds of the patients in the Maine mental hospitals, on the one hand, and then another day we are asked to appropriate monies for nursing and boarding homes to take care of these 600 or 700 people who have been recently released from the mental institutions. No credit is made, as far as we can tell, on the mental institutions budgets for

the loss in census. So, as I say, it is a one-way ratchet, and at times you get quite frustrated and, to put it bluntly, a little fed up with it.

Now, we in the Penobscot County delegation had a caucus last night on this very matter of the Bangor State Hospital. Certainly we are all concerned about the situation and, as evidence of that, a committee has been appointed from the Penobscot County delegation to study and introduce an order into this session of the legislature which would require either a special committee or Legislative Research to study the pending disaster situation, apparently, that we are told is about to happen at Bangor State Hospital. So we up in the Penobscot County area are concerned about the Bangor State Hospital, but we don't feel at this point in time that we have enough information to cure all the problems simply by appropriating monies well in excess of the \$4 million we are now appropriating. Incidentally, the original request from Bangor State Hospital was for 77 people, which was cut to 50. But, in addition to the 50, they also have recently been granted 26 people by a special federal appropriation. Now this, I understand, expires in November. These 26 people will not be funded after November, but at the present time, in other words, we are recommending the 50, plus the 26, that is 76 people into this hospital.

Remember, this is a special session, and we are only out of session now less than six months, or slightly over six months, after our regular budget has been passed. They requested \$383,000 to pay for these 77 people, and this figure was reduced to \$262,000. Their, "all other" monies, which would upgrade the quality in care and treatment, and also support some of the utilities and so on that these new personnel would require, this was cut from \$267,000 down to \$225,000. So that, instead of appropriating something in excess of \$700,000, we appropriated approximately \$150,000 less for the Bangor State Hospital.

So, as I say, reluctantly, I oppose this amendment, but I oppose it

on the grounds that the Appropriations Committee did grant them two-thirds or seventy-five percent of their requests up at Bangor, and we feel that it is time to have a real in-depth study of this institution before we go any further. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to echo some of the sentiments that have been heard here today. I, too, saw Commissioners Kearns on television last night, and I thought there was quite a lot of pressure being put on the legislature. I didn't know that thus amendment was going to be proposed.

After listening to the arguments here, and realizing that we had a unanimous Appropriations Committee Report, the membership of which includes some of the outstanding members of the Democratic Party in it — unfortunately, Senator Conley, who signed the unanimous report, isn't here today and I know he would echo these sentiments — but when I hear these people who know what they are talking about tell us that the patient load at this institution is decreasing, and knowing through the years that our budget appropriations for this institution has been going up and up and up, I don't understand why we have the amendment before us. I hope we are not playing politics with the situation of these poor people. Some of these facts that have come out today, everybody should know them, so let's not play politics, if that is what I observe.

I hope Commissioner Kearns is not going to start in a new round of pressure on the legislature, as other department heads have done in the past. I think we are doing a pretty good job here of finding some money to keep the shop open. We are spending more money in every department every year. And I don't like to see once again a department head put the heat on the legislature for not doing the best it can.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I don't pretend to be an expert on mental care. Secondly, the thing that I least enjoy doing in this legislature is rising up to offer amendments or to oppose legislation which other people offer. That is the thing perhaps that drains me of energy more than anything else. I would say this, however, that with regards to cost, and as I say, perhaps I shouldn't be speaking as I am no expert, but in the past few years there has been a radical change in the ways of treating or operating our psychiatric institutions.

Up to a few years ago people who had psychiatric disorders or mental disorders were sent to these institutions, and this is not being critical at all, but we had no concept of rehabilitating them and returning them to the community. If they did return, it was more by accident than by design. It was a custodial type care, board, room, yes, medical treatment, but very, very little in the phase of rehabilitation and trying to return these people to society.

In the last several years the emphasis has been shifted to doing everything that could possibly be done to returning these people to productive and positive life in the community. This has, of course, resulted in a very, very different type of care, a far more intensive type of rehabilitation, psychiatric care, nursing assistance, and undoubtedly this has been one of the major reasons for the costs in the institutions while possibly the number has decreased. It doesn't cost too much to room and board a patient, particularly with the money that we have been spending to room and board them. It doesn't cost a great deal. But it does cost a great deal to hire the doctors, to hire the psychiatrists, to hire the nurses, to hire the mental therapist, in order to work intensively with these people on a one-to-one basis, sometimes on a more than one-to-one basis, and return them to

society in the closest possible time. We are achieving some degree of success in this, but I think we can achieve far more.

I don't know which would cost more in the end: patients staying in one of these institutions for several years of their lifetime, or spending more on an intensive basis and returning them to a productive role in our society within a matter of weeks or months. I think this has been the emphasis which has been placed on these institutions and where the emphasis is being made.

I make no case, as this is only my feeling, but we do have here in this bill a situation which calls for 44 people, ward clerks, house-keeping personnel, and part of which is now being done by the nursing staff. And here is a statement from Mr. Kearns, and I make no case for him, but I think it probably makes sense, what he says, "The situation is so critical in terms of lack of nursing service, people with time to spend on patient care, that it is necessary to combine the admissions ward with an intensive treatment program. Result: it is floundering. There is simply not sufficient personnel to adequately staff for effective treatment." And I guess this is probably the whole key to the situation. As I say, I guess I am no expert, and I am not critical of the Appropriations Committee really, and I don't want it misunderstood. I just think maybe if I am going to weigh it one way or the other, maybe my feeling is to weigh it in favor of possible better care and better facilities, and I guess that is why I am supporting this amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There is one other point here that might be worth bringing out. On page eight of the document, 2047, under the aid to the aged, blind and disabled, there is \$400,000 allotted the first year of the biennium for the remainder of this year, and \$250,000 for 1972-73. This is funds to provide grants for pro-

jected case loads as a result of state hospital plans to discharge some 350 patients in the next year. 350 less in these state hospitals will change this patient-employee ratio to quite an extent. It will be much better than it is now, and perhaps that should be mentioned.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "G".

A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "G" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and 19 Senators having voted in the negative, Senate Amendment "G" was not Adopted.

Mr. Violette of Aroostook then presented Senate Amendment "H" and moved its Adoption.

Senate Amendment "H", Filing No. S-370, was Read and Adopted.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby Senate Amendment "H" was Adopted and subsequently asked for a division.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is an amendment which would restore \$35,000 to the Public Utilities Commission. It is my understanding that these funds were requested in order to provide additional funds to the Public Utilities Commission to enable the Commission to do a more thorough investigation of the rate cases which are now pending before the Commission.

As I am sure you are all aware, there is major rate case that is now going on with Central Maine Power. There is one pending with Bangor Hydro Electric. There is one pending by the New England Telephone for a nine million dollar rate increase, which would represent a nineteen percent increase in some telephone rates in Maine.

New England Telephone Company, as you all know, represents

over 300,000 customers in the State of Maine. This rate request would entail over ten days of public hearings during which the company, of course, has to substantiate its case and prove to the Commission that it is entitled to this revenue. Now, in order to do this, the telephone company, as well as all of the other companies, will present expert witnesses on the subjects of fair rate of return, costs of money, and the economic situation as it relates to its operations in the State of Maine.

In the course of this present hearing of the Central Maine Power Company hearings which are now in progress, it has been indicated that the company may spend as much as \$150,000 in its rate case, and certainly will spend in excess of \$60,000. The company's expert on the cost of money, that expert alone, testified that his bill alone to the company will be somewhere between \$20,000 and \$30,000, for one expert witness on the cost of money alone.

In the face of these expenditures, the Commission staff, which is certainly knowledgeable and well-versed in many fields of utility rates, cannot be expected to thoroughly cross-examine and thoroughly do the job without some outside assistance. This is particularly the case in the complex field of determining the cost of capital, for which the Commission has no expert personnel.

Because the Public Utility Commission is currently engaged in these rate cases, of course, the staff also is especially overburdened, and without the benefit of outside assistance in some of these major cases, I think the Maine consumers will not be adequately protected, and perhaps even the utilities seeking justifiable rate increases will be confronted with extensive delays as a result of the limitations of our Public Utilities Commission's staff.

It would seem to me, Mr. President and Members of the Senate, that it would be in the best interest of the public if the Commission were granted this money to do the job that it feels it has to do in the area of representing the public

as well as those who request these rate cases in these fields.

Of course, it has been my understanding that at various times when the Commission finds itself in a bind, and needs additional money, that it can go to the Governor and Council and request some additional money. However, this money is only available at the discretion of the Governor and Council, and there is no positive guarantee that it can receive this money. I think in such an important situation as this that the legislature ought to provide the money that the Public Utilities Commission needs in order to do the best job possible in considering these major rate cases. I hope you would oppose the motion for reconsideration, and I would request a roll call on the motion.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it adopted Senate Amendment "H". Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it adopted Senate Amendment "H" to Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." A Yes vote will be in favor of reconsideration; a No vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Fortier, Graham,

Harding, Kellam, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Conley, Danton and Levine.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with three Senators absent, the motion prevailed.

The PRESIDENT: The pending question before the Senate now is the adoption of Senate Amendment "H".

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think I can't argue this very much one way or the other. It is a question of whether we think the Public Utilities Commission has got to go outside and bring in a lot of help to do the job that they have to do here, and I guess each one of us will have to decide on whether we think we should set up this money for that purpose. I would ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "H" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 18 Senators having voted in the negative, Senate Amendment "H" was not Adopted.

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

Under suspension of the rules, sent down forthwith for concurrence.

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

Bill, (S. P. 767) (L. D. 2045) "An Act to Revise the Site Location of Development Law."

Tabled—February 28, 1972 by Senator Moore of Cumberland.

Pending—Passage to be Engrossed.

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

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

HOUSE REPORTS—from the Committee on Taxation on Bill, "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach." (H. P. 1557) (L. D. 2018) Majority Report, Ought to pass in New Draft (H. P. 1577) (L. D. 2034); Minority Report, Ought to pass as Amended by Committee Amendment "A". Filing H-553.

Tabled—February 28, 1972 by Senator Berry of Cumberland.

Pending—Motion by Senator Hichens of York to Accept the Majority Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: At first thought, it may seem that this is too important to consider at a special session and that it should be given further study.

While it is important, it already has received a great deal of study. At the regular session one year ago this proposal for a productivity tax was studied at length, and a bill to accomplish this purpose was enacted by an overwhelming vote of both branches.

However, our Governor in his wisdom did not approve of the bill as written, and instead appointed a blue ribbon committee of nine, which included only three land-owners, but did include six others with expertise in this field.

The present bill before you follows closely the recommendation of the Governor's committee, and forest land has been redefined to exclude non-productive areas, which will be left under the present ad valorem system.

There have been other minor changes and four amendments added by the other branch, all of which, to the best of my knowledge, are agreeable to those concerned.

This bill provides for an increase in the tax rate of one and one half mills each year through 1978. Some felt we should provide for this increase to continue longer, but how far can we see ahead?

There will be other legislatures and changes. Certainly succeeding legislatures will provide for increases additional to those in the bill either before 1978 or thereafter, if such additional increases appear to be desirable.

The most important point about this report of the Taxation Committee is that it wholeheartedly endorses the principle of taxing forest lands on a productivity basis. By doing this, we change from the ad valorem system which taxes forest lands on the basis of how much wood there is on the land. The method we have been using often causes the owner to strip his land either for profit or to cut taxes. If we want to protect Maine forest lands as part of our environment, we must take some action now.

While few bills, if any, are perfect, I cannot recall a taxation program which has been more thoroughly studied and more thoroughly revised, not only by the regular session of this legislature one year ago, but by your Taxation Committee of this special session, as well as by the blue ribbon committee of the Governor, and it is my sincere hope, therefore that this Senate will adopt the 9-1 Ought to Pass Report of the committee. And when the vote is taken, I ask that it be taken by a division. Thank you.

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

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I do not intend to go into the technical aspects of this bill at this late hour. I appreciate that it is technical, and I doubt very much if there is a single member of the legislature who probably hasn't had his arm twisted somewhat on this bill, but I would just like to review very, very briefly some of the facts that the good Senator Wyman has brought out.

There has been two Governor's Task Forces that have worked on this project. The Taxation Committee of the 104th, as well as that of the 105th Legislature, has put in

considerable work. The big surprise to me is how close all these people came to the one solution after they had studied this subject.

I do admit there are some unknown factors in the bill. There are some phases of it which may be a little vague. But I tell you now, whether we put this off to the 106th, the 107th, the 108th, or to any other legislature, until such a time as we have tested this principle of productivity tax, these areas will be just as vague as they are now. Everyone seems to admit that our present situation in regard to wild land taxes is intolerable. I do hope you will vote with me as I urge you to accept this bill.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, the hour is late and I guess we are all tired and hungry, so I will reserve my comments until the next reading.

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

The motion prevailed and the Bill in New Draft was Read Once.

House Amendments "A", "B", "C" and "F" were Read and Adopted in concurrence and the bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services." (S. P. 721) (L. D. 2010)

Tabled — February 28, 1972 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

On motion by Mr. Hoffses of Knox,  
Recessed until the sound of the bell.

(After Recess)

Called to order by the President. The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Berry of Cumberland:

Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature." (H. P. 1450) (L. D. 1893)

Pending — Passage to be Engrossed.

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

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Schulten of Sagadahoc:

Bill, "An Act to Review the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Pending — Passage to be Engrossed.

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

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Berry of Cumberland:

JOINT ORDER — Relative to Maine Education Council.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Shute of Franklin:

Bill, "An Act Relating to Penalty for Sale of Certain Drugs." (H. P. 1582) (L. D. 2040)

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Earlier today I mentioned

I had a proposed amendment, which was under Filing S-376, that I wanted to offer on L. D. 2040, but before I wanted to offer this amendment I wanted the proponents of the bill to get a look at it to see how they felt about the proposed amendment. So, if I introduced the amendment, and I was successful in placing this on the bill, then it would go back to the other body, I assume, and we would be in non-concurrence and perhaps we would have more delay, and time on our hands, and the use of taxpayers money involved.

Personally, over the week-end after we debated this, and the attorneys were concerned about getting the real drug pusher, the fellow that is in managerial position, the trafficker of drugs, I had one of our members of the third house, in fact, Charlie Cragin from Portland, who is a very competent attorney, who saw the issue involved and realized that everyone wanted to do what was right by this particular bill, and he volunteered to work on an amendment over the week-end, and he did. This is the amendment that I have had printed and distributed, which is the amendment that the proponents don't want. This particular amendment, members of the Senate, deals with the problem. It deals with the individual that is at the top echelon, the one that is trafficking the hard drugs. It deals with that individual and it provides for a mandatory jail sentence for this one. This the area we are so concerned with but, unfortunately, the proponents of the bill don't want this amendment. And it is unfortunate that they don't, because I feel that this is aimed right at the heart of the problem, at the top echelon, those that are involved in the managerial position of distributing drugs, those that are in there making the money, the ones that are making the profit; not those that would be punished under the present statute which is proposed.

Under the circumstances, I now move that we indefinitely postpone L. D. 2040 and all accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that Legislative Document 2040, Bill, "An Act Relating to Penalty for Sale of Certain Drugs", be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Penobscot, Senator Tanous. Senator Tanous has given you his explanation of the proposed amendment, which he did not offer. I think there is always time in one's life when he is in public service that he regrets the fact he never went to law school, and perhaps this is another point in my life. Again, I find myself arrayed against the talented members of this body who are attorneys and who are learned ones.

But, on the other side of the coin, we do have people who do have law degrees and who feel that the bill which came to us last week with the House Amendment on it, House Amendment Number 571, constitutes a good bill and something the people in the State of Maine have been asking for.

As a result of the debate of last Friday, which took nearly an hour, perhaps more, I received several communications from people in my area, and they evidenced pleasure in the fact that the legislature was trying to get finally at the problem of the drug pusher.

The House Amendment, which has been adopted by that branch, does not penalize with mandatory penalties the casual gift of the high school senior to a high school junior of amphetamine or any of the other hard drugs. This excludes marijuana, u n d e r s t a n d. The amendment which Senator Tanous has just concluded discussing does not get at the problem either, and the attorneys on our side feel that it isn't specific enough, it would be practically impossible to convict anyone should this amendment pass, and there are too many elements in the crime. This would do nothing but dilute the effectiveness of the bill. So, in opposing the motion to indefinitely postpone,

I would ask that the vote be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to add just a very brief word because the amendment which was worked on at some length, and which I participated in, this is taken from the federal statute, so there is some explanation on it and there is some background on it. This was passed in October 1970. So there have been indictments and there have been convictions on the federal level. However, this was not adequate for the opponents. They wanted something more extreme.

I would point out that this bill, all of the things we said about it before still apply. It is poorly drafted. Actually under this bill, as it is drafted now, the pusher could get a lesser term, in fact, would get a lesser term, than a person who exchanges, delivers or barbers it. In other words, in the first instance, he could get up to ten years, but if he was a seller the maximum he could get would be five years.

This is a very poorly drafted bill. It is very hurried. And I would say that every attorney, I believe, in the legislature that has had any experience at all in the field of criminal law opposes this because they know that the bill is badly drafted and it will hurt our present situation. I would mention that the attorney in the other body who voted for this bill does insurance work and is almost totally unfamiliar by experience with the criminal law. So, I hope that we don't worsen our situation here. I spent a long week-end, and others did too, trying to find something which would be workable, however, that was not satisfactory. This bill, as it is proposed, will hurt our situation, and on that basis I hope that you would support the motion to indefinitely postpone.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill,

"An Act Relating to Penalty for Sale of Certain Drugs", be indefinitely postponed.

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Penalty for Sale of Certain Drugs", be indefinitely postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed. The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carswell, Clifford, Graham, Harding, Katz, Kellam, Martin, Minkowsky, Tanous, Violette and President MacLeod.

NAYS: Senators Anderson, Bernard, Berry, Chick, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Marcotte, Moore, Peabody, Quinn, Schulten, Sewall, Shute and Wyman.

ABSENT: Senators Conley, Danton, and Levine.

Mr. Martin of Piscataquis was granted permission to change his vote from Nay to Yea.

A roll call was had. Eleven Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone did not prevail.

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

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

Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services". (S. P. 721) (L. D. 2010)

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "B", Filing No. S-377, to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a combination of two amendments: one which I have prepared, and one which the Senator from Somerset, Senator Johnson, prepared, which was some kind of a housekeeping error in the end of the amendment when we get down to appropriations.

What this amendment does primarily is that it re-establishes a State Board of Education of an entire new membership, and it says that it shall be a lay board, not comprised of educators, or teachers, or supervisors, or administrators. But then it recognizes the fact that at the moment, at least temporarily, the State Board of Education also is the repository for federal funds for facilities. So it includes the possibility of a college president serving, purely and simply because it is a broad cross-section of the public that is required by federal law in handling these federal facilities. It retains some significant portions of the State Board's policy making abilities, and it re-establishes the State Board of Education, which will be a brand new board comprised of nine members as a board of trustees for the five Vocational Technical Institutes.

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

Thereupon, on motion by Mr. Kellam of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B" to Committee Amendment "A".

#### Papers From The House

Out of order and under suspension of the rules, the Senate voted to take up the following.

#### Non-concurrent Matter

Bill, "An Act Relating to Inherent Managerial Functions Under the Municipal Employees

Labor Relations Law." (H. P. 1531) (L. D. 1974)

In the House February 23, 1972, the Minority Report "A" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-561) and House Amendment "A" (H-569).

In the Senate February 25, 1972, the Minority Report "B" Read and Accepted (Refer to 106th Legislature), in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Marcotte of York moved that the Senate Recede and Concur and subsequently asked for a division.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Believe it or not, I do hate to get up here all the time on these bills and discuss the contents of them.

You know last week, when I addressed this body relative to this particular bill, I heard a few people mention statements that I had mentioned of research that I had done. They were quite pleased, but yet I didn't get the vote; I failed by something like two votes. But you know, the next morning I came back to these chambers and I was approached by a line of Senators in this body that apparently had gone home and thought this over and all of a sudden they had been enlightened about this particular bill and they thought that maybe it ought to go to study, either that or acceptance of the majority report. That was the one that was to conform with the National Labor Relations Law. So then we made the proper motion, and we did send this bill to study, or at least we referred it to the 106th with intentions of putting an order in to send it to Legislative Research for study. The other body has held fast on this, and now it is back here again for us to act on it.

I am willing to relent on the position of passing the majority report and I am willing to go along, as I have earlier this week or Friday morning, to refer it to

the 106th and in the meantime put an order in and have it studied.

I think, if you will check the debate on this particular bill in both bodies, you will realize the confusion that there is involved in the interpretation of this bill, the proposed legislation. If you read this as carefully as I have and kept up on both bodies, and you see the confusion involved in this bill, then it certainly proves one point: that it isn't clear, and that perhaps it needs further study, and this is what I hope we would do.

I oppose the motion of Senator Marcotte from York to recede and concur, and I would like, if we defeat his motion, to adhere and then we will put an order in and have this matter studied. This is what should be done.

When you stop to think of the confusion that we are in, over interpretation of this bill, imagine what the school boards and the teachers will have to work with, if we are confused. I submit to you, if you look at the language in both the bill and the amendment, and look at all of the terms that are included in the bill and the amendment, and you define those for me—if you will check those and stand up here and define these terms for me, I would be most pleased perhaps to join those of you who wish to enact this particular bill. But I find it impossible to define these terms and, mind you, under the present law we have got two words, "educational policies." "Educational policies" are the two words that are confusing everyone, or this is the area they are all arguing about, and they can't interpret these two words. Then you turn around with the bill and amendment, and you throw in twenty additional terms—really, I can't understand the wisdom of how they are going to interpret all of these words when they can't interpret two of them. So, I certainly feel that this ought to go to study. This matter was studied before we enacted the bill at the 104th, and I feel that that is where it should be for at least six months. And perhaps within eight months from now we can come back and correct the law. I would ask that you oppose the motion of Senator

Marcotte and join me in my motion to adhere and have a subsequent order for study. Thank you.

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

Mr. MARCOTTE of York: Mr. President and Members of the Senate: While Senator Tanous's confusion is not isolated, I would certainly say it is in the minority at this time. The other body once again passed the bill on a two-to-one margin.

I think the language was perhaps confusing at the beginning, but at this stage I think it has been well defined. Education policies shall not include wages, hours, terms and conditions of employment, or contract grievance arbitration. Again, I submit to you, we are not taking away the rights of the individual or the teachers as individuals. These items are negotiable, but it is educational policies that we are attempting to disenfranchise. This, I agree, is what we are trying to do. I would sincerely hope you will support my motion.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I oppose the motion, and request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from York, Senator Marcotte, that the Senate recede and concur with the House on Bill, "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law". A Yes vote will be in favor of receding and concurring; a No vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

**YEAS:** Senators Berry, Chick, Dunn, Fortier, Hoffses, Kellam, Marcotte, Minkowsky, Moore, Peabody, Schulzen, Sewall and Wyman.

**NAYS:** Senators Anderson, Bernard, Carswell, Clifford, Graham, Greeley, Harding, Hichens, Johnson, Katz, Martin, Quinn, Shute, Tanous, Violette and President MacLeod.

**ABSENT:** Senators Conley, Danton and Levine.

A roll call was had. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with three Senators absent, the motion to Recede and Concur did not prevail.

Mr. Katz of Kennebec then moved that the Senate Adhere.

The **PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. **DUNN** of Oxford: Mr. President and Members of the Senate: I move that the Senate insist and ask for a committee of conference. I believe that there was language in the Majority Report that would be acceptable as it is standard language that is used in other parts of the country. I am wondering if there isn't a possibility of salvaging something, possibly by getting together with the members of the other body and coming up with this majority report. I hope you will support that.

The **PRESIDENT:** Is it now the pleasure of the Senate that the Senate insist and ask for a committee of conference? As many Senators as are in favor of insisting and asking for a committee of conference will please say Yes; those opposed No.

A viva voce vote being taken, the motion prevailed.

**Papers From The House  
Joint Order**

**ORDERED,** The Senate concurring, that the Committee on Legislative Ethics created pursuant to chapter 146 of the public laws of 1971 is directed to study the provisions of the bill: "AN ACT Relating to Disclosure of Economic Interest by Legislators, House Paper 1572, Legislative Document

2029, introduced at the First Special Session of the 105th Legislature for the purpose of developing, if possible, more meaningful legislation for presentation to the next regular session; and be it further

**ORDERED,** that the Committee report the results of its study along with such implementing legislation to the 106th Legislature.

(H. P. 1593)

Comes from the House, Read and Passed.

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

Mr. **KATZ** of Kennebec: Mr. President and Members of the Senate: This seems to be a sweeping change in attitude for the sense of this body as I have seen it so far. I wonder if someone would attempt to explain the implications of this. Are we throwing our hands up in the air? We are giving up all attempts to pass legislative ethics legislation this time?

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

Mr. **BERRY** of Cumberland: Mr. President and Members of the Senate: I can't speak for any particular group of people least of all the Ethics Committee, but I would attempt to answer the question of the Senator from Kennebec, Senator Katz.

The problems that have been presented to the Ethics Committee are very difficult to solve, and the Committee attempted, in order to make some progress of any meaningful nature, to sponsor legislation at the special session, and I think probably, privately, each member of this Committee would agree that the subject is extremely difficult and that further work might be productive on it. I think this may be the reason that we have this joint order, and I would hope that it would pass.

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

Mr. **KATZ** of Kennebec: Mr. President and Members of the Senate: I notice that it involves an interim study, and most of our interim studies as they have come up, particularly those with respect

to legislative research, have been put on the table so at the end of the session we can review the good ones and the bad ones for us to table this until the end of the session until we see actually what progress we do make on the ethics bills before us.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: It seems to me that before we give up on this that we ought to wait until the disclosure bill comes back to us, and perhaps we can change that in some way so it would be acceptable to the other body. On another matter here we did agree to insist and ask for a committee of conference.

I think we are going to be very much criticized, and very justly so, if we just give up on this thing at this point and say we can't do it. It seems to me the passage of this order would imply such a thing. So it seems to me that at least we could table this until tomorrow and see what we can do with that bill when it comes back before us.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending Passage.

#### Joint Order

ORDERED, the Senate concurring, that the report of the Legislative Research Committee, directed at the regular session of the 105th Legislature pursuant to H. P. 1440 and concerning Eastport oil development, be deferred until the next regular session of the Legislature in order to avoid any possible conflict with the proper administrative function and future decision of the Environmental Improvement Commission.

(H. P. 1594)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, the Honorable Clarence M. Crosby of Kennebec Beach has been stricken with ill health; and

WHEREAS, his friendship and able service is sorely missed by friends and colleagues of this Legislature; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the 105th Legislature, extend to you, our dear and capable friend, our warmest and cheeriest thoughts and best wishes with hope that your cares will soon be lightened and good health returned to you; and be it further

ORDERED, upon passage in concurrence, that a duly attested copy of this Order be immediately transmitted to Representative Crosby to convey this get-well wish.

(H. P. 1595)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Committee Reports House Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Relating to the Management of Solid Wastes." (H. P. 1497) (L.D. 1940)

Reports that the same Ought to Pass in New Draft Under Same Title (H.P. 1587) (L.D. 2046)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Indefinitely Postponed.

Which was Read.

On motion by Mr. Schulten of Sagadahoc, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### Divided Report

The Majority of the Committee on State Government on Bill, "An Act Relating to Legislative Ethics." (H. P. 1538) (L. D. 1980)

Reports that the same Ought to Pass in New Draft Under Same Title (H. P. 1588) (L. D. 2048)

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington

CLIFFORD  
of Androscoggin

Representatives:

COONEY of Webster  
FARRINGTON  
of Old Orchard Beach  
MARSTALLER

of Freeport  
SILVERMAN of Calais  
HODGDON of Kittery  
CURTIS of Orono  
BUSTIN of Augusta  
GOODWIN of Bath

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass in New Draft Under Same Title (H. P. 1589) (L.D. 2049)

Signed:

Representatives:

DONAGHY of Lubec  
SHAW of Chelsea  
STILLINGS of Berwick

Comes from the House, the Majority report Read and Accepted and the Bill, in New Draft, (H. P. 1588) (L. D. 2048) Passed to be Engrossed.

Which reports were Read and the Majority Ought to Pass in New

Draft Report of the Committee Accepted in concurrence, the Bill in New Draft read Once, and Tomorrow Assigned for Second Reading.

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**Enactors**

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

**Emergency**

An Act Relating to Relocation Assistance and Land Acquisition in State Projects. (H. P. 1554) (L. D. 2015)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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On motion by Mr. Hoffses of Knox, Adjourned until 10 o'clock tomorrow morning.