

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 20, 1969

Senate called to order by the President.

Prayer by The Honorable Robert S. Stuart of Brunswick.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matters

Bill "An Act Relating to Reports of the Managers of the Maine Industrial Building Authority and the Maine Recreation Authority." (H. P. 189) (L. D. 229)

In the Senate March 12, 1969, Passed to be Enacted.

Comes from the House, Enactment Reconsidered and the Bill Indefinitely Postponed in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

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

In the House February 20, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-41).

In the Senate March 6, 1969, Indefinitely Postponed in non-concurrence.

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

On motion by Mr. Hoffses of Knox, tabled and specially assigned for March 26, 1969, pending Consideration.

Bill "An Act Providing for Full-Time District Attorneys." (S. P. 384) (L. D. 1291)

In the Senate March 13, 1969, referred to the Committee on Judiciary.

Comes from the House, referred to the Committee on State Government, in non-concurrence.

On motion by Mr. Mills of Franklin, the Senate voted to Insist, and Request a Committee of Conference.

Bill "An Act Relating to Full-time State's Attorneys." (S. P. 243) (L. D. 1294)

In the Senate, March 6, 1969, referred to the Committee on Judiciary.

Comes from the House, referred to the Committee on State Government, in non-concurrence.

On motion by Mr. Mills of Franklin, tabled pending Consideration.

House Papers

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

Bill "An Act to Provide for Full-time County Attorneys" (H. P. 1013) (L. D. 1321).

Comes from the House referred to the Committee on State Government and Ordered Printed.

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

Senate Papers

State Government

Mr. Logan of York presented Bill "An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections." (S. P. 412) (L. D. 1368)

(Approved for appearance on the Calendar pursuant to Joint Rule No. 10.

Signed:

JERROLD B. SPEERS
Secretary of the Senate)

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

Sent down for concurrence.

Orders

On motion by Mr. Violette of Aroostook,

WHEREAS, it appears to the Senate of the 104th Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, in many areas of our State, problems are constantly arising with regard to furnishing our citizens with pure water and proper fire protection, and taking immediate but appropriate steps to carry out and implement the State's existing pollution abatement program, all of which affect the public health and safety of the inhabitants of the various areas and requires immediate legislative action; and

WHEREAS, there is pending before the 104th Legislature a number of Bills, which will be hereinafter referred to, which deal either with the purity of water, fire protection or the creation or expansion of entities to handle and finance the implementation of said abatement program at the local level, or both, which the Legislature considers to be of an emergency nature since each Bill contains an emergency preamble; and

WHEREAS, the power of the Legislature to pass said Bills as emergency measures, in view of certain constitutional restrictions upon the power of the Legislature to pass emergency legislation, has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious legal questions hereinafter raised:

Now, Therefore, Be it Ordered, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution on its behalf, their opinion upon the following questions, to wit:

I

FACTS L. D. No. 919, AN ACT to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage, (EMERGENCY) is pending before the 104th Legislature. (Exhibit A hereof). The Act provides that the Portland Water District shall, upon the acceptance of the Act by certain municipalities named therein, be required to perform the governmental function of assisting the accepting municipalities in the treatment and disposal of sewage. The Portland Water District was incorporated by Chapter 433 of the Private & Special Laws of Maine 1907, and is presently engaged in the supplying of water to the several cities and towns named in L. D. No. 919, as a governmental function, and said District is not presently authorized to provide any sewer services. The governmental duty with regard to sewage disposal to be granted to the Portland Water District, upon its acceptance, is to run in per-

petuity unless and until revoked by subsequent legislative action.

QUESTION Do any of the limitations, against the passage of an Emergency Bill, contained in Article IV Part Third, Section 16, of the Constitution of Maine, prohibit the passage of L. D. No. 919, AN ACT to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage, as an emergency measure?

FACTS Legislative Document No. 706, AN ACT Increasing Borrowing Capacity of Waldoboro Sewer District (EMERGENCY) is pending before the 104th Legislature. (Exhibit B hereof) The Act provides for certain changes in the Charter of said District, the most important of which is the increase of the indebtedness that the District may create from \$250,000 to \$600,000, to finance the pollution abatement program described in the Emergency Preamble of said Bill. The District was created by Chapter 146 of the Private & Special Laws of Maine 1963 and duly accepted by the inhabitants. The District is coterminus with the Town of Waldoboro, and is presently engaged in sewage collection and treatment in a part of the Town of Waldoboro, as a governmental function. The District's Charter contains no time limits upon its existence. L. D. No. 706 does not contain any provision for a referendum by the inhabitants of the District before said Act shall become effective.

QUESTION-A Does the limitation upon the Legislature's power to pass an emergency measure, as follows: "and shall not include an infringement of the right of home rule for municipalities," found in Article IV, Part Third, Section 16 of the Constitution of Maine, prohibit the passage of L. D. No. 706, AN ACT Increasing Borrowing Capacity of Waldoboro Sewer District, as an emergency measure?

QUESTION-B If the answer to Question A is in the affirmative, will the constitutional deficiency be cured if the Legislature requires a vote of the inhabitants of the Waldoboro Sewer District before L. D. No. 706 shall become effective as law?

III

FACTS Legislative Document No. 1109, AN ACT to Create the Harrison Water District (EMERGENCY) is pending before the 104th Legislature. (Exhibit C hereof). This Act creates a governmental body and assigned to that body the governmental function of serving the area described therein with water service. The Act will only become effective upon approval of the inhabitants of the District and upon the further condition that the existing facilities of a local water company shall be acquired by purchase or condemnation. The District is to continue indefinitely for the purpose of carrying out its governmental function, assuming the above two conditions are met.

QUESTION Does the limitation upon the Legislature's power to pass an emergency measure, as follows: "and shall not include a franchise or license to a corporation or an individual to extend longer than one year" found in Article IV of Part Third, Section 16 of the Constitution of Maine, prohibit the passage of L. D. No. 1109, AN ACT to Create the Harrison Water District, as an emergency measure?

IV

FACTS Legislative Document No. 103, AN ACT to Amend the Charter of the Fryeburg Water Company by Granting Certain Additional Powers and Ratifying and Confirming Certain Acts of said Corporation, (EMERGENCY) is pending before the 104th Legislature (Exhibit D hereof). This Act provides for the removal of certain limitations on the Company's right to hold real and personal estate; for the removal of certain other restrictions with regard to the amount of its capital stock and grants the right to issue bonds. The Fryeburg Water Company was created by Special Act of the Legislature in 1883. Its charter was granted prior to the time that the Maine Public Utilities Commission was created to control and supervise water utilities. The Company's Charter also antedates the provision for the so-called Initiative and Referendum found in the

Constitution of Maine, namely, Article IV, Part Third, Section 16 through 22, which became effective on January 6, 1909. The purpose of the Act is to allow the Company to more properly carry out its franchise function of providing water service to the Town of Fryeburg and vicinity. The Fryeburg Water Company has been in existence since 1883 and there is no limitation upon the continuance of its Charter.

QUESTION Do any of the limitations, against the passage of an emergency measure, contained in Article IV, Part Third, Section 16, of the Constitution of Maine, prohibit the passage of L. D. 103, AN ACT to Amend the Charter of the Fryeburg Water Company by Granting Certain Additional Powers and Ratifying and Confirming Certain Acts of said Corporation, as an emergency measure?

V

FACTS Legislative Document No. 919, AN ACT to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage (EMERGENCY) is pending before the 104th Legislature. (Exhibit A hereof). (See Statement of Facts under I supra.) In addition, the 102nd Legislature passed Chapter 310 of the Public Laws of 1965, AN ACT Providing for the Formation of Sanitary Districts, which is now Chapter II of Title 38 of the Revised Statutes. The cities and towns named in L. D. No. 919, could, subject to certain approvals and ratifications, form a sanitary district pursuant to said Title 38. Certain cities and towns, named in L. D. No. 919, do not wish to do so, but wish to ask the Legislature to expand the authority of the Portland Water District which is presently serving the cities and towns named therein on a regional basis, to expand its authority to assist the cities and towns in handling their pollution abatement problems.

Article IV, Part Third, Sections 13 and 14, of the Constitution of Maine, read as follows:

Sec. 13—"The Legislature shall, from time to time, provide, as far as practicable, by general laws, for

all matters usually appertaining to special or private legislation.”

Sec. 14—“Corporations shall be formed under the general laws, and shall not be created by Special Act of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be obtained; and however, formed, they shall forever be subject to the general laws of this State.”

QUESTION In view of the provisions of the Maine Sanitary District Enabling Act, 38 M.R.S.A. Chapter 11, a general law authorizing the formation of sanitary districts by two or more municipalities under certain terms and conditions, is it within the power of the Legislature to expand by special act of the Legislature the authority of the Portland Water District, a quasi-municipal corporation, to perform certain governmental functions, namely, the function of assisting certain municipalities in the treatment and disposal of sewage?

Which was Read.

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

Mr. **VIOLETTE** of Aroostook: Mr. President and Members of the Senate. This order deals with propounding certain questions of law to be answered by the Supreme Judicial Court, and they relate to some questions that have been raised with regard to utility districts and emergency enactors being attached to these changes, either changes in the utility districts, such as water districts, sewer districts or other districts.

Some bonding people have raised questions that some of the emergency enactors that are being attached to these bills may not be in conformity with the State Constitution that places certain limitations on what can be enacted as emergency measures by the legislature.

In view of these questions that have been raised by some of the bonding people that can affect the capacity or authority of districts to borrow on bonds, it has been thought prudent, through this order, to request the Supreme Ju-

dicial Court to answer the questions with regard to whether or not in certain instances that are stated in this order the emergency enactors are actually in conformity with the Constitution. This is the reason for the order.

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

Thereupon, the Order received Passage.

Committee Reports House

Leave to Withdraw

The Committee on Liquor Control on Bill “An Act Relating to Minors on Liquor Licensed Premises after 8 P.M.” (H. P. 776) (L. D. 1009)

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.

The Committee on Liquor Control on Bill “An Act Relating to Penalty for Illegal Sale of Liquor.” (H. P. 738) (L. D. 956)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Bill Substituted for the Report and the Bill subsequently Indefinitely Postponed.

Which Report was Read and Accepted.

Leave to Withdraw

Covered by Other Legislation

Bill “An Act to Increase Salary of County Treasurer of Penobscot County.” (H. P. 651) (L. D. 839)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Business Legislation on Bill “An Act Providing for the Outlawing of Trading Stamp Disbursement by Certain Business Establishments Selling Motor Fuel.” (H. P. 506) (L. D. 677)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which Report was Read.

On motion by Mr. Mills of Franklin, tabled pending Acceptance of the Committee Report.

The Committee on Health and Institutional Services on Bill "An Act Relating to Health Warnings on Labels on Liquor Bottles." (H. P. 807) (L. D. 1046)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Retirements and Pensions on Bill "An Act to Permit Two Retired Persons on Board of Trustees of Maine State Retirement System." (H. P. 349) (L. D. 456)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HANSON of Kennebec
CIANCHETTE of Somerset
DUQUETTE of York

Representatives:

SHELTRA of Biddeford
BARNES of Albion
PRATT of Parsonsfield
MARQUIS of Lewiston
MEISNER
of Dover-Foxcroft

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

Signed:

Representatives:

TEMPLE of Portland
LINCOLN of Bethel

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 Transportation on Bill "An Act

Concerning the Riding of Bicycles." (H. P. 789) (L. D. 1022)

Reported that the same Ought Not to Pass.

Signed:

Senator: REED of Sagadahoc
Representatives:

LEBEL of Van Buren
KEYTE of Dexter
CAREY of Waterville
IMMONEN of West Paris

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

Signed:

Senator:

BARNES of Aroostook
GORDON of Cumberland

Representatives:

CROSBY of Kennebunk
FINEMORE

of Bridgewater

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Indefinitely Postponed.

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

(See action later in today's session.)

Senate Ought to Pass

Mr. Wyman for the Committee on Taxation on Bill, "An Act Relating to Timely Mailing of Tax Reports and Returns" (S. P. 282) (L. D. 915)

Reported that the same Ought to Pass.

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

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 240) (L. D. 715)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
HANSON of Kennebec

Representatives:

SUSI of Pittsfield
 DRIGOTAS of Auburn
 WHITE of Guilford
 COTTRELL of Portland
 FORTIER of Rumford
 ROSS of Bath

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

Signed:

Senator:

MARTIN of Piscataquis
 Representative:

HARRIMAN of Hollis

Which Reports were Read.

On motion by Mr. Martin of Piscataquis, tabled pending Acceptance of Either Report.

On motion by Mr. Stuart of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby on Bill, "An Act Concerning the Riding of Bicycles" (H. P. 789) (L. D. 1022) the Majority Ought Not to Pass Report of the Committee was Accepted.

On further motion by the same Senator, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Providing the Maine Insurance Code." (H. P. 201)

Bill, "An Act Relating to In-corrigibles at Juvenile Training Centers." (H. P. 409) (L. D. 520)

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)

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

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

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

Bill, "An Act Relating to Con-ferring Degrees by Thomas Col-lege." (H. P. 682) (L. D. 881)

Bill, "An Act Relating to Ac-cepting Gratuities by Liquor Com-mission Members and Employees." (H. P. 774) (L. D. 1007)

(See action later in today's ses-sion.)

Bill, "An Act Relating to Penal-ties for Violations of the For-Hire Carrier Statute." (H. P. 780) (L. D. 1013)

Bill, "An Act to Correct Errors and Inconsistencies in the Maine Insurance Code." (H. P. 1071) (L. D. 1252)

Bill, "An Act Reactivating the Governor's Committee on Children and Youth and the Governor's Ad-visory Council on the Status of Women and Continuing Activities of the Committee on Aging." (H. P. 1072) (L. D. 1253)

Bill, "An Act to Amend the Charter of Great Northern Paper Company." (H. P. 1070) (L. D. 1251)

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

House — As Amended

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

Which was Read a Second Time.

The PRESIDENT: Is it now the pleasure of the Senate that this matter be passed to be engrossed in concurrence?

The Chair recognizes the Sen-ator from York, Senator Logan.

Mr. LOGAN of York: Mr. Presi-dent, I would like to call the at-tention of the Senate to this item, Legislative Document 823, "An Act Relating to Reasonable Counsel Fees Under Uniform Act on Pa-ternity." This bill, which was re-ported out by the Judiciary Com-mittee, reverses a trend which I think is occurring in this Legisla-ture, and has occurred in law over the centuries, in that it provides

for a *capias* execution on the errant father.

I personally am not in favor of any situation where a person's body may be taken to force payment, and yet this bill does indeed move in that direction. I really don't think that it is proper progressive law, and I would like the Senate to consider this. Mr. President, I would move — well, before I make a motion, perhaps one of the members of the Judiciary Committee would care to speak.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I was hoping one of my colleagues would feel a little more ardent in this direction this morning. I, too, am somewhat identified with this process that the good Senator has referred to of eliminating these arrests in many situations, and I am on the Committee that reported this bill out. I did go along with the report and with the amendment.

We had a bill two years ago which completely changed the law in regard to paternity actions. In fact, it changed the language of such actions; it used to be known by a much harsher word, which is a good Anglo-Saxon word, but it has a poor connotation. We changed it to "Paternity" and henceforth it will be known that way.

We did many other things with the law besides change the name. We provided that when an alleged father is charged he wouldn't be grabbed by the scruff of the neck and arrested and forced to give bond to have his freedom. We provided that he would be sued the same as he would be sued — I don't mean as if it were a grocery bill or something of that sort — but we put charges of that type on the level with other civil complaints, rather than making them, as we say, quasi-criminal. In the process of doing this we eliminated the arrest features of the old law. Now, it comes back to this session of the Legislature, this proposal, that when such a proceeding is started, after it is

started, that the court may provide the mother with funds to prosecute her case, and the award that it is given — you understand, I am giving this entirely off the cuff without reference to my Legislative Document, as my two brothers on the Committee know, and I would welcome their criticism further — but it would provide that on adjudication and determination that there was paternity that the father could be charged with the legal expenses of the woman charging him with being the father of her child, either unborn or presently born. It backed it up with a *capias* execution, which means an execution by which you can take the body and put the man in jail, which in other context has been abhorrent to me so I don't feel too consistent in arguing very strongly for it here, and I am not particularly, but I am trying to give this as an explanation in response to the good Senator Logan. So, I would rather someone else would push this if it is going to be pushed.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move this matter lie on the table specially assigned for next Tuesday.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that Item 7-13, Bill "An Act Relating to Reasonable Counsel Fees Under Uniform Act on Paternity," be placed on the table and specially assigned for Tuesday next. Is this the pleasure of the Senate?

The motion prevailed and the Bill was tabled and specially assigned for Tuesday, March 25, 1969, pending Passage to be Engrossed.

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

Which was Read a Second Time.

On motion by Mr. Hoffses of Knox, tabled and specially assigned for Wednesday, March 26, 1969, pending Passage to be Engrossed.

Senate — As Amended

Resolve, Proposing an Amendment to the Constitution Providing for Annual Sessions. (S. P. 1) (L. D. 15)

Bill "An Act Revising the Bedding and Upholstered Furniture Law." (S. P. 145) (L. D. 426)

Bill "An Act to Amend the Eating Place Licensing Law." (S. P. 220) (L. D. 668)

Bill "An Act Relating to the Protection of Rights of Employees of the Unified University of Maine." (S. P. 260) (L. D. 864)

Bill "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (S. P. 263) (L. D. 867)

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

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees" (H. P. 774) (L. D. 1007) was Passed to be Engrossed in concurrence.

On further motion by the same Senator, tabled pending Passage to be Engrossed.

Orders of the Day

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

Bill, "An Act Relating to the Sale of Fireworks." (H. P. 284) (L. D. 360)

Tabled — March 13, 1969 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President, on L. D. 360, I offer a Senate Amendment and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, offers Senate Amendment "A" and moves its adoption.

The Chair would request of the Senator from Penobscot, Senator Tanous, that he place this item on the table, pending reproduction

of the amendment. Under the Senate rules, it cannot be offered and adopted until it is reproduced.

Thereupon, on motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

HOUSE REPORT — Ought to Pass from the Committee on Election Laws on Bill, "An Act Relating to Political Committees and Political Advertising." (H. P. 684) (L. D. 883)

Tabled — March 14, 1969 by Senator Bernard of Androscoggin.

Pending — Acceptance of Report.

On motion by Mr. Bernard of Androscoggin, retabled pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass from the Committee on Health and Institutional Services on Bill, "An Act Relating to Septic Tank and Cesspool Cleaners." (H. P. 685) (L. D. 884)

Tabled — March 14, 1969 by Senator Bernard of Androscoggin.

Pending — Acceptance of Report.

Mr. Bernard of Androscoggin moved the pending question.

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

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

Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property." (H. P. 757) (L. D. 977)

Tabled—March 19, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Berry of Cumberland to Reconsider Indefinite Postponement.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to comment very

briefly on the remarks of the Senator from Sagadahoc, Senator Reed, when he discussed the report from the Bureau of Public Improvements.

It is true that some of those items did not seem to be necessary as far as safety was concerned, however, one that sounded the most perhaps in this direction actually could have been one of the more important ones, and this was an allotment for a garage. If you look at the insurance reports, one of their requirements was that gasoline and gasoline equipment be removed from the basement. I presume they would have to have an outside building to take care of this.

Again, it was stated that probably fifty, sixty or seventy thousand dollars would be needed to bring this up to safety standards. I would submit that if you go along and put in fifty, sixty or seventy-five thousand for this purpose that most of these other things that were listed here would normally follow. That is about all on that, I think, that needs to be said.

I do want to say that the Committee was very serious in their belief that this would work for the good of the children. It would be an upset when it is changed, but for the good of the children in the long run and for the good of future children. It seems to me that it is much more desirable to have children in homes where they live as a family than it is where they are. The sleeping quarters are like a bunkhouse, with several bunks in one room. The Committee felt that this was of paramount importance, that it was much more important to have the children taken care of and live a little bit of family life rather than at the place where they are now. So, I hope you will go along with reconsidering this indefinite postponement, and then I hope you will support the Committee in what was very serious judgment in this matter.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the

Senate: I probably talked on this item too long yesterday and I shall not today. I don't think that anything the Senator from Oxford, Senator Dunn, has said changes my mind. I think they are referring to a lawnmower and probably a gasoline snowblower or something for the garage.

I did talk with B.P.I. and they seem to think, at least yesterday noon one member, that my figure wasn't too far off as far as putting this home in pretty good shape. I would be the first to admit that right now we don't have any money, and unless we can convince someone that this home is needed on the Appropriations Committee, why, we might just as well forget it.

I would like to see this motion defeated. I would like to see it go back to the other branch. I would hope for a committee of conference to see if something couldn't be worked out. I would remind the Senate that the report of the committee of conference would be back here and we could either accept it or reject it. That means that we could either pass the bill, which the Senator from Oxford, Senator Dunn desires, at that time if there seems to be no common agreement or if no common ground can be found here. So, I would hope that the motion that is now before you would be defeated so that the bill would take its normal course.

The PRESIDENT: Is the Senate ready for the question? The question is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill was indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would just like to clarify your statement of the motion and the good Senator from Sagadahoc. I think there was a little confusion. If the Senator from Sagadahoc wishes his proposal to prevail you should vote with the motion for reconsideration.

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

Mr. WYMAN of Washington: Mr. President, I am thoroughly confused on which way to vote on this now.

The PRESIDENT: The Chair would inform the Senator that this bill was indefinitely postponed yesterday in the Senate. A motion was made to reconsider by the Senator from Cumberland, Senator Berry, to reconsider our action whereby the Senate indefinitely postponed this bill. That is the motion before the Senate at the present time.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED: Mr. President, would you carry the analysis a little further as to if the reconsideration motion prevails what then takes place?

The PRESIDENT: If the motion to reconsider our action of yesterday whereby the bill was indefinitely postponed prevails, then the report of the Committee on Appropriations and Financial Affairs will be up for acceptance or rejection by the Senate.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, with your tolerance, sir, may I just put it very bluntly: If you vote "No" on this question the issue is dead.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, requests permission to speak a fourth time.

Mr. REED: Mr. President, I would like to move that this bill be tabled until later on in today's session.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, moves that this item lie on the table until later in today's session. Is this the pleasure of the Senate?

The motion prevailed.

(See action later in today's session.)

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

SENATE REPORT—Ought Not to Pass from the Committee on State Government on Bill, "An Act to Provide for Disclosure of Compensation and Expenses of Legis-

lative Counsel and Agents." (S. P. 303) (L. D. 996)

Tabled—March 19, 1969 by Senator Mills of Franklin.

Pending—Motion by Senator Mills of Franklin to Substitute the Bill for the Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would just speak briefly to urge my motion. I submit a further argument to what was submitted yesterday that it would be good legislation, I think, to keep this matter alive. I think it would have a salutary effect on the people involved if this matter were certainly before the Legislature for a longer time than it has been. Further than that, I add, as we discussed the merits yesterday, I think that on the merits it certainly deserves further consideration.

I have discussed with one member of the Committee, and it has been advanced by one member of the Committee to me that a certain amendment that I have in mind might very well be acceptable, and I would state that that will be given serious consideration if the bill is substituted for the report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't intend to talk about this very much more because it was discussed yesterday. I don't think it is a good bill and I hope you will support the unanimous Ought Not to Pass Report of the Committee.

The good Senator from Franklin thinks that if we keep this bill alive it will have a salutary effect on the lobbyists. In other words, if we use scare tactics on them, and I am not in favor of using scare tactics on anybody. I hope the motion does not prevail.

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

Thereupon, on motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending the

motion by Mr. Mills of Franklin to Substitute the Bill for the Report.

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

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

Tabled—March 19, 1969 by Senator Sewall of Penobscot.

Pending—Reference.

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

Mr. WYMAN of Washington: Mr. President, I move this bill be referred to the Appropriations Committee. It involves some seven million dollars, and that is just too much for the Chairman of State Government to comprehend.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that Item No. 6 on your calendar, Bill, "An Act Adjusting State Employees' Pay," be referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on Election Laws on Bill, "An Act Relating to Duties of Municipal Clerks." (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 19, 1969 by Senator Hoffses of Knox.

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

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This L. D. 866 was a bill which I sponsored relative to the town or city clerk's office being open on the Saturday preceding the general election.

Before the Committee on Election Laws we held a very interesting hearing. I presented the case as best I could. There was opposition to this bill by the group of city clerks.

It was my feeling that a town or city clerk's office should be open on the Saturday preceding a general election to afford those people who are working out of town, who may be away and would be returning home only for the week-end, to cast their votes in a general election. I think perhaps one thing that might come to mind is that these people and many others would abuse the privilege affording them to vote absentee and that, rather than to stand in line to vote at a polling booth, they would prefer to vote absentee. Now I think those people who are determined to do that will vote absentee whether the town clerk's office is open on the Saturday before the election or not. The sole purpose of this bill was to provide an opportunity to vote for those people who are out of town living and working and who only return to their polling place, or their voting residence, on a week-end.

It is my understanding that in many municipalities the town clerk's office is open on the Saturday before a general election. In the small municipalities, where the town clerk's office is in their own residence, they are open twenty-four hours a day whenever the town clerk is at home. But there are those communities where the town clerk's office is in the town building and where they now operate only on a five-day work week; the office is not open on Saturday.

I do not believe that the cost to a municipality is anything additional. It was brought out at the committee hearing that municipalities would have to pay extra for the registration board to remain open. It is my understanding that the registration boards in all of the larger municipalities must close at least three, four, or even five days prior to the general election in order for them to prepare the voting lists for the election

and the people when they come in to vote.

The very next day after we had this public hearing before Election Laws pertaining to this particular L. D., I had at the Committee on Inland Fisheries and Game a bill which would increase the fee from twenty-five to fifty cents for the town clerks for making out hunting and/or fishing licenses. Now, at that hearing there were some thirty or thirty-five town clerks. I have on my desk letters and telegrams from some sixty more town clerks urging the passage of this piece of legislation. They feel that they should be entitled to another twenty-five cents, yet they seem to object to opening their office for people to exercise their right and their privilege and, I might even say, their duty to vote in a general election.

I do not wish to belabor this particular matter any longer. It was pointed out, and the majority of the Committee have submitted Committee Amendment "A", which would in effect require that the town clerk's office be open a minimum of four hours, which I would heartily endorse. And I would hope this bill, having received a six to four Majority Ought to Pass Report, would have its day. If it is felt then that the bill is not worthy of merit, I will accept defeat on the measure. So, when the vote is taken on the good Senator's motion, from Hancock, Senator Anderson, that we accept the Minority Report. I would respectfully ask for a division on the motion.

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

Mr. ANDERSON of Hancock: Mr. President, I'm sorry my good friend Senator Hoffses, had to waste so much time on this. Relative to L. D. 866, I withdraw my motion for acceptance of the Ought Not to Pass Report.

The PRESIDENT: The Senator from Hancock, Senator Anderson, withdraws his motion to accept the Minority Ought Not to Pass Report of the Committee on Senate Paper 262, Legislative Document 866.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES: Mr. President and Members of the Senate: I am overwhelmed by my good friend and colleague's generosity. I now move that we accept the Majority Report of the Committee.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves the Senate now accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Majority Ought to Pass Report was Accepted and the Bill was Read Once.

Committee Amendment "A", Filing No. S-37, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

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

RESOLVE, in Favor of the City of Augusta. (H. P. 3) (L. D. 3)

Tabled — March 19, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am going to urge the members of this body to vote against engrossment. This is a matter which has been before several Legislatures, starting with the 102nd and 103rd, and it was defeated in both of them. As the members probably know from reading the statement of facts in L. D. 3, the basic objective of the bill is to appropriate \$28,000 to reimburse the City of Augusta for loss of tax revenue starting with 1964.

It seems to me that we have here a basic consideration: Shall the State pay real estate taxes on its property in the municipalities where the properties are located? It seems to me the State should not do this. Now, the representatives from Augusta will say that this was an unfair situation and it was a unique situation. Well I don't believe it was unfair — I'm sure they mean unfair fi-

nancially — I don't believe it is unfair financially, and to recite to you, Mr. President and Members of the Senate, a long list of sources of revenue which emanate from the State coffers to the City of Augusta would be too exhaustive, too tiring, and too long. The legislators themselves, from painful financial experience, know how much money is left here in the City of Augusta.

This has been, as I say, defeated twice. It has, in my opinion, no merit. It had no merit in previous legislatures. I hope it is not political. I fail to see why it has got as far as it has got without debate, and I hope that it is not a case of something being pushed through with ulterior motives. The Appropriations Table is a repository for worthy measures. This is not a worthy measure. Something could happen the last night and the \$28,000 be appropriated. This, I feel, should not happen. This should be debated right now and the decision made now on the merits of the bill. I would hope very strongly that you would support my thinking that you should vote against engrossment.

Now, if we do this in Augusta, where do we stop? What about Bangor? What about Portland? What about all the cities? There is scarcely a Senator in the chamber who has not represented and does not represent a community which has State property in it. We should not pay taxes. If we had paid the money to the City of Augusta in the years in question, this would have meant that every taxpayer in the State would have paid part of these taxes. It seems only fair that the benefits of State-owned property should be distributed amongst all the taxpayers in the State, and that is what will happen if you defeat this resolve.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to thank the Senator from Cumberland, Senator Berry, for almost making my comments unnecessary by anticipating the arguments to be used. If I didn't know the true facts of

the case I might be tempted to be persuaded. Let me give you some facts.

In the first place, it is not a question of whether the State of Maine pays real estate taxes. Quite the contrary, the question is whether the State of Maine, having stepped into any community in the State, purchased property and taking it off the tax rolls, taking \$137,000 in revenue, putting it in its pocket by having acquired the building far in advance of any potential use for the building, whether it has any sense of responsibility toward these local communities. The State is powerful.

There is no precedent involved here. I remember very well the small Town of Woolwich, Senator Reed's home town, in the 102nd Legislature where the Highway Department, with all its muscles, stepped in and took a little piece of property where a road was going through. Then they decided not to build the road in that section — I am trusting my memory now — and then they turned around and the Town of Woolwich had a resolve in the 102nd that was paid presently, without any debate that I know of, taking cognizance of the fact that when the State steps in and diverts revenue that properly belongs to the towns and cities it has the responsibility to make some kind of recompense.

It has nothing to do with Augusta being the Capitol City, it has nothing to do with the fact that the Legislature leaves a lot of money around here. It came out of committee with a unanimous report and, it seems to me, in the last session of the Legislature it also ended up on the Appropriations Table. So, indeed, if it was defeated last session, it was defeated on the Appropriations Table for lack of funds, which is a far cry from presuming it was defeated.

Gentlemen, this is not my bill. I did not appear before the Appropriations Committee. I haven't lobbied it before the Appropriations Committee, and I must say that I have been impressed by the Appropriations Committee right along this session, and I agree with

the unanimous Ought to Pass Report of that Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: My recollection in relation to this building across the street here is that it had belonged to the Federal Government and it paid no taxes to the City of Augusta. I would like to direct a question to the Senator from Kennebec to answer, if he would, as to how much tax revenue was received by the City of Augusta for this building the year prior to its acquisition by the State of Maine?

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

Mr. KATZ of Kennebec: Mr. President, I thank the Senator from Cumberland, Senator Kellam, for permitting me to bring out the fact that this was not owned by the Federal Government. It was one of these privately built buildings which was leased to the Federal Government. The amount of taxes that was generated per year prior to its acquisition was approximately \$12,000. It produced to the State of Maine, after the State of Maine took over the property far in advance of its need, it accrued the sum—well, over the two and a half year period in advance the rent amounted to \$137,000. So you can see that it was taxable property.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I hesitate to become involved in this issue but, as Chairman of the Committee which voted ten to nothing Ought to Pass on this matter, I feel it is incumbent upon me to make a brief explanation of our thinking.

I think the members of the Senate would agree that our Committee is not a frivolous one and, as far as the political implications of this item go, they escape me. The State did take over what, in effect, was a going business which was

producing taxes to the city of about \$12,000 per year. When the Federal Government moved out of this building the State very rightly put its own people in there, but there was a period of two and a half years that the Federal Government occupied the building and was paying rent to the State in the order of \$55,000 per year. So, we in Appropriations felt that the State did have a moral obligation to the City of Augusta in this instance and I hope that the pending motion will not prevail.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I think we are all aware that the State is now in the process and has been in the process of acquiring much property throughout the State that had been contributing to the respective communities, and I am extremely sympathetic with the City of Augusta as well as these other communities.

I personally feel that due consideration should be given to all communities if consideration is to be given, and I think that possibly at some future date this matter might be studied and resolved to prevent any inequities. I would think, in my opinion, that rather than discriminate against other communities perhaps this legislation should not pass. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Referring to the remarks of the Senator from Cumberland, Senator Gordon, I hope this is not discriminatory legislation. I feel that this Legislature should support any resolve, from Augusta or from any other community in the State, where the facts indicate, as they have in the case of Woolwich, and now in Augusta, that the State far in advance of its own need has, by virtue of its sovereign muscles, taken property off the tax rolls of the communities. I think that there is a moral obligation and I personally, gentlemen, would support any resolve of this nature, whether it is for Augusta or Woolwich or

Portland. I would suggest that if Portland, in the development of U.M.P., finds the University of Maine coming in and taking off its tax rolls, five years ahead of anticipated needs, revenue-producing property that there might be some merit to looking at this situation also.

Mr. President, I understand the question is on the passage for engrossment. May I ask for a division on the question?

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of Resolve in Favor of the City of Augusta being passed to be engrossed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Twenty-one Senators having voted in the affirmative, and ten Senators having voted in the negative, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the ninth 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 19, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This bill escaped me, and I believe it escaped many of the other lawmakers here until it had reached this stage of enactment. I tabled the item to learn a little more of the facts of the case, and I would like to present them to you at this time.

We have heard many, many times past, we have just heard mentioned in this last bill which we have been discussing, the property taxpayers in our respective communities. I believe that the property taxpayer does need some relief. Burdens are ever on the increase in State Government, in local government, and certainly there is a saturation point

where the taxpayer cannot continue to absorb these burdens which are being placed upon him.

Now, this matter of exempting television sets and musical instruments from property tax, I believe, is a real matter that we should consider. For example, the City of Augusta, if this measure is passed, the City of Augusta will lose \$16,000. That is \$16,000 which the City of Augusta is going to have to acquire from some other source. Now where is that source? That source is the real estate taxpayer in the City of Augusta. There are many, many other communities in the State that tax these instruments, and they get from them a very substantial amount of their needed revenue.

The State Tax Board says that this tax cannot be properly administered and that you cannot acquire the revenue which they should be paying. Well, I say to that, those towns and cities who do not collect this money, it is their own fault, it is their own responsibility, if they either do not care or do not attempt to collect this tax on these instruments. It might be said that, "Well, it is the property taxpayer who will have to pay this anyway." I would say to you that there are a great many people in the State of Maine who own no real estate. This is one of the few places, other than the sales tax, where they would be paying some tax in their respective communities to help shoulder the burdens of education, municipal, fire, water, all of the other essentials which go with operating our various municipalities.

Now, Gentlemen of this Senate, I believe that you should very seriously consider how much longer and how much more that you are going to burden our real estate taxpayers. I would certainly hope that when you consider this matter you think of those people back home that you are going to have to face and tell them that you voted to abolish a tax which, in my opinion, is not a necessary item. It is not absolutely necessary that we have television or that we have musical instruments to maintain our status in the com-

munity. I believe it is a luxury and that it should be taxed accordingly. I would move the indefinite postponement of L. D. 148 and all accompanying papers.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Item 9, Bill, "An Act to Exempt Television Sets and Musical Instruments from Property Taxation" be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am disturbed at the opinion of my good friend, Mr. Hoffses, the Senator from Knox, relative to assessing television sets and musical instruments.

I have been in this type of work for many years in the past and I understand the situation quite thoroughly. I am not for exempting certain items of property from taxation, but there is no way possible that this tax on television sets and musical instruments can be assessed equitably. This is my reason for filing this bill.

I think possibly what Senator Hoffses refers to is a license on this item of property. If this is the desire of this body I would be all for it. It is the taxes which are impossible to assess fairly. It is true that there is no assessment that is fair, there is no fair tax, but this is the one that is most observed in all the items of property that are taxed in the State of Maine. We still have to contend with the items of property that are subject to taxation which should be valued in proportion to their value. In this particular instance, on television sets and musical instruments, it is impossible to do so. Therefore, I move passage of this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I request a division.

The PRESIDENT: As many as are in favor of the motion of the Senator from Knox, Senator Hoffses, that Bill "An Act to Exempt Television Sets and Musical

Instruments from Property Taxation," be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

The President laid before the Senate the matter retabled earlier in today's session on motion by Mr. Reed of Sagadahoc, Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977).

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

Mr. BERRY of Cumberland: Mr. President, I request permission to withdraw my reconsideration motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion to reconsider indefinite postponement of this bill.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, a parliamentary inquiry: If this motion is withdrawn, will I be in order to make the same motion? Will that be allowed at this time?

The PRESIDENT: The Chair will inform the Senator that a motion to reconsider would be in order since only one day has passed. The Chair would also inform the Senator that if he were to make this motion it should be made now.

Mr. DUNN: Mr. President, I didn't realize the other one was withdrawn as quickly as that. I move that we reconsider our action of yesterday whereby this bill was indefinitely postponed, and I request a division when the vote is taken.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate reconsider its ac-

tion whereby Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property," was indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, we have hearings posted for ten o'clock and we have people from all over the State coming to attend these hearings. It is now nearly half-past ten, and it seems to me it would be in order for someone to table this bill until the next legislative day.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, a parliamentary inquiry: I would like to know how the Senator from Oxford, Senator Dunn, voted yesterday on this measure?

The PRESIDENT: The Chair assumes that the Senator from Oxford, Senator Dunn, voted on the prevailing side.

The Chair recognizes the Senator from York, Senator Duquette.

Thereupon, on motion by Mr. Duquette of York, the bill was tabled, pending the motion by Mr. Dunn of Oxford that the Senate Reconsider its Action Whereby the Bill was Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the fifth tabled and unassigned matter:

HOUSE REPORT—OUGHT TO PASS from the Committee on State Government on Bill, "An Act Relating to Expenditures from Aeronautical Fund." (H. P. 72) (L. D. 72)

Tabled—February 26, 1969 by Senator Katz of Kennebec.

Pending—Acceptance of Report.

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

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 9 o'clock tomorrow morning.