

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 26, 1969
Senate called to order by the President.

Prayer by Rev. Fr. John J. Curran of Augusta.

Reading of the Journal of yesterday.

Papers From The House**Joint Orders**

WHEREAS, the year 1969 marks the 100th anniversary of the incorporation of the Town of Limestone, County of Aroostook; and

WHEREAS, this historic event in Limestone emerged from the once wilderness Township of Letter E, Range 1, through the industrious endeavors of the Honorable Mark Trafton and other original stalwart settlers of this community; and

WHEREAS, the enduring fortitude of such inhabitants shaped this rough forest tract into a proud and prosperous community surrounded by smooth fertile fields which harvest abundantly; and

WHEREAS, Loring Air Force Base at Limestone has come to occupy a place of strategic importance to the security of our State and Nation; and

WHEREAS, the inhabitants of Limestone now take note of this rich heritage and to commemorate the close of a century of continuing progressive development in the life at their community; now, therefore, be it

ORDERED, the Senate concurring, that the Senate and House of Representatives of the 104th Legislature of the State of Maine unite in congratulating the Town of Limestone for its excellent record of achievement on this its 100th anniversary and offer their continued support and encouragement for the future; and be it further

ORDERED, that the Secretary of the Senate be directed to immediately transmit to the citizens of the Town of Limestone, through its Legislative Representative, duly authenticated copies of this order honoring the occasion.

(H. P. 791)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, the Department of Mental Health and Corrections has determined that continuation of the Augusta State Hospital Farm may not be in the best interests of the mental health program at said institution; and

WHEREAS, termination of the said farm program makes it unnecessary to continue in-state ownership portions of the land lying east of Hospital Street in Augusta; and

WHEREAS, the State of Maine is desirous of acquiring for future State House area expansion the land owned by the City of Augusta known as the Capital Park Athletic Field; and

WHEREAS, the City of Augusta has been losing tax revenue through the continued expansion of the State House area and would welcome the addition of any unneeded land to its tax rolls; now, therefore, be it

ORDERED, the Senate concurring, that the Bureau of Public Improvements is directed to study the status of the state-owned land lying east of said Hospital Street, to consult with appropriate state departments and agencies to determine what portion of said land should be set aside for future state use, to consult with the mayor and council of the City of Augusta and planning commission of said city and recommend a plan to the Legislature for the orderly disposal of so much of said land as may not be needed by the State in the foreseeable future together with a draft of implementing legislation, including such restrictions as may be appropriate in the use of said land, said plan and draft to be submitted to the Legislature not later than May 1, 1969.

(H. P. 792)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

(See action later in today's session.)

WHEREAS, by Act of the Legislature, the Town of

Madawaska was incorporated on February 24, 1869; and

WHEREAS, the Town of Madawaska is now having its centennial celebration; and

WHEREAS, the Madawaska Centennial Committee has commemorated the town's anniversary through the publication of an impressive memorial booklet detailing the cultural background and history of the town, and particularly its French Acadian heritage; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature commend the Centennial Committee of the Town of Madawaska and especially, Mrs. Julie Albert, editor of the magnificent memorial publication; and be it further

ORDERED, that the members send their greetings and congratulations to the Town of Madawaska on the occasion of its 100th birthday; and be it further

ORDERED, that duly authenticated copies of this Joint Order be immediately transmitted to Mrs. Julie Albert, to the chairman of the Centennial Committee, and to the citizens of the Town of Madawaska through the Town Manager.

(H. P. 793)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Communications

MAINE STATE LIBRARY Augusta, Maine

To the Senate and House of Representatives, State of Maine:

In Accordance with the provisions of Title 27, Section 5, of the Revised Statutes, the report of the Maine State Library for the period July 1, 1966 to June 30, 1968 is herewith submitted.

(Signed)

RUTH A. HAZELTON
Librarian
(S. P. 308)

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

Sent down for concurrence.

Senate Papers Education

Mr. Wyman of Washington presented Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 14." (S. P. 309) (L. D. 1027)

The same Senator presented Bill, "An Act Appropriating Funds to Aid in Constructing a School Building in Danforth." (S. P. 310) (L. D. 1025)

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

Sent down for concurrence.

Health and Institutional Services

Mr. Stuart of Cumberland presented Bill, "An Act Licensing Administrators of Medical Care Facilities Other Than Hospitals." (S. P. 311) (L. D. 1026)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Liquor Control

Mr. Berry of Cumberland presented Bill, "An Act Relating to Gratuities for Members and Employees of Liquor Commission." (S. P. 312) (L. D. 1028)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Quinn of Penobscot presented Bill, "An Act Requiring the Registration of Real Estate Subdivisions." (S. P. 313) (L. D. 1140)

(On motion by Mr. Quinn of Penobscot, tabled pending Reference to Committee.)

Mr. Berry of Cumberland presented Bill, "An Act Creating the Surficial Materials Conservation Act." (S. P. 314) (L. D. 1024)

Mr. Bernard of Androscoggin presented Bill, "An Act Requiring the Licensing of Sewage Treatment Operators." (S. P. 315) (L. D. 1029)

Mr. Berry of Cumberland presented Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants, Water Distribution Systems and Waste Water Treatment Plants." (S. P. 316) (L. D. 1030)

The same Senator presented Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants and Water Distribution Systems." (S. P. 317) (L. D. 1031)

Which, except for the tabled matter, were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Mills of Franklin presented Bill, "An Act Establishing the Maine Planning Commission on Criminal Law Administration." (S. P. 318) (L. D. 1032)

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

Sent down for concurrence.

Towns and Counties

Mr. Cianchette of Somerset presented Bill, "An Act Creating Somerset County Commissioner Districts." (S. P. 319) (L. D. 1033)

Which was referred to the Committee on Towns and Counties and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Mills of Franklin presented Bill, "An Act Relating to Motor Vehicle License Examination." (S. P. 320) (L. D. 1034)

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

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Labor on Bill, "An Act Relating to the Application of the Occupational Safety Law and the Reporting Requirements." (H. P. 334) (L. D. 443)

The Committee on Inland Fisheries and Game on Resolve, Regulating Ice Fishing on Rocky

Lake, Washington County. (H. P. 411) (L. D. 522)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on State Government on Bill, "An Act Relating to Expenditures from Aeronautical Fund." (H. P. 72) (L. D. 72)

Reported that the same Ought to Pass.

Which was Read.

(On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.)

The Committee on Taxation on Bill, "An Act Providing for Annual Revision of State Valuation." (H. P. 100) (L. D. 108)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 113) (L. D. 129)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Payment to Commissioner of Agriculture of Dog License Fees." (H. P. 253) (L. D. 329)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 70." (Emergency) (H. P. 322) (L. D. 409)

Reported that the same Ought to Pass.

Which was Read.

(On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.)

The Committee on Public Utilities on Bill, "An Act Relating to the Capital Stock of Oakland Water Company." (H. P. 346) (L. D. 453)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act to Validate Proceed-

ings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22. (Emergency) (H. P. 375) (L. D. 484)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Enlarging the Territorial Limits of Hampden Water District and Changing the Time of the Election of the Trustees of Hampden Water District." (H. P. 390) (L. D. 500)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel." (H. P. 392) (L. D. 502)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Safety Devices for Railroad Utilities." (H. P. 440) (L. D. 564)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolve Passed to be Engrossed.

Which reports were Read and, except for the tabled matters, Accepted in concurrence, the Bills and Resolve Read Once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Relating to Privileges and Appurtenances in Short Form Deeds." (H. P. 37) (L. D. 38)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-50).

The Committee on Election Laws on Bill, "An Act Relating to Date of Town Meeting of Town of Fort Fairfield." (H. P. 140) (L. D. 162)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-48.)

The Committee on Transportation on Bill, "An Act to Clarify Certain Motor Vehicle Laws." (H. P. 246) (L. D. 301)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

The Committee on Election Laws on Bill, "An Act Relating to Filing Campaign Reports." (H. P. 323) (L. D. 410)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-49).

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

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service." (H. P. 310) (L. D. 397)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-57).

Comes from the House, the Bill and Report Indefinitely Postponed.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: It is with extreme reluctance that I move indefinite postponement of this item, L. D. 397, and all its accompanying papers in concurrence.

I hesitate to admit that your Appropriations Committee erred in this matter of providing moneys to purchase uniforms for the employees of the State Ferry Service. After we had reported the bill out it was discovered that there already is an item in the Current Services Budget for these uniforms, and this is the reason for our change in position.

Thereupon, on motion by Mr. Sewall of Penobscot, the Bill and Report were Indefinitely Postponed in concurrence.

Ought to Pass in New Draft

The Committee on Transportation on Bill, "An Act to Provide that Motor Vehicle Operators' Licenses be Issued on a Staggered Basis of Odd and Even Birth Years." (H. P. 249) (L. D. 304)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 754) (L. D. 886)

Comes from the House, the Report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Tenure of Moderators of Town Meetings." (H. P. 19) (L. D. 22)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CONLEY of Cumberland
KELLAM of Cumberland
TANOUS of Penobscot

Representatives:

SHAW of Chelsea
COTE of Lewiston
CUSHING of Bucksport
WHEELER of Portland
BAKER of Orrington
COX of Bangor

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

Signed:

Representative:

NORRIS of Brewer

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Majority Ought Not to Pass Report was Read and Accepted in concurrence.

**Senate
Ought Not to Pass**

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide Funds for Enforcement of the Potato Branding Law." (S. P. 28) (L. D. 86)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Essential Needs at the University of Maine." (Emergency) (S. P. 77) (L. D. 235)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-18).

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

Second Readers

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

House

Bill, "An Act Relating to Fire Protection for Township 8, S. D." (H. P. 200) (L. D. 247)

Bill, "An Act Increasing Fee for Motor Vehicle Duplicate Licenses." (H. P. 304) (L. D. 380)

Bill, "An Act Relating to Minor Children Committed to State Custody." (H. P. 324) (L. D. 411)

Bill, "An Act Permitting the Commitment of Girls from Stevens Training Center to Half-Way House." (H. P. 429) (L. D. 553)

Bill, "An Act Relating to the Transportation of Prisoners to and from Court and Between Institutions by Order of Court." (H. P. 466) (L. D. 603)

Bill, "An Act to Make Ballot Tampering a Felony." (H. P. 467) (L. D. 604)

Bill, "An Act Amending the Charter of Boothbay-Boothbay Harbor Community School District." (H. P. 655) (L. D. 806)

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

House — As Amended

Bill, "An Act Relating to Revocation of Certain Licenses Under Fish and Game Laws." (H. P. 93) (L. D. 102)

Bill, "An Act to Grant a New Charter to the Town of Rumford." (H. P. 196) (L. D. 119)

Bill, "An Act Providing Full Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools." (H. P. 215) (L. D. 265)

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

Bill, "An Act Relating to Sick Leave for Teachers Assistants and Aides." (H. P. 221) (L. D. 271)

Bill, "An Act Relating to Taking Smelts for Bait Purposes." (H. P. 235) (L. D. 291)

(On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned pending Passage to be Engrossed.)

Bill, "An Act Reestablishing the Town Line Between the Town of Jay, Franklin County, and the Town of Canton, Oxford County." (H. P. 238) (L. D. 293)

(On motion by Mr. Tanous of Penobscot, tabled and tomorrow assigned Pending Passage to be Engrossed.)

Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utility District." (H. P. 241) (L. D. 296)

Bill, "An Act Relating to List and Salaries of Employees of School Department of City of Auburn." (H. P. 268) (L. D. 344)

Bill "An Act Relating to Use of School Buildings." (H. P. 269) (L. D. 345)

Bill, "An Act Permitting Transfer of Property to Monument Lodge Association." (H. P. 341) (L. D. 449)

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

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

Mr. BERRY of Cumberland: Mr. President, with reference to Bill, "An Act Providing Full Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools" (H. P. 215) (L. D. 265), I present Senate Amendment "A" and move its adoption.

Senate Amendment "A", Filing No. S-19, was Read and Adopted

and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Resolve, Providing Funds for Conservation Education. (Emergency) (S. P. 164) (L. D. 539)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Exemption of Certain Neat Cattle from Personal Property Taxation." (S. P. 116) (L. D. 327)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Delegation of Authority to Director of Bureau of Corrections Under New England Interstate Corrections Compact. (S. P. 125) (L. D. 387)

An Act Relating to Definition of Valuation in Reimbursement to Towns for Snow Removal. (S. P. 126) (L. D. 388)

An Act Relating to Appointment of Clerk Pro Tempore of the Judicial Court. (S. P. 139) (L. D. 421)

An Act Relating to Trial Terms of the Superior Court. (S. P. 143) (L. D. 425)

An Act Relating to Cooperative Agreements by the Public Utilities Commission. (H. P. 175) (L. D. 214)

An Act Relating to the Registration of Interstate Motor Carriers. (H. P. 184) (L. D. 223)

An Act Relating to Jurisdiction of Juvenile Courts Over Offenses in Operating Boats. (H. P. 193) (L. D. 233)

An Act Providing Preservice and In-Service Educational Activities for Teachers of General Adult Education. (H. P. 223) (L. D. 273)

An Act to Clarify Absentee Voting Under the Charter of the Town of Kittery. (H. P. 276) (L. D. 352)

An Act Relating to Voting Residence of Spouse of Member of Armed Forces. (H. P. 279) (L. D. 355)

An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics. (H. P. 280) (L. D. 356)

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

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

Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 29) (L. D. 87)

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

Emergency

An Act Relating to Nonlapsing Funds for Armory Construction. (H. P. 2) (L. D. 2)

This being an emergency measure and having received the affirmative votes of 26 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.

Emergency

An Act to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles. (S. P. 130) (L. D. 392)

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.

Emergency

An Act Appropriating Funds to Office of Chief Medical Examiner (H. P. 403) (L. D. 514)

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

Emergency

Resolve, Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation. (H. P. 589) (L. D. 731)

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

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby Joint Order, House Paper 792, was passed in concurrence.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My concern stems from the date only on the order. The order is very well prepared and is a meritorious order.

The thorny problem of the disposition of State-owned land in the Augusta area is just that, a thorny problem. I question whether the time is adequate, May 1st. That provides really two months for some really detailed and significant action when we are talking about the amount of land involved. I think it would be in order, if there isn't any more public questioning right now, that somebody might table this to be sure that we do have the proper date on here.

Thereupon, on motion by Mr. Katz of Kennebec, Joint Order, House Paper 792, was tabled and tomorrow assigned, pending Passage.

Orders of the Day

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

SENATE REPORTS—From the Committee on State Government on Bill, "An Act Relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees." (S. P. 115) (L. D. 324) Report "A", Ought to Pass; Report "B", Ought Not to Pass.

TABLED—February 20, 1969 by Senator Hoffses of Knox.

Pending—Acceptance of Either Report.

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

Mr. HOFFSES of Knox: Mr. President, I yield to the Senator from Kennebec, Senator Hanson.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I wish to thank the gentleman from Knox, Senator Hoffses, for his courtesy. I move that we accept Report "A", the Ought to Pass Report of the Committee, and I would speak briefly on my motion.

This bill adds one more to the Board of Trustees for the Accident and Health Program for State Employees. Now, when this was originally set up, which I believe was at the last special session, there was to be one from the retirees, two from the M.S.E.A., and two to be appointed by the Governor. The two that were to be appointed by the Governor were the so-called independents. The two members from the M.S.E.A. were members of that organization, of course, and the one from the retirees, if you will read the bill — I think there is a technical error here, possibly — it says "from the Maine State Employees Association." Now, the retiree would be actually elected from the presidents of the different chapters that they have within the State, but they do not have an association of their own.

Now, this bill asks for one member to be added to this Board representing Council 74 of the American Federation of State, County and Municipal Employees. This would be a so-called union member. I believe that they have approximately 1100 members within their association. The M.S.E.A. has approximately 6,000 members, and the others are so-called independents.

One of the advantages that they have by having representation on this Board would be that the American Federation of State, County and Municipal Employees'

Union, which is headquartered in Washington, D.C., has a research department that constantly keeps data, records and so forth, in regard to health insurance systems and policies throughout the United States and, if Council 74 is given a member, this information will be constantly available to the Board of Directors if they care to use any part of it.

I certainly hope that you will go along with me. I believe that these reports were evenly divided and I hope that you will go along with me in support of the Ought to Pass Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I signed the Ought Not to Pass Report on this bill which, as the Senator from Kennebec, Senator Hanson, states, was an evenly divided report, five to five. My reason for doing it was because, as I understand it, this group represents approximately six per cent of the State employees, whereas there are only five members on the Board, so each member would be the equivalent of about twenty per cent of the State employees, and this particular organization only represents six per cent. It just seemed to me that the organization was not strong enough or large enough to entitle it to a membership on this Board, and I hope that the motion of the Senator from Kennebec does not prevail.

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

Mr. BERRY of Cumberland: Mr. President, I wonder if it would be possible to have the committee action read?

The PRESIDENT: The Secretary will give the status of the bill and report.

The SECRETARY: This bill was reported from the Committee on State Government in a divided report on February 20, 1969. Report "A", Ought to Pass, signed by Senators Letourneau of York Beliveau of Oxford, and Representatives Watson of Bath, Starbird, Jr. of Kingman, and D'Alfonso of

Portland. Report "B", Ought Not to Pass, signed by Senator Wyman of Washington, and Representatives Marstaller of Freeport, Rideout of Manchester, Donaghy of Lubec, and Dennett of Kittery. Tabled on February 20th pending acceptance of either report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would request a division.

The PRESIDENT: The Senator from Cumberland, Senator Berry, requests a division. Is the Senate ready for the question?

The question is on the motion of the Senator from Kennebec, Senator Hanson, that the Senate accept Report "A", Ought to Pass, on Senate Paper 115, Legislative Document 324. As many as are in favor of the motion to accept Report "A", Ought to Pass, will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 14 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion prevailed and Report "A", Ought to Pass, of the Committee was accepted, the Bill Read Once and tomorrow assigned for Second Reading.

the President laid before the Senate the Second tabled and specially assigned matter.

HOUSE REPORTS—from the Committee on Election Laws on Bill, "An Act to Encourage the Use of Electronic Voting Systems by Municipalities." (H. P. 382) (L. D. 491) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—February 25, 1969 by Senator Katz of Kennebec.

Pending—Motion by Senator Anderson of Hancock to Indefinitely Postpone Bill and Reports.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must oppose the position

of my good friend, the Senator from Hancock, Senator Anderson, and I would like to restate, perhaps in a little different view, the Senator's objections yesterday and disagree with them.

This will not set up a new bureaucracy and, as a matter of fact, not a single new person should have to be hired on the part of the State to administer the act. One of Senator Anderson's objections was that this would happen, and I can assure him that this is not the case. The existing Bureau of Purchases would handle the very small amount of paper work involved.

Now, as to the merits of the bill itself, and they are considerable, this is a so-called voting machine, but it really isn't. It is the so-called plastic voting machine. It is a small plastic casting and an IBM card is inserted and a punch system is used for marking the ballot, either a straight ticket or individuals, or referendum questions or anything. Then these cards are collected when the polls are closed and taken to a properly certified computer center where they are tabulated. These are guarded all the time.

This machine has turned out to be the answer to the problem of voting machines which we have known as such for a long time, which are expensive, and in no way, shape or manner is this issue to be confused with the perennial legislation that the several legislatures have had providing for bond issues and so forth. Those were very expensive machines running, I believe, into four figured numbers. This item is down now so it is selling for under \$200.

The advantages of this punch card system of voting are primarily its fool-proof results. Where it has been used, and it is of course used in quite a few communities in Maine, it has been used with success. The principal advantage of these is the elimination of the recount problem that we have had. I think in communities where this system is used there have been no recounts, except required by law and they

have substantiated the original counting.

The bill would provide a rather modest sum of money, and I do not debate this morning the availability of the money; this will be up to the mature judgment of the group that will dispense justice, if not mercy, at the end of the session, but I do feel that the bill itself and the principle embodied in it are extremely progressive from an election law standpoint. It has the support of practically everybody. I don't say that Senator Anderson is alone in his position because obviously Senator Letourneau joined him. I do feel though that it does have a real impact on bringing our voting system up to date, cutting down on the requirements of the ward workers and, in general, gives us a much more modern program. I would hope you would vote against the motion of Senator Anderson.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Repetition is not in my vocabulary, so I won't repeat what I said yesterday.

At the start of this session there seemed to be a pervading spirit of conservatism but, apparently, that has vanished into thin air. I want my constituents to know that I at least tried to stop the runaway horse.

Mr. President, I move the pending question and, when the vote is taken, I move that it be taken by the "Yeas" and "Nays."

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

Mr. KATZ of Kennebec: Mr. President and Gentlemen: I was a signer of the Majority Ought to Pass Report. I speak as the Senator from Augusta. I am convinced that the electronic voting which is a small machine, I think, in which IBM and a few other corporations have spent considerable time and money in developing, is an answer to many of our serious problems.

I am appalled at the cost of democracy when I see that every community in the State has its own

ballots in an enormous quantity, and enormous tonnage of ballots, printed up at fantastic expense. Every community has to have its own names on the ballots and every community has to have its own series of ballots. These are transported by the State all over the corners of the State prior to an election. In case of a recount the enormous job of securing all these big paper ballots and returning them to the State House for recounts is not only time-consuming but there is a question of security and accuracy.

These little handy-dandy cards that are printed are printed exactly the same for every community in the State, except they have a little code on them. You take these little cards and you put them into a machine, fold over a little cardboard or plastic container, and there are the names of the local candidates for this one particular precinct.

I don't know what the savings to the State would be in the printing costs, but I can assure you that they are very, very substantial.

Some of you have expressed interest over the years in moving the date of the primary from June to September. At the last session of the legislature I proposed such a bill, and I threw up my hands in frustration and I, for one, came to the conclusion that we couldn't move the date of the primary from June to September because of the bottlenecks. One of the bottlenecks, and the most important one, can be solved if the major communities in this State go to a system of electronic voting.

I think that the question of the availability of funds is obscure at the moment but I, for one, would be perfectly willing to keep this bill alive on its merits until later in the session.

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 support Senator Anderson on his motion to indefinitely postpone this L.D. I do have an interest in this system since I sponsored the enabling

legislation last session permitting towns to use this electronic voting system.

I think it is an excellent system and I don't believe that it needs the monetary encouragement that this bill calls for. I think it is a reasonably priced device, actually costing nearer \$150 than \$200 now. I think it will be adopted on its own merits, and I seriously question the precedent of the State underwriting items such as this. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: Presently we are using this system in Bangor and we find it very, very efficient. Whereas we had to spend three, four or five hours counting ballots in some of our big wards, we can now get, by using this machine, a result in a matter of twenty minutes or half an hour, and it is fairly accurate.

Now in Bangor, the City of Bangor itself funded the purchasing of these machines. They had no help from the State.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In answer to Senator Sewall's comments, this bill provides that the State would share with the communities half the cost of the machines, and it is done in an attempt, particularly in the smaller communities where costs may be a factor in modernizing their voting procedure, by the State participating in this to the extent of fifty per cent, after the local communities have put up their money, it seems an attempt and a reasonable one to push the program along a little bit.

The thinking behind the bill, and this has been reasonably researched over the past two years, was that we have got the hard core of communities who will use this machine, as they are doing in Bangor and a few other communities, and it needs this little push to get it going.

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

Mr. KATZ of Kennebec: Mr. President and Gentlemen of the Senate: Just a brief explanation to the Senator from Penobscot, Senator Quinn, might be in order, that this bill would reimburse the City of Bangor fifty per cent for what you have already spent.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I am appaled that we would debate this bill at length, considering the merits, considering the cost of our present election system to all our communities, considering the discrepancies that are now encountered with our present system.

I have listened with keen interest to the debate. If, as the Senator from Penobscot indicates, that funds are not necessary, that a stimulant is not in order, then there would be no great concern. However if a stimulant is required, I think that it is in order that we provide it. I am very concerned that we debate this at such length and possibly not revamp our quite antiquated system.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion made by my colleague and good friend, the Senator from Hancock, Senator Anderson.

This little machine is briefcase size and it only weighs seven pounds. It costs, I think, less than \$150. I think this will stimulate the interest of the communities, especially the smaller communities, to purchase these machines.

Now, in the 1968 presidential election in Presque Isle we had 4,027 votes cast. Of that total approximately 400 were absentee ballots. It took the workers over two hours to count the ballots, these conventional ballots. It took less than 53 minutes to count the ballots that were recorded in those

machines. So I think this is an economy measure. I think it is going to save a lot of time. In the preceding year, where we used the conventional method, they were until 3:30 the next morning counting less than 4,000 ballots, 3,000 something. So, I think this will save the communities money and will indirectly reflect back on the State's economy. Thank you very much.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think one voting with Senator Anderson on his motion to indefinitely postpone is certainly not voting against this machine.

We have seen this machine in operation in Franklin County in one of the towns that was usually about the last town to make its reports, and now its reports are in first, and there has been a very considerable saving locally to the town in the ballot clerk expense and administration of the matter, so that it is very obvious to the town and to other towns that they themselves can affect a very real savings by purchasing the machines.

I think that we should hesitate about feeling compulsion to prime the pump from Augusta every time some gadget comes along that is a good thing for the towns to buy. There are many areas where we do need to give the towns very real support, but this is rather picayune as far as the financial aid is concerned. The area where we have got to give them support, of course, is in the school subsidy area. I hope we will really buckle down and get that done soon so we can indicate to the towns well before the town meeting that they are going to have very real support from us. I think it is disturbing to local autonomy too for us here to decide that the towns have got to have this, have got to have the way led for them. I think that we should leave it up to their own good judgment. The savings are going to be obvious enough to them when they get the word around. I certainly hope the motion of the

Senator from Hancock, Senator Anderson, will be supported.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act to Encourage the Use of Electronic Voting Systems by Municipalities," and Reports be indefinitely postponed.

A roll call has been requested. Under the Constitution, in order to order a roll call, it requires the affirmative vote of at least one-fifth of the Senators present here today. All those in favor of a roll call will please rise and be counted.

Obviously more than one-fifth having arisen, a roll call is ordered. Those in favor of the motion to indefinitely postpone will vote "Yes"; those opposed will vote "No." The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Dunn, Duquette, Hanson, Letourneau, Martin, Mills, Minkowsky, Moore, Sewall, Tanous, Wyman, and President MacLeod.

NAYS: Senators Barnes, Berry, Boisvert, Cianchette, Conley, Gordon, Hoffses, Katz, Kellam, Levine, Peabody, Quinn, Reed, Stuart, and Violette.

A B S E N T : Senators Beliveau, Bernard, Greeley, and Logan.

A roll call was had. Thirteen Senators having voted in the affirmative and fifteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table the eighth tabled and unassigned matter:

HOUSE REPORT—Ought to Pass as Amended by Committee Amendment "A" Filing H-35, from the Committee on Transportation on Bill, "An Act Relating to Trailers Being Securely Fastened." (H. P. 51) (L. D. 52)

Tabled—February 20, 1969 by Senator Barnes of Aroostook.

Pending—Acceptance of Report.

On further motion by the same Senator, recommitted to the Committee on Transportation in non-concurrence.

Sent down for concurrence.

Joint Order

Out of order and under suspension of the rules, the President laid before the Senate the following paper from the House:

ORDERED, the Senate concurring, that the owner of any motor vehicle which normally should have been registered for the year 1969 on or before February 28, 1969 shall be permitted to effect such registration at any time up to and including Saturday, March 1, 1969.

It is the intent of the Legislature that owners of motor vehicles shall be granted this additional time in which to register their vehicles because of the severe conditions and difficulties resulting from the recent storms.

(H. P. 830)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Mr. Berry of Cumberland was granted unanimous consent to briefly address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: Next Wednesday there will be a recurrence of what has recently been an annual event at the Augusta House put on by a musical group called "The Elders." One of the more notable features of this group is that it contains in amongst its membership two outstanding musicians, and one is a Republican and the other is a Democrat.

The Democrat is Richard Dubord, one is our distinguished Attorneys General, and the Republican is a former President of the Senate, Bob Marden. These gentlemen do an outstanding job and I am sure — if you are lucky enough to reach me quickly — I don't have too many tickets—you will have a very, very enjoyable evening. This is an occasion when the family is brought up. The tickets are \$2.00 — next Wednesday, March 5. Thank you.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1:30 o'clock tomorrow afternoon.