

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, March 19, 1969

Senate called to order by the President.

Prayer by Rev. Fr. Leonard A. Leclair of Augusta.

Reading of the Journal of yesterday.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, with the following exceptions:

Bill, "An Act Relating to Exception to Plumbers Law because of Municipal Requirements." (H. P. 1001) (L. D. 1303)

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

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

Mr. KATZ of Kennebec: Mr. President, relative to Item 1-6, it is my understanding that the Committee on P.U.C. has devoted about two hours to this specific problem. Consequently, I move that this be referred to the Committee on Public Utilities in non-concurrence.

Thereupon, the Bill was referred to the Committee on Public Utilities and Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Persons Found Intoxicated in Liquor Licensed Premises" (H. P. 1003) (L. D. 1305).

(See action later in today's session.)

Bill "An Act Adjusting State Employees Pay" (H. P. 1009) (L. D. 1311).

(See action later in today's session.)

Committee Reports
House
Leave to Withdraw

The Committee on Inland Fisheries and Game on Bill "An Act Providing for Pheasant Stamp Under Fish and Game Law." (H. P. 727) (L. D. 945)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Towns and Counties on Bill "An Act Relating to Payment of Percentage of Taxes from Town of West Bath to Birch Point Village Corporation." (H. P. 360) (L. D. 468)

Reported that the same Ought Not to Pass.

The Committee on Towns and Counties on Bill "An Act Relating to Tax Distribution between Town of West Bath and Birch Point Village Corporation." (H. P. 500) (L. D. 654)

Reported that the same Ought Not to Pass.

The Committee on Inland Fisheries and Game on Resolve, Relating to Fishing in Howard Pond, Oxford County. (H. P. 633) (L. D. 821)

Reported that the same Ought Not to Pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Taking of Fisher in Town of Turner, Androscoggin County." (H. P. 729) (L. D. 947)

Reported that the same Ought Not to Pass.

The Committee on Inland Fisheries and Game on Resolve, Permitting Taking of Smelts from Townsend Brook, so-called, and Little Wilson Pond, Androscoggin County. (H. P. 732) (L. D. 950)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Business Legislation on Bill "An Act Providing the Maine Insurance Code." (H. P. 201)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on Bill "An Act Relating to Incorrigibles at Juvenile Training Centers." (H. P. 409) (L. D. 520)

Reported that the same Ought to Pass.

The Committee on Education on Resolve, Discharging Town of Shapleigh from Part of the Indebtedness to State Board of Education for Preparation of Agreement for Dissolution of School Administrative District No. 57, (H. P. 460) (L. D. 597)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill "An Act Relating to Discharge from Hospitals for the Mentally Ill." (H. P. 551) (L. D. 730)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill "An Act to Amend the Charter of Unity Utilities District." (Emergency) (H. P. 575) (L. D. 757)

Reported that the same Ought to Pass.

The Committee on Education on Bill "An Act Permitting the Municipalities of Old Orchard Beach and Saco to Form a School Administrative District Contract for Part of its Students with Thornton Academy." (Emergency) (H. P. 624) (L. D. 812)

Reported that the same Ought to Pass.

The Committee on Education on Bill "An Act Relating to Confering Degrees by Thomas College." (H. P. 682) (L. D. 881)

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 Accepted in concurrence, the Bills and Resolve Read Once and tomorrow assigned for Second Reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property." (H. P. 757) (L. D. 977)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

Which Report 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 Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I move that this bill be indefinitely postponed, and I would like to speak, I hope rather briefly, in regards to the motion.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, moves that Item 6-14, Legislative Document 977, be indefinitely postponed. The Senator has the floor.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I rise this morning rather reluctantly to oppose the unanimous Ought to Pass Report of the Appropriations Committee, and yet I know of no other course other than to take what I feel is the correct position to the entire body here in the Senate.

This is the second time since I have been in the Senate that I have faced a unanimous decision from the Appropriations Committee to close this particular home. Therefore, I believe that it really is incumbent upon me to, first of all, ask myself the question of whether my past position in defending and trying to keep this home open has not been somewhere along the line clouded and possibly I am the one that is wrong. I have tried to do this, and I must admit that I come up with the same answer. I ask myself the question: why is it that this home continually comes before the Legislature in an effort to close it?

Now, I certainly do not question the purpose behind the Appropriations Committee in their decision. I certainly commend them in their efforts in trying to go back into the current services budget and try to weed out that which is not necessary. I can also understand why, after visiting all the institutions in the State—and again I commend them for doing this—why they single out this particular institution as the one which is not needed and one which is not in the

best interests, at least, of the taxpayers of the State.

Now, a lot has been said in regards to this building in this Legislature and in previous Legislatures. I think there is common agreement that the home itself from the outside is large, it is wooden structure, it is a beautiful structure, it is in a setting with other large homes that you find in our coastal area, and it is in one of the most beautiful residential sections in the City of Bath. The charge has been made that it is unsafe for these children to live in.

I hesitate to debate this. I feel as if the Appropriations Committee, I will concede to them that I know it is not their desire to turn some thirty youngsters out in the street, and I also hope that they would concede to me that it is not my desire to see some thirty-odd youngsters be burned to death. I believe that again we might find common agreement — this they would probably debate — but, at least I feel that a small sum of money would make this home safe as far as fire is concerned. I mention to them, and I am sure they are aware of it, and the fire prevention people are, that this home is on the same street as the central fire station in Bath, which is a full-time fire department within a half mile of it, there is presently a direct hook-up system with the fire department, and whether or not it should be smoke or heat, and so on and so forth — and I am not saying that it shouldn't be fully sprinkled — but it seems to me that the real issue here has to be the product that the home has turned out.

I suppose maybe that you, and I know that they are, sick of being reminded of the fact that the home has done an outstanding job in the past. I would be the first to admit that because of this fact it doesn't necessarily justify its continuation in the future. But I do feel that it does justify a close look. My own personal opinion is that this home is really trying to tell us something and we just refuse to look at what it is trying to say. I think, first of all, it says that money, brick and mortar, in itself, does not take a youngster and turn him out to be

a useful citizen. I think it also tells us that if you can have an institution and somehow separate it from here in Augusta, because there seems to be very little workings between the home and Augusta itself, the department, what department it should go into, and if you have a capable superintendent, and if you have children and a home that is accepted in an area, that it can do a tremendous job in turning out a useful citizen in later life.

I think it also tells us that if you can keep families together, that if you can take and have mixed ages, youngsters from maybe nine or ten to eighteen and nineteen, living together, and if you can have youngsters of both sexes living within the same building, that you create an atmosphere which many youngsters need. Many of these things, as far as youngsters of different sexes living together, is something that we are now trying in many of our schools and many of our universities, and yet it has been going on here for years.

They say that this home possibly needs a psychiatrist, and I possibly agree. I would certainly respect these people; they are needed. But as far as welfare is concerned, it seems to me that we should concern ourselves more with trying to create an atmosphere where these people are not needed than creating an atmosphere in which they are needed. I feel that this home is a step in that direction, and its past history has indicated that.

Now, they say that this institution has no program as such, and I guess that is probably true. But, again, I think this is an asset as far as that home is concerned. It seems to me that one of our problems today is that we program things to death, and young people are telling us this. We are isolating them, and the greatest problem in the world today is trying to teach people how they can live together and not really take and kill each other. You are not going to do this by separating them, in many instances. If we can make people live together in different walks of life, have some of the smart ones, have some of those who aren't so

smart, living together, then I feel that it helps as far as these youngsters are concerned.

I believe that these are some of the things that this home has told us in the past and is trying to tell us now.

Now, the cost of this institution is relatively high if you look at it as an institution as compared to a foster home. It is the cheapest institution that the State presently runs. But any type of institution living is expensive, I would agree, because you have seven days a week, twenty-four hours a day that you have to have someone on duty, and presently for some thirty youngsters there are thirteen employees there on the payroll. It averages out, I guess, to somewhere around \$3,000 a year for each one of these students, as compared to five or six thousand at many of our other institutions.

I think also that this home, in a sense, is a tribute to the City of Bath, and since it looks as if it is really in trouble this time, maybe that is what I should be referring my remarks to, the people in the City of Bath for what they have done in the past, because I do feel that they have contributed a great deal to the product that this home has turned out. For years the City of Bath has educated these youngsters at no cost to the State. Presently there are some thirty youngsters there and not one of them is from the City of Bath.

People say — in the corridors, several I have met — have I ever been in this home? Well, I have. When I was in high school, and I am sure many kids who went to high school, we used to go to parties there. We had many enjoyable times. These youngsters are accepted, and they are educated in the Bath schools. Many of them are special care students. I think we should ask ourselves, would our cities and towns — and I am not from the City of Bath — do the same?

I was interested to note — I just got these figures — that there are two other institutions under this same department that send youngsters to schools outside the public schools. One is at Stevens. The State of Maine paid for one

of the youngsters — and they are very few — one of the youngsters went to Madison, and the State paid \$590 for tuition. In the City of Augusta the State paid just under \$2,000, and no student went an entire year. I may be corrected there, but there were very few students. Some went a week, some went a semester, and maybe one or two of them went a full year.

Also, another institution, the Women's Correctional Center in Skowhegan, also sends a few of their youngsters to the schools in Skowhegan, and the school system in Skowhegan received \$4,247 for tuition from the State. And the City of Bath, for educating some thirty youngsters, received no payment from the State. When I reminded the City Council of this, how much it was costing them, right at a time when they were trying to cut their budget as far as schools were concerned and employees, they unanimously voted to go on record as wanting this home in the City of Bath.

I think also a little plus as far as Bath is concerned, of course, is the Iron Works itself, which throughout the years has been a good employer here in the State of Maine. Many of these youngsters, after they leave the home, work in the Iron Works. Many of them settle around the area in which I live, it is true, because this is where they were brought up and this is home to them. And I suppose maybe I am speaking in behalf of them at this time.

Another plus, I feel, is that the City of Bath has the Davenport Fund. If any of you have seen, I think impressive, city hall that the City of Bath has and the library which we have, both of those were gifts of Mr. Davenport and his family. Also he set up and left a large trust fund for the needy and worthy causes that might come up around the Bath area. Traditionally each year they have sent worthy youngsters away to college to get an education. And one of the reasons why this home has such a distinguished alumni is that these youngsters received the Davenport Fund and went on to higher education. I think, again,

maybe that isn't as important as it used to be, but it is still a factor. And it is also remarkable — this fund is supposed to be returned back to the trustees when the youngster graduates and is financially able to do this — and the youngsters from this home are almost 100 per cent in paying back the money that they borrowed to go away to school on.

Now, I feel that this belonging, this acceptability, is important for a youngster. I think back, it wasn't too many years ago, when we changed the name of Pownal to Pineland, and basically it was because they wanted to wipe off the stigma that the old Pownal School had. There is no problem as far as that is concerned with this home. The youngsters are accepted. Whenever they have found out where they come from, people bend over backwards to help them and to support them.

Now, all I can say to you is the same thing I said to the Appropriations Committee: If you feel, as I do, that there are thirty or forty some-odd youngsters here in the State of Maine that can benefit from a home such as this, then I would appreciate your support. I have not lobbied anyone in this regard on this home, and I understand that the Appropriations Committee has not either. This is a small institution and I think that we can all understand it. If you feel that there is a need for a home such as this, I would hope you would go along with me, and if you do not, well, I guess she's a goner. Thank you.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, moves that Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property," be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am all for economy in State Government, but when it comes to breaking the hearts of little children I draw the line. I will support the motion made by my colleague, Senator Reed.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: It is, believe me, with extreme reluctance that I get up to defend the position of the Appropriations Committee this morning and disagree with my friend from Sagadahoc, Senator Reed. I am sure no one here in this room would like to change places with me right now.

The Appropriations Committee did a considerable amount of soul searching on this issue. We did not arrive at our ten to nothing unanimous report without considerable discussion and thought. Most of us on the Committee have children, we are not machines, computers, and we too are concerned about children.

The Bath home, it seemed to us, at the present time is at the fork in the road, so to speak. We did have the Bureau of Public Improvements look into the fire aspects of this building, and the list of requirements to make this a safe place for children, or for adults, fills two closely typed pages of recommendations and requirements. The cost of putting this building in a safe condition is \$162,000. This is one factor.

The other factor is the philosophy possibly of subjecting some of these children to institutional living. I believe that one reason we were as unified in our opinion on this matter was that many felt that most of these children would be better off in foster homes where they would have more of a sense of family life, as opposed to institutional living. Some of the children, we were told, do have mental problems. There is no psychiatrist in residence, and the Committee felt again that, if there are children with true mental problems, the State does have professional institutions staffed with professional people to help these children.

I don't think there is much more that I can say. This is a very, very hard decision for your Appropriations Committee to make. We certainly would not turn these children out into the street. We

have left sufficient funds in the Part I Budget to phase this facility out with a minimum effect, as far as humanely possible, on these children. Thank you very much.

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

Mr. BOISVERT of Androscoggin: Mr. President, I move that this item, 6-14, be placed on the table until Friday, March 21.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that Item 6-14, Legislative Document 977, be placed on the table until Friday.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, I request a division on this motion.

The PRESIDENT: All those in favor of the motion of the Senator from Androscoggin, Senator Boisvert, that Item 6-14 be placed on the table until Friday, rise and remain standing until counted. All those opposed to the tabling motion will rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and twenty-three Senators having voted in the negative, the motion did not prevail.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Just a brief word on two parts of this that haven't been touched. One is the fact, speaking on the safety, that if these children were in foster homes, in case of a serious disaster, there is only probably one or two children or two or three involved. In this present spot, with thirty, it is a major catastrophe if anything happens.

The other one is in the placement of children. A short time ago we had a meeting with foster home parents in South Paris, and at that time there were members there that did have as many as five children in their homes, so that this does not necessarily mean splitting up families or anything like that. This would not necessarily follow if this home was closed.

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

Mr. KATZ of Kennebec: Mr. President and Gentlemen: The role of government is not always easy. I support the position of the Appropriations Committee. If you will recall, earlier this session some of us expressed deep concern that government is prone to add program onto program and tax onto tax without really sensible re-evaluation of existing programs.

It pains one very, very deeply to single out a program and say that it has outlived its usefulness and perhaps government can handle this problem in a different manner, but I am convinced that insofar as the existing program in this instance is concerned that it can be handled in a different and a better manner for the people involved.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I listened to the debate on this bill with interest in the House and obtained quite a lot of information from it. I feel assured that if this home is closed that these children will be adequately taken care of, that they will be taken care of even better than they are now for their own interest.

We have commended our Appropriations Committee for trying to reduce waste in Government, and when they find spots that we are not getting our money's worth from we should back them up. Money is scarce in Maine, and we are going to have a hard job meeting our requirements, so if there are any spots that are not worthy of further support we certainly should back the Appropriations Committee up.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I realize now possibly I am overstepping my bounds, but it is not my position to try to con-

demn the Appropriations Committee. I just feel as if there are some youngsters that don't fit in a foster home.

Recently I made a will, after being urged by a number of attorneys, and one thing they said—in a place where a comment is asked on what are you going to do with your youngsters — well, it stymied me right there. I feel as if some youngsters who have been very close to their home rebel against a foster home, who have been very close to their parents and something happens to their parents, because the foster home competes with what they have as an image for their parents. Now, this came to mind in talking with countless — I say countless — a number of people who called. And I said "Look, I am with you, but there are some thirty-two Senators and they are spread throughout the State," and they would immediately start talking about their cousins, their uncles, their blood on their mother's side, their blood on their father's side, and I came to the conclusion that the people who don't have parents, or are missing one, this is very important.

Now, another reason why I rise: If these youngsters can be placed in foster homes, I want it clearly understood, I think that probably this is the best place for them. But I am just saying if there are thirty or forty youngsters who don't fit into this scheme, that might have to go to a correctional institution, then I would ask for your support.

The other point I would like to make — and I didn't mention this — is this report which the Chairman of the Appropriations Committee referred to. It was not debated in the other branch for some reason, and I didn't mention it because when I look at it I get a little upset. First of all, I find that this was issued on March 11th. On March 11th this bill was on the calendar at the other end of the corridor. Also, I find on March 11th, the same day this report was issued, another report came from the Director of Fire Prevention, a new order superseding and in some instances

countermanding previous orders. To this report is attached three letters. One is dated March 24, 1967, and is signed by the Director of the Insurance Commissioner. Note, it has ten recommendations. "It is suggested that this building should be 100 per cent sprinkled." It says "It is suggested." On March 19, 1968, one year ago, the report is signed by the Director of the Insurance Commissioner, and it consists of one sentence. It says that if the home is completely sprinkled, it says, "enclosures may be eliminated by installation of an approved sprinkler system covering the entire building." This means that they no longer would have to enclose the stairways if they had a sprinkler system. This was one year ago.

The letter that the Chairman of the Appropriations Committee referred to is dated March 11, 1969. This consists of two complete pages. They listed every bolt and nut in that building that they think might be checked. They even checked the structure itself. It seems to me that this is part of the reason why the taxpayers rebel. Also, I would refer to the cost itself.

The Chairman of the Appropriations Committee referred to this as the total cost recommended by BPI of \$162,000. This, I would agree, is the figure. I would like to read you some of the items. They have in their Part II added \$22,000 simply because of this issuance of March 11th. They made this estimate up in two parts. One of the items is to provide illuminating exit signs. Now, \$500 for this. It seems to me that if you are going to have a children's home and an institution, and this type of youngster is there, then you don't necessarily want red exit signs over every door.

They have here \$17,000 for a contingency. In the last, I believe, eighteen years their total expenditures for improvements have been \$26,000. \$18,000 of that has been done in the last year or two in completely rewiring it. Yet they have a contingency of \$17,000.

They have furniture replacement of \$21,000. As they said, some of our institutions which

violators of the law have been in are sitting in sofas, while these youngsters are sitting on hard benches. They are eating off the same tables that they did forty years ago. I am not saying that is entirely bad. Maybe this is one of the reasons why the product is pretty good.

They have architect fees for \$10,000, which the BPI themselves, I understand, could do.

Under structures and improvements they have a two-car garage and storage of gasoline equipment, \$6,000. They have two chain-link fence for rear and inside property lines, \$3,600. They have black-topping driveways and parking areas, \$4,000. They have a sprinkler system and smoke detector connected to city fire department, \$12,000, and I say that is probably absolutely needed. They have \$1,500 for curtains, shades, drapes. \$1,000 for wired glass in windows. I could bore you with some of these other figures, but you have been too patient with me already.

But they do have some major renovations on the third, second and first floors: changing around the toilet facilities and improving the supervisors' rooms, and this type of thing.

My own honest estimate—and I don't pretend to be an expert in this—but I would say that \$50,000 or \$60,000 would put this home in top shape. I just mention this because I think that this report should be put in its proper perspective.

The PRESIDENT: Is the Senate ready for the question? The Chair will restate the question. The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Reed, that Item 6-14, Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property," be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone will say "Yes"; as many as are opposed will say "No."

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED: Mr. President, could I ask for a division?

The PRESIDENT: As many as are in favor of the motion to indefinitely postpone Item 6-14, Legislative Document 977, will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had.

The PRESIDENT: The Chair is in doubt. Will all those who are in favor of the motion to indefinitely postpone rise again, please, and remain standing until counted? Those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to indefinitely postpone prevailed.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I wish to move that we reconsider this action whereby this matter was indefinitely postponed, and I would speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate now reconsider its action whereby Item 6-14, Legislative Document 977, was indefinitely postponed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: It seems to me that the last speaker changed the ballgame just a little bit, and that is why I certainly changed my position for the moment. I think that this matter should be considered a little bit further, and I would hope that somebody would table it for a long enough period so that these facts can be assimilated. If this home can be kept open with a modest expenditure, fine; if not, I certainly will go along for closing it.

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

Mr. MILLS of Franklin: Mr. President, I move that this matter be tabled and assigned for the next legislative day.

The PRESIDENT: The Senator from Franklin, Senator Mills,

moves that item 6-14, Bill, "An Act closing the Military and Naval Children's Home and Disposing of the property," be tabled until the next legislative day, pending the motion for reconsideration by the Senator from Cumberland, Senator Berry. Is this the pleasure of the Senate?

The motion prevailed.

The Committee on Liquor Control on Bill "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees." (H. P. 774) (L. D. 1007)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill "An Act Relating to Penalties for Violations of the For-Hire Carrier Statute." (H. P. 780) (L. D. 1013)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill "An Act to Correct Errors and Inconsistencies in the Maine Insurance Code." (H. P. 1071) (L. D. 1252)

Reported that the same Ought to Pass.

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

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

The Committee on Education on Bill "An Act Relating to Leave of Absence for Teachers and Principals." (H. P. 139) (L. D. 161)

Reported that the same Ought to Pass.

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

Which Report was Read.

On motion by Mr. Hoffses of Knox, tabled and specially assigned for Wednesday, March 26, 1969, pending Acceptance of the Report.

The Committee on Judiciary on Bill "An Act Relating to Rehabilitative Programs in State Penal and Correctional Institutions." (H. P. 818) (L. D. 1057)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill passed to be Engrossed as Amended by House Amendment "A" (H-101).

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

Ought to Pass — As Amended

Bill "An Act Relating to Reasonable Counsel Fees Under Uniform Act on Paternity." (H. P. 635) (L. D. 823)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-99).

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

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

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on Bill "An Act Activating the Governor's Committee on Children and Youth." (H. P. 54) (L. D. 56)

Reported that the same Ought to Pass in New Draft under title of "An Act Reactivating the Governor's Committee on Children and Youth and the Governor's Advisory Council on the Status of Women and Continuing Activities of the Committee on Aging." (H. P. 1072) (L. D. 1253)

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

The Committee on Public Utilities on Bill "An Act to Amend the Charter of Great Northern Paper Company." (H. P. 439) (L. D. 563)

Reported that the same Ought to Pass in New Draft (H. P. 1070) (L. D. 1251) under same title.

Comes from the House, the report Read and Accepted and the

Bill, in New Draft, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, and the Bills, in New Draft, Read Once and tomorrow assigned for Second Reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting Licenses for Certain Maine Residents in Armed Forces." (H. P. 384) (L. D. 494)

Reported that the same Ought to Pass in New Draft, under new title "An Act Relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 947) (L. D. 1125)

Comes from the House, the Bill Substituted for the Report and the Bill Passed to be Engrossed.

Which Report was Read.

On motion by Mr. Hoffses of Knox, tabled pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Amount of Liquor That May be Imported into State for Personal Use." (H. P. 703) (L. D. 903)

Reported that the same Ought Not to Pass.

Signed;

Senators:

BERRY of Cumberland
CONLEY of Cumberland
BOISVERT

of Androscoggin

Representatives:

STILLINGS of Berwick
CHANDLER of Orono
TANGUAY of Lewiston
COUTURE of Lewiston
FAUCHER of Solon

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

Signed:

Representatives:

HICHENS of Eliot
LEIBOWITZ of Portland

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

Which Reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in Concurrence.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Providing for Statement of Taxes and Other Assessments on Real Property." (H. P. 581) (L. D. 766)

Reported that the same Ought to Pass in New Draft. (H. P. 972) (L. D. 1153)

Signed:

Senators:

WYMAN of Washington
HANSON of Kennebec

Representatives:

COTTRELL of Portland
SUSI of Pittsfield
HARRIMAN of Hollis
WHITE of Guilford

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

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

DRIGOTAS of Auburn
ROSS of Bath
FORTIER of Rumford

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

Which Reports were Read.

On motion by Mr. Wyman of Washington, tabled pending Acceptance of Either Report.

Senate

Ought Not to Pass

Mr. Wyman for the Committee on State Government on Bill, "An Act to Provide for Disclosure of Compensation and Expenses of Legislative Counsel and Agents." (S. P. 303) (L. D. 996)

Reported that the same Ought Not to Pass.

Which report was Read.

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

Mr. MILLS of Franklin: Mr. President, I move to substitute the bill for the report and will make a few remarks at this time in that direction.

I realize it is a presumptuous position many times to be in to expect to prevail against a learned committee such as that chaired by my good friend, Senator Wyman, but I have had more contacts, completely unsolicited, in regard

to this piece of legislation than any of the others that I have been associated with at this session. I firmly believe that your constituents believe in this measure. I believe that you would be representing them if you vote in favor of the measure.

The hearing, it is true, was not filled with proponents of the measure. It had, in fact, one proponent, which was myself, and it had one opponent, which was a delegate from the massed lobby. That is not said in a derogatory way, but it reminded me of the procedures that are followed when the news media can only send one photographer or one newsman to cover a given event, so the lobby sent one, who was a well-respected former state official. I felt that his arguments to the committee were not particularly persuasive, but of course they wouldn't be to me; I am prejudiced in this regard because I introduced the bill. But, I was trying to look at it as objectively as I could.

This measure, the philosophy behind it, presupposes that money is being spent to influence legislation. That doesn't take much of an assumption because we all know that it is true. A great deal of money is being spent to influence legislation, and I think we can take that as an accepted fact. I think we can go a step further and assert, without fear of very serious contradiction, that more money is being spent in the State of Maine, in these legislative halls and in this City of Augusta, to influence legislation than the State of Maine is paying in salaries to its legislators. I think if you will think the situation over you will agree with that.

Now, we as legislators, in order to get here, had to run for office and we had to comply with the laws which our predecessors in the legislature had enacted governing the running for office, governing the running for office of ourselves, for registers of deeds, registers of probate, county clerks, and all of that sort of thing. Those laws very wisely require the filing of expense accounts. They say it is in the public interest to know what a person seeking public office is wil-

ling to spend to gain that office. That is the accumulated wisdom of the ages in this State and in most all of the states of the Union, that those matters are matters of public information and of public concern.

This is not snoop legislation. This isn't an endeavor to find out what the Central Maine Power Company is paying a given person to lobby here, or what the Christian Civic League may choose to spend on its delegate here. It presupposes that information, the extent to which an employer is willing to spend money here, is a matter of public concern, not only to us who are acting on bills and legislation, but to our constituents. I know that they want this sort of thing. I have been contacted many times by people, and I haven't heard one person speak against it, as a matter of fact, outside of this committee action. I have had several lobbyists speak to me and say that they actually favored the measure.

Now, this isn't the type of bill that would tie a bell around their neck so that you would know when you were talking with a lobbyist. This doesn't require putting a tag on them and a name on them and saying "Here comes a lobbyist," or something of that sort. This just says that when they register with the Secretary of State—all they are required to do now is to give their name to the Secretary of State, and the employer likewise, and we get that innocuous list every so often, as you see — this would add to that statute that at the same time that person would file a complete statement of the terms of his employment, his authority to incur expenses, and to expend money on the objects of the employment with the Secretary of State. And during that period of time every two weeks he would file an expense account with him.

I say to you that if someone is down in this legislature spending a lot of money that the public ought to know it and we ought to know it. And if he is not spending much money, that also is a matter of concern. The changes in the employment would be required to be filed.

Now, the only objection that I can think of to this type of legislation is that this is an infringement on someone's personal liberties, that this is requiring the divulgement of facts that are personal and private and of no public concern. I think the answer is awfully plain, that it is of public concern.

The argument was advanced at the hearing that this bill is a slap at the lobby. He didn't say that, but I am trying to think of exactly what he did say. He said that it was an inference, I think, an inference that there was something wrong. Well, it is just as much, gentlemen, an endeavor to make sure that things don't go wrong and to help to keep them from being wrong. So, if anyone came down here and spent a lot of money on this legislative process, trying to influence us, and didn't make these reports, he would be guilty of a crime. That would tend to bring about good legislation, I think.

I will recite an instance of some many years ago — and I can claim a little seniority around here in some ways, because my good friend Senator Duquette is the only one who was here before I first came into these halls, in the Senate at least — I think he goes back to 1931, and I was first a member in 1937. I was a committee clerk in '37, and a member in '39 first. One of those days there in '39 or '41 the dog racing people from out-of-state thought they were going to have dog racing in Maine, and there was a big endeavor to do it. They came down here with an awful lot of money. I don't know how much, but if this bill had been in effect they would have had to have told us or they would have been breaking the law. But they obviously spent a large amount of money because there were well-paid lawyers, mostly lawyers, although some of them were not, from just about every county in the State that arrived at the State House. There was a very prominent one in my home county, and they were from Washington County and all over. There must have been sixteen, but there was at least that many, who came here and conducted a personal

solicitation of every member. You know, the reaction was so great, that obvious expense that was being paid out to influence that legislation, it was so great that they, being honest people, advised their clients that there wasn't much chance in Maine of getting that type of thing through. I think the revolting thing to the legislature was at the time that they were spending so much money, and it was sort of an insult to us to think that they could buy off the legislature in that way.

I think one item which is in testimony of the merits of this measure is that two years ago, when public power was very much an issue here in the legislature, one of the very large concerns of the State which was working hard, and normally and properly so, to protect what it felt to be its interests, publicly revealed that it was spending \$40,000. Of course, its holdings, its stockholders, were so widespread that it was naturally a matter of general concern to them to know, and it felt voluntarily that it was in the public interest to reveal that fact.

This measure, as I said, would do not nearly as much as the present law requires us to do when we run for office. You perhaps realize that in the present statute, and I was noticing it a few minutes ago, that it is illegal for us to do this when we run for office — it says, in regard to the disbursement of money, and it is just a line and a half section, it says "Certain spending prohibited." It says "The spending of money for alcoholic beverages is prohibited." So if any of you spent money in that direction when you were running for office, it was against the law. Now, we haven't put anything like that into this bill in regard to the lobby. I am afraid it might have a devastating effect if we did. (Of course, that is facetious.) But I submit, gentlemen, that this measure has got merit on its own and, despite the fact that it has got a ten to one report against it, I think it should stand up and should see the light of day in this legislative process. I hope my motion will prevail.

The PRESIDENT: The Senator from Franklin, Senator Mills,

moves that on Item 6-26, Bill, "An Act to Provide for Disclosure of Compensation and Expenses of Legislative Counsel and Agents," the bill be substituted for the report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to oppose that motion. I can't see that this bill will accomplish anything except clutter up the statutes and, furthermore, drive the lobbyist, if there are such as he feels there are, to go underground and deal with cash.

Now, he spoke about the dog bill. I was here at the time the dog racing bill was here. Does he think for one minute those out-of-state people that came in here would have reported their full expenses if they had been required to? You can't track cash.

I was on the Committee to Examine Election Returns when I first came over here, and we had returns come in that we knew obviously were wrong, but it is just something you can't do.

I have never had a lobbyist approach me or offer me money in any respect, and I think we have a pretty good grade of lobbyist. I think they serve a purpose. I think this would also add confusion where you had a lobbyist — he spoke of the Central Maine Power Company—they may send a man over here and he may register, and half the time he may work for others doing other work for them and half the time he may be lobbying. It just seems to me that it adds confusion and clutters the statute. It accomplishes no useful purpose in the end, and I oppose the Senator's motion and I hope you will vote against it.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Franklin, Senator Mills, that the bill be substituted for the Ought Not to Pass Report of the Committee. As many as are in favor of substituting the bill for the report will say "Yes"; those opposed, "No."

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

Mr. MILLS of Franklin: Mr. President, I move that this matter lie on the table until the next legislative day.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that Legislative Document 966 lie upon the table until the next legislative day.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I respectfully request a division on the tabling motion.

The PRESIDENT: As many as are in favor of the tabling motion will rise and remain standing until counted. Those opposed to the tabling motion will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed and the Bill was tabled and tomorrow assigned pending the motion by Senator Mills of Franklin to Substitute the Bill for the Report.

Ought to Pass—As Amended

Mr. Peabody for the Committee on Labor on Bill "An Act Revising the Bedding and Upholstered Furniture Law." (S. P. 145) (L. D. 426)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-38).

Mr. Katz for the Committee on Education on Bill "An Act Relating to the Protection of Rights of Employees of the Unified University of Maine." (S. P. 260) (L. D. 864)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-41).

Mr. Minkowsky for the Committee on Health and Institutional Services on Bill "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (S. P. 263) (L. D. 867)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-42).

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

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill "An Act to Amend the Eating Place Licensing Law." (S. P. 220) (L. D. 668)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-39).

Signed:

Senators:

STUART of Cumberland
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

WHITE of Guilford
BINNETTE of Old Town
NOYES of Limestone
PAYSON of Falmouth
FRASER of Mexico
CARRIER of Westbrook

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

Signed:

Representative:

SOULAS of Bangor

Which Reports were Read.

On motion by Mr. Stuart of Cumberland, the Majority Ought to Pass as Amended Report of the Committee was 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 Funds and Personal Property of Deceased Patients and Inmates of State Institutions." (H. P. 385) (L. D. 495)

Bill "An Act Relating to Minor Children Committed to Private Custody." (H. P. 433) (L. D. 557)

Bill "An Act Relating to Maine State Prison Minimum Security Unit." (H. P. 435) (L. D. 559)

Bill "An Act Tolling Running of Probation Period Pending Determination of Violation." (H. P. 470) (L. D. 607)

Bill "An Act Relating to Disclosure of Information Concerning Patients at State Hospitals and the Pineland Hospital and Training Center." (H. P. 666) (L. D. 853)

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

House - As Amended

Bill "An Act Increasing Compensation of School Directors of School Administrative Districts." (H. P. 318) (L. D. 405)

Bill "An Act Amending Laws Pertaining to the Maine State Prison." (H. P. 667) (L. D. 854)

Resolve, Providing for Purchase of Copies of History of Sanford. (H. P. 677) (L. D. 876)

Bill "An Act Relating to Violations of Law Authorizing Work-Release from County Jails." (H. P. 689) (L. D. 889)

Resolve, Providing for Purchase of Two Hundred Copies of History of Parkman. (H. P. 540) (L. D. 719)

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

Enactors

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

An Act Relating to Display of Maine Products in State Liquor Stores. (S. P. 148) (L. D. 429)

An Act to Authorize the Chief Medical Examiner to Approve Certain Expenses. (S. P. 177) (L. D. 579)

An Act Relating to Length of Time for Motor Vehicle Instruction Permits. (S. P. 183) (L. D. 585)

An Act Relating to the Charter of the Van Buren Light and Power District. (S. P. 274) (L. D. 912)

An Act to Clarify the Watercraft Registration and Safety Law. (H. P. 118) (L. D. 134)

An Act Providing for Maintenance of a Certain Road Leading to Baxter State Park. (H. P. 229) (L. D. 285)

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

An Act Revising the Construction Safety Law Enforcement. (H. P. 335) (L. D. 444)

An Act Changing Name of State Soil and Water Conservation Committee. (H. P. 353) (L. D. 461)

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

An Act Relating to Provisional Motor Vehicle Operator's Licenses. (H. P. 617) (L. D. 805)

An Act Relating to Definition of Demonstrator Under Hairdresser and Beautician Law. (H. P. 630) (L. D. 818)

An Act to Classify Certain Minor Tributaries of the Androscoggin River. (H. P. 640) (L. D. 828)

An Act to Classify Certain Tidal Waters of Hancock County. (H. P. 671) (L. D. 857)

An Act Relating to Presidential Electors at Large and From Districts. (H. P. 755) (L. D. 887)

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

Resolve. Authorizing the Forest Commissioner to Study the Laws, Rules and Regulations Relating to Logs and Lumber. (H. P. 480) (L. L. 634)

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

Resolve, to Reimburse Kermit Sanborn of South Portland for Damage by Escapees from Boys Training Center. (H. P. 595) (L. D. 776)

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

Emergency

An Act Relating to Allocations from the General Highway Fund for Reconstruction of Certain Bridges in Baxter State Park. (H. P. 112) (L. D. 128)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Emergency

An Act Relating to the Borrowing Power of Maine Maritime Academy. (H. P. 484) (L. D. 638)

This being an emergency measure and having received the affirmative votes of 30 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.

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

Mr. KATZ: Mr. President, I thought it might be interesting to call to the attention of the Senate the effect of the action we took whereby we enacted Item 8-13 into law just a moment ago, "An Act Relating to Presidential Electors at Large and From Districts." Upon the signature of the Governor this will make Maine, so far as I know, the only state in the United States which now can give some of its electoral votes to one candidate and some to another. I think it is a very real step in the direction of reflecting the popular vote in the election of the President.

Joint Order

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

WHEREAS, the League of Women Voters of Maine is commencing its fiftieth year of service to the voters of this State; and

WHEREAS, the League has worked tirelessly and fearlessly for good government and legislation to improve the American way of life; and,

WHEREAS, its members have continued the tradition of concern for citizenship education established by those who, fifty years ago, gained for women the right to vote; now, therefore, be it

ORDERED, the Senate concurring, that the 104th Legislature extend to the League of Women Voters of Maine congratulations

and best wishes for its future endeavors. (H. P. 1081)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Orders of the Day

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Persons Found Intoxicated in Liquor Licensed Premises" (H. P. 1003) (L. D. 1305) was referred to the Committee on Liquor Control and Ordered Printed in concurrence.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. BERRY: Mr. President, on reading the bill it refers only in a very, very minor way to a liquor problem insofar as it would come before the Liquor Control Committee. I have discussed the matter with the Chairman of the Judiciary Committee, and the revised statute cited is a penal section, and really this has nothing to do with liquor control. Accordingly, I would move that Item 1-8, L. D. 1305, be referred to the Committee on Judiciary in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Item 1-8, House Paper 1003, Legislative Document 1305, be referred to the Committee on Judiciary in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed and the Bill was referred to the Committee on Judiciary and Ordered Printed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Pembroscot, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Adjusting State Employees Pay" (H. P. 1009) (L. D. 1311) was referred to the Committee on State Government and Ordered Printed in concurrence.

On further motion by the same Senator, tabled and tomorrow assigned pending Reference to Committee.

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

SENATE REPORTS — from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 1) (L. D. 15) Majority Report, Ought to Pass as Amended with Committee Amendment "A" Filing S-28; Minority Report Ought Not to Pass.

Tabled — March 11, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: In the past I have voted against this bill — I think it has been in the Legislature every time I have been over here — and I have mixed feelings about it this time. One of the chief reasons for opposing it, as given to the committee, is that people are afraid of full-time politicians and a legislature that lasts all year around, as it does in some other states, and I have been impressed by those objections. However, I feel that we have built a bureaucracy that is all out of our control. Actually I don't think a good many of them pay much attention to us.

Now I recall in particular one bill we had in the last legislature that was decisively defeated; it was for a food stamp program in Sagadahoc County. Whether our position was right on it or not I don't know, but anyway the intention of the Legislature was not to have the food stamp program, but it went into effect just the same. At the pre-legislative conference it was explained that this food stamp program was in effect and was working.

Now, it just seems to me that it is time that we took a closer look at the departments over here. A friend of mind in Augusta told me that his daughter came up here two years ago and wanted a job, and she was told by one of the departments to go home and come back after the legislature

adjourned and she could get a position. Well, those different features have indicated to me that it is time that we took a closer look at what the bureaucracy which we created is doing, and that we try to do something to correct the situation.

Maine started with annual sessions. The State then decided that annual sessions were not necessary and they abolished annual sessions, and we have been on biennial sessions for some time. It seems to me that we can try annual sessions and if again we decide they don't work out we could go back to biennial sessions as we are now. For that reason I would like to give this a try, and I move the acceptance of the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves the Senate accept the Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Very briefly, I would like to expand on the remarks of our Chairman and concur with his statement, and also cite a few figures for the benefit of the members of the Senate.

We all know that when we adopted biennial sessions Maine's budget was just a few million dollars. We are now confronted with a budget that approaches a half billion dollar figure. We are also concerned that our State now has twelve thousand unclassified and classified employees. And for the past decade we've met for an average of thirteen per cent of the time. I think that if State Government is going to continue to be a viable governmental agency, if we are going to continue to compete or attempt to compete with the Federal Government and control our expenditures, and live up to our responsibilities to our constituents, that annual sessions is our only recourse.

I would strongly support the Majority Ought to Pass Report, and I trust that we will all go along and support this measure because, if not, it could be the beginning of the end of State

Government in many senses. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate:

I rise to support the position of the distinguished Senator, Senator Wyman. I have been deeply concerned by the growing independence, if not arrogance, of our State departments. We have at this very moment a practice going on in our Health and Welfare Department which is in obvious defiance of the law.

As you will recall, two years ago Health and Welfare was advised that broadcasting, in that particular instance on a case of fluoridation, was an illegal activity. The public moneys were not to be spent to influence elections of any type. The practice was discontinued. It has now resumed. It resumed down in my county, coincidentally, about the time we had a referendum on York. It blanketed our town meetings, and it is continuing to this day on the radio stations in Augusta.

Now, I have submitted to the Committee on Reference of Bills a measure that would enable the Governor to enforce his will with these departments in illegal activities of this type. If this Legislature were not in session such a bill could not have been introduced, and this type of abuse would have continued. I strongly urge the Senate to support this measure.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: This bill was introduced by the distinguished Senator from Cumberland, Senator Berry, and myself. It is definitely not a partisan bill. If you look over the figures, just a few years back, when our distinguished Senator Muskie was Governor, the budget of the State was fifty million dollars. The budget of the State now is going to run around three hundred million dollars. We are here to protect the money of the taxpayers, and the only way we can

do a good job is to be here every year, instead of having special sessions called, and kind of keep the department heads in line.

Some of the department heads, most of them, are really distinguished and good servants of the people, but they are employees of the State, and we are the directors of the State of Maine, so we should be here, I feel, every year to see to it that the money we allocate should be spent wisely. You can't compare, I suppose, the State of Maine to a private business, but we should try to run it on a more businesslike basis.

There is a lot of new programs that we need in the State and, by having annual sessions, we can save on a lot of departments, and then we wouldn't need any new taxes to put into effect the new programs that we need. I support the measure strongly.

The PRESIDENT: It the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Just briefly, I would like to support the sentiments that were just expressed by my good friend, Senator Levine, because considerable of the argument here this morning has been that we have got to get down here once a year to look after these bureaucrats.

This is a popular indoor sport, it seems to me, around here, to kick the State employees and call them all bureaucrats and castigate them and say that they are running around very irresponsibly doing the work we have cut out for them. I don't think that is so at all, and I take violent exception to the general indictment of our good State employees. I don't believe that there is one in ten that fits the description that has been given out here pretty generally. I think they are pretty fine people and I think they are doing a dedicated job. I am going to vote for this measure, but it is not because I think they need to have me around to see that they are doing their job right.

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

Mr. QUINN of Penobscot: Mr. President, when the vote is taken I move it be taken by the "Yeas" and "Nays."

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would merely like to observe that this measure has been a long-time plank in the platform of the League of Women Voters, and I trust that all goes well for it because they are here today celebrating their fiftieth anniversary. I can't think of a better present for them.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, under the Constitution it requires the affirmative vote of at least one-fifth of those Senators present. As many Senators as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question is the motion of the Senator from Washington, Senator Wyman, to accept the Majority Ought to Pass Report on Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, Senate Paper 1, Legislative Document 15. Those in favor of accepting the Majority Ought to Pass Report will vote "Yes"; those opposed, "No."

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Hanson, Hoffses, Katz, Kellam, Letourneau, Levine, Logan, Martin, Minkowsky, Mills, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Violette, and Wyman.

NAYS: Senators Barnes, Greeley, Moore, and President MacLeod.

A roll call was had. Twenty-eight Senators having voted in the affirmative, and four Senators having voted in the negative, the Majority Ought to Pass Report of

the Committee was Accepted and the Bill Read Once.

Committee Amendment "A", Filing No. S-28, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

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

SENATE REPORT—Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act Relating to Municipal Civil Service Commissions." (S. P. 241) (L. D. 712)

Tabled—March 11, 1969 by Senator Martin of Piscataquis.

Pending—Acceptance of Report.

On motion by Mr. Martin of Piscataquis, retabled and specially assigned for Friday, March 28, 1969, pending Acceptance of the Committee Report.

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

SENATE REPORTS—from the Committee on Election Laws on Bill, "An Act Relating to Duties of Municipal Clerk." (S. P. 262) (L. D. 866) Majority Report Ought to Pass as Amended by Committee Amendment "A" Filing S-37; Minority Report, Ought Not to Pass.

Tabled—March 14, 1969 by Senator Hoffses of Knox.

Pending—Motion by Senator Anderson of Hancock to Accept the Minority Ought Not to Pass Report.

On motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending the motion by Mr. Anderson of Hancock to Accept the Minority Ought Not to Pass Report of the Committee.

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

Resolve, In Favor of the City of Augusta. (H. P. 3) (L. D. 3)

Tabled—March 14, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Exempt Television Sets and Musical Instruments from Property Taxation." (S. P. 45) (L. D. 148)

Tabled—March 14, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

On motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Enactment.

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

JOINT ORDER — Relative to Committees on Appropriations and Financial Affairs and Industrial and Recreational Development report out a bill redefining the duties and responsibilities of the Department of Economic Development. (H. P. 1074)

Tabled—March 18, 1969 by Senator Moore of Cumberland.

Pending—Passage.

Mr. Moore of Cumberland moved the pending question.

Thereupon the Order received Passage in concurrence.

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

Bill, "An Act to Create a Crime Laboratory." (H. P. 485) (L. D. 693)

Tabled—March 18, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec moved the pending question.

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

Mr. BELIVEAU of Oxford: I move this item be indefinitely postponed and I'll speak very briefly to my motion.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Item No. 7, House Paper 485, Legislative Document 639, be indefinitely postponed.

Mr. BELIVEAU: Mr. President and Members of the Senate: This document received a very lengthy and extensive hearing before the Committee on State Government, and received a unanimous Ought

Not to Pass Report for many reasons.

It would provide, very briefly, the creation of a crime laboratory here in Maine. It was further suggested that we do not have such a laboratory in Maine available to our municipal and state police officers. We heard testimony from the State Police and from the members of the Attorney General's office, and the Committee concluded, first of all, that there was no present need for it and that the proponents, the supporters of this document, did not establish a case, as it were; that there were sufficient facilities available to the police officers of the State, and, finally, the State could not afford at this time to create or establish a laboratory that would cost approximately \$126,000.

In answer to a question posed by one of the committee members to one of the assistant attorneys general's when we asked them whether or not they could cite for us one instance, one case, where the State did not prevail or where the State lost a case because they did not have the facilities which would be provided by this crime laboratory, the answer was in the negative, they did not cite for us any instance where a person was found not guilty or the State was not able to secure a conviction because of the unavailability of this crime laboratory.

At the present time the municipal police officers and the State Police use the facilities of the Department of Health and Welfare as far as drug analysis and related problems. They do have existing one facility there that is being used. The need is not prevalent today. I believe that any proponent, any supporter of a document, must establish to our satisfaction that there is a need, that there is merit to the particular document, and it was the unanimous opinion of the Committee on State Government that they did not present a forceful case, and at this time there was no need for this particular laboratory and, further, the State cannot afford this luxury at this time.

Therefore, I would strongly urge the members of this body to sup-

port my motion to indefinitely postpone this document.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would urge you to vote against the motion of the good Senator from Oxford, Senator Beliveau, and I would request a division when the vote is taken.

I was quite impressed by the fact that the good Senator said, in effect, that the information which was presented to his committee was exhaustive on this important subject, but he has denied us the results of this exhaustive investigation apparently.

The present situation of the crime laboratory, the situation between the State Police and the Department of Health and Welfare is this: that for a biological test in general the State Police rely upon the Department of Health and Welfare Laboratory. There are delays up to four weeks in the obtaining of results from these tests. Now, these are the sort of tests that the State Police need and cannot do now themselves. They cannot type blood. If you have an accident or murder, and there is blood on the scene, the State Police themselves cannot analyze this under their own control. They cannot type the blood with their own facilities. If there is a rape case they cannot perform the biological tests necessary, that are so vital to present the case today in court, by their own facilities. Such examinations as needed that they cannot do, they must either rely on the Department of Health and Welfare Laboratory or they must pay high consultation and analysis fees outside of the two facilities that are operated.

The State Police do have a laboratory. It is woefully understaffed. It has no toxicologist, and this bill primarily would provide for a professional toxicologist who could appear in court and give expert testimony that would hold up, and not have these matters thrown out of court, as we see happening all too frequently today.

This would provide for a spectrograph, it would provide for a chemical microscope, and it would provide for a polarizing microscope, and it would also provide for a centrifuge.

The price tag to implement the full things that the State Police feel are needed certainly is the price on the bill. But Chief Hennessey has assured those of us who are interested in this that it can be done for much less, and that if the procedure as provided here is enacted in the law, along with a much more modest sum, that they would be able to enforce the law much better than they are now. I would hope that this bill might be kept alive by the defeat of Senator Beliveau's motion. If it is, I would offer an amendment that would drastically reduce the appropriation. Then it will go to the Appropriations Table where it must take its chances.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to concur in the remarks which my committee colleague, the good Senator from Oxford made. We had a very extensive hearing on this bill and unanimously agreed that at this time we should have the bill. Maybe later we should have this crime laboratory but, in addition to all the other arguments for it, we are still faced with some great financial problems.

I think even the good Senator from Cumberland has a feeling that this may die on the Appropriations Table, so why don't we dispose of it now. I hope you will support the motion to indefinitely postpone.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I cannot accept the comments of the good Senator from Washington, Senator Wyman, that I acknowledge that the bill will die on the Appropriation Table, because I don't acknowledge that any bill will die on the Appropria-

tions Table. I also know that we have bills that have come out of committees, and I'll cite the one to reimburse the city of Augusta for its taxes, that is going to the Appropriations Table. Now, we can't say on one hand that a bill is good but we are going to kill it because we don't have the money, and on the other hand say a bill is bad but we are going to kill it because we don't have money.

I consulted with the good Chairman of the State Government Committee when this bill came out of committee, and he assured me that the only thing he had against the bill was the money.

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

Mr. QUINN of Penobscot: Mr. President, may I have the history of this bill from the Committee, please?

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

The SECRETARY: The Committee on State Government reported Ought Not to Pass. The report was read and accepted in the House of Representatives. A motion by Senator Berry to substitute the bill for the report on March 14 in the Senate was tabled by that Senator pending his motion. On March 18 read a second time, and tabled pending passage to be engrossed.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Oxford, Senator Beliveau, that House Paper 485, Legislative Document 639, Bill, "An Act to Create a Crime Laboratory", be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I ask for a division on the question.

The PRESIDENT: As many as are in favor of the motion to indefinitely postpone will rise and remain standing until counted. Those opposed?

A division was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the

motion prevailed and the Bill was indefinitely postponed.

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

Bill, "An Act Relating to Liquors Manufactured or Bottled in Maine." (H. P. 524) (L. D. 695)

Tabled — March 18, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Hoffses of Knox moved the pending question.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 471) (L. D. 625)

Tabled — March 18, 1969 by Senator Martin of Piscataquis.

Pending — Motion by Senator Quinn of Penobscot to Indefinitely Postpone Bill and Report.

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

Mr. BARNES of Aroostook: Mr. President, I move this item be retabled and specially assigned for Friday, March 21.

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

Mr. QUINN of Penobscot: Mr. President, I ask for a division.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that Item 9, House Paper 471, Legislative Document 625, be tabled and specially assigned for March 21. As many as are in favor of the tabling motion will rise and remain standing until counted. Those opposed to the tabling motion will rise and remain standing until counted.

A division was had. Twenty-five Senators having voted in the affirmative, and none voting in the negative, the motion prevailed and the Bill was retabled, pending the motion by Mr. Quinn of Penobscot to Indefinitely Postpone the Bill and Report.

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

Bill, "An Act Relating to Purchase of Parcels of Land by Forest Commissioner." (H. P. 45) (L. D. 46)

Tabled—February 27, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

Thereupon, under suspension of the rules, the Senate voted to reconsider its previous action whereby it adopted Committee Amendment "A".

Senate Amendment "A", Filing No. S-43, to Committee Amendment "A" was Read and Adopted and, subsequently, Committee Amendment "A", as Amended by Senate Amendment "A", thereto was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Mills of Franklin, the Senate voted to take from the table the ninth tabled and unassigned matter:

Bill, "An Act Relating to Size of Conibear Traps for Trapping Animals." (H. P. 813) (L. D. 1052)

Tabled—March 4, 1969 by Senator Mills of Franklin.

Pending—Reference.

On further motion by the same Senator, referred to the Committee on Inland Fisheries and Game and Ordered Printed in concurrence.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate:

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have had distributed this morning to each and every one of you the center sheet of a State newspaper which was issued on February 25, 1969.

On the face of it, it looks just like an announcement of another school which has been opened in the State of Maine. In looking into

it, of course, is a little more than this. It is a school for retarded children.

There is a little history that goes beyond this newspaper article which you have before you. A group of interested citizens in the Millinocket area about seven years ago were interested in retardation, and this group met in kitchens during the long winter months in planning an organization to foster the work on retardation. It covers the Towns of Howland, East Millinocket, Millinocket, Medway, Patten, Macwahoc and Mattawamkeag. They realized a need in that area; a need which was not provided for by our local state or federal government, and they sought among themselves to bring to a deprived group of children the attention and necessary education which they thought they should have. It took seven long years to accomplish this school for retarded children.

A handful of people, with the help of local officials, state officials, businessmen, private industry, which contributed to making a dream possible for a group of handicapped children.

I rise to speak this morning, not so much to glorify or recognize the group that did this—and I was very pleased to be one of the members to have helped—because we have many of these organizations across

this vast State of ours who are doing similar work, but to me it points out a need that we have in our State. A need, where perhaps we are neglecting a group of underprivileged children when we permit, in a sense, amateur groups, interested groups, to do on their own what perhaps the local municipality or State or Federal Government ought to do. It took seven years to bring to these children what, in my opinion, they should have had all along.

We raise tax dollars in the State of Maine to educate children, and yet we discriminate against a group because they cannot speak for themselves; they stand mute. For the goodness of others that have gained an interest in their cause they have brought about an awareness among our people, and so organizations of all types are now organizing for the education of retarded children.

I mention this to you because you are leaders of our State, and I think we should dedicate ourselves as leaders to provide an equal opportunity for education to all of our children. Thank you.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.