

# 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**

Tuesday, March 25, 1969

Senate called to order by the President.

Prayer by Rev. Fr. Wilfrid A. Jordan of North Whitefield.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Definition of Agricultural Societies to Qualify for Stipend." (H. P. 365) (L. D. 475)

In the Senate March 14, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-93).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-93) as Amended by House Amendment "B" (H-114) thereto, in non-concurrence.

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

**House Papers**

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

**Communications  
State of Maine**

**House of Representatives  
Office of the Clerk**

March 20, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate

Sir:

The Speaker today appointed Carl B. Erickson of Union to the Committee on Transportation to fill the vacancy caused by the death of Mr. Payson of Union.

Very truly yours,  
(Signed) BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports  
House  
Change of Reference**

The Committee on Business Legislation on Bill, "An Act Relating

to Exception in Filing to Perfect Security Interest Under Uniform Commercial Code." (H. P. 979) (L. D. 1263)

Reported that the same be referred to the Committee on Legal Affairs.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on Bill, "An Act Relating to Use of False or Unauthorized Credit Devices" (H. P. 980) (L. D. 1264)

Reported that the same be referred to the Committee on Legal Affairs.

Comes from the House, the report Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Leave to Withdraw**

The Committee on Labor on Bill, "An Act Relating to the Extension of Workmen's Compensation." (H. P. 412) (L. D. 523)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act to Incorporate the Town of Wales School District." (Emergency) (H. P. 546) (L. D. 725)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Relating to Deposits by Minors in Savings Banks and Shares of Minors in Savings and Loan Associations." (H. P. 659) (L. D. 846)

Reported that the same be Granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Ought Not to Pass**

The Committee on Labor on Bill, "An Act to Provide that Labor Unions Shall File Certain Statements and Reports With the Commissioner of Labor and Industry and Supply Certain Information to its Members." (H. P. 336) (L. D. 445)

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.

The Committee on State Government on Bill, "An Act Relating to State Historian." (H. P. 710) (L. D. 924)

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. Wyman of Washington, tabled and specially assigned for Thursday, March 27, 1969, pending Acceptance of the Committee Report.

#### Ought to Pass - As Amended

The Committee on Business Legislation on Bill, "An Act Relating to Compensation of Electricians Examining Board and Membership and Compensation of Oil Burner Men's Licensing Board." (H. P. 505) (L. D. 676)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-109).

(On motion by Mr. Beliveau of Oxford, tabled and specially assigned for Thursday, March 27, 1969, pending Acceptance of the Report.

The Committee on Business Legislation on Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company." (H. P. 716) (L. D. 934)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-110).

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

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

#### Ought to Pass in New Draft

The Committee on Transportation on Bill, "An Act Providing for a Statutory Agent for Foreign

Domiciled Carriers Purchasing Six - year Trailer Plates." (H. P. 751) (L. D. 969)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1085) (L. D. 1330)

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

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

#### Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax." (H. P. 182) (L. D. 221)

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

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Wyman of Washington, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Permitting Employment of

State Prison and Reformatory Inmates on County and Municipal Public Works Projects." (H. P. 497) (L. D. 651)

Reported that the same Ought to Pass.

Signed:

Senators:

PEABODY of Aroostook  
MILLS of Franklin  
MARTIN of Piscataquis

Representatives:

HAWKENS of Farmington  
DYAR of Strong  
HANSON of Vassalboro  
LABERGE of Auburn  
FORTIER of Waterville

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

Signed:

Representatives:

WIGHT of Presque Isle  
CROMMETT of

Millinocket  
Comes from the House, the Majority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read.

On motion by Mr. Mills of Franklin, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants, Water Distribution Systems and Waste Water Treatment Plants." (S. P. 316) (L. D. 1030)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Establishing a Study Committee on Water Resources." (S. P. 281) (L. D. 928)

Reported that the same Ought to Pass.

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

#### Divided Report

The Majority of the Committees Appropriations and Financial Affairs and Education on Bill, "An Act Providing for Payment of the 1969 Education Subsidies to Municipalities."

Reported Pursuant to Joint Order (S. P. 327) that the same Ought to Pass in Draft "A" (S. P. 414) (L. D. 1379)

Signed: For the Committee on Appropriations and Financial Affairs.

Senators:

SEWALL of Penobscot  
DUQUETTE of York  
DUNN of Oxford

Representatives:

LUND of Augusta  
BRAGDON of Perham  
SAHAGIAN of Belgrade  
MARTIN of Eagle Lake  
BIRT of E. Millinocket  
BENSON

of Southwest Harbor  
JALBERT of Lewiston

Signed: For the Committee on Education.

Senators:

KATZ of Kennebec  
STUART of Cumberland

Representatives:

RICHARDSON  
of Stonington  
MILLETT of Dixmont  
CHICK of Monmouth  
CUMMINGS of Newport

The Minority of the same Committees on the same subject matter reported pursuant to Joint Order (S. P. 327) that the same Ought to Pass in Draft "B" (S. P. 415) (L. D. 1380)

Signed: For the Committee on Education.

Senator:

KELLAM of Cumberland

Representatives:

WAXMAN of Portland  
KILROY of Portland

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

Mr. HOFFSES of Knox: Mr. President, I move we Accept the Majority Ought to Pass, in Draft A, Report of the Committee.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate, we are faced today with what I feel is probably the largest problem to come before this body during this session, and that is whether we will take a responsive — responsible approach toward the urgency of our cities for help to relieve the local taxpayer or whether we will go down the road of expedience and add a layer of fat to a school subsidy program where it should not be laid and thereby make it all the more difficult to arrive at a fair and equitable distribution of school subsidies in the future.

I would move that we — I will strike that. I will say this: that in relation to the motion before the body for the acceptance of the majority report, I would hope that the members of the Senate will refuse to accept the majority report and then give its attention to the minority report. And I would like to explain in as few words as I can and still do an adequate job of the explanation what the problem is that is facing us today.

We have in the State of Maine a very serious local problem in relation to the raising of taxes. The local property tax is over-burdened, and I believe everybody here knows it. One method of helping the local taxpayer is to recognize that more state aid can be given to the school subsidy program. I have in that regard submitted a legislative document early in this session for the readjustment reform of the subsidy program, the formula by which the subsidies are disbursed and this bill would, I believe, take care of all or at least most of the inequities in the present law. This bill was heard and it is still lying in committee. I believe that the State of Maine has got to face up to its responsibility to undertake a greater share of the local school costs, and in order to do that we should pass legislation similar to LD 535, which would allow for an increase in the per pupil allowance and at the same time mitigate against distribution of funds to those areas

which are in a much better position to take care of their school costs.

My legislation contains a municipal cost formula which is an absolute essential in order to do away with the present minimum to be received by the individual towns. This bill could have well been turned out long ago and acted upon by the Legislature. Unfortunately, it has been reported out of committee and we have spent the last month hearing discussion about a compromise proposal and the compromise proposals that have been given to us have been in effect a repetition of the same figures over and over again with different labels.

We did, the Education Committee and the Appropriations Committee, did meet to discuss the problem briefly one morning and at that time the motion was made that the Chairman of the Education Committee with others get together, discuss compromise proposals and have the Education Committee turn out a compromise draft. I met in good faith with my opponents on the committee, people who took another view, and discussed the entire subsidy program. We did shake hands on an agreement which I thought was fair under the circumstances. It wouldn't give us as much money as I felt we would have to have to correct the problems we had, but it would place before us the format of reform legislation and isolate the issues of that reform and give us an opportunity at a future date to come about with a meaningful proposal, a meaningful legislation in relation to school subsidies. Unfortunately, after this was agreed upon a change of heart took place and it was not reported out of committee. Instead a previous set of figures which had been given to us a couple of weeks sooner was again resurrected and signed out of the majority of the joint committee as a compromise bill. Faced with this problem obviously the minority members of the committee, in order to salvage some semblance of responsibility, have set forth a single issue in relation to the distribution of school subsidies for the 1969 year.

This single issue is merely a

matter of salvaging one facet of the law, to try to come within the present statute that requires us to use the current figures of the State Board of Equalization. Now, this may seem like a small matter to many people. I have heard talk in the corridors that it is just a question of distribution of a few thousand dollars and really it doesn't amount to much. I beg to differ with you a great deal. The majority report would spread something close to two million dollars to perpetuate the outdated figures of 1966. Now if we put two million dollars to perpetuate these figures this year, chances are the pressure is going to be to at least keep the two million dollars in for the second year of the biennium and to add to it. Now we all know what happens when a community or a unit gets a particular amount of money, they are very reluctant to ever give any of it up. So once we establish this practice of using three - year - old valuation figures to determine the subsidy, there is nothing to stop us from backing up to the 1964, I suppose, or the '62 figures. Certainly what possible reason do we have to believe that the legislature would then accept the 1970 figures which it is required to do.

Now this is the gist of the question before us today. It is merely a matter of whether this body wants to comply with the statutes on the books relative to state valuation and thereby pass out a reasonable distribution of funds for this year. We are talking about five million dollars additional money.

Now I am not sure whether all of you realize the facts and I think you will if you look at my distribution. It is a four - column page I passed out on last Friday. The majority is a two column page, the name of the town, the 1968 aid and the proposed aid. Now that particular instrument could be discarded for all practical purposes if you have in your possession the page with the four columns of figures. I certainly wouldn't want to present to anybody any mistaken impression as to the figures we are talking about, and I have reproduced both the majority report figures and the minority

report figures lined up in columnar form whereby they can easily be checked and give you the opportunity to ascertain any problems you might have or to check any questions you might have. The two - column figure merely shows you what the '68 aid was and what was proposed this year. Unfortunately it does not show you that under the present law the subsidies that must be paid in 1969 have already been established. These figures have been in existence and have been known to the local municipalities since last October. These figures are sent out by the Department of Education after the State Board of Equalization gives its figures on valuation.

Now, if you look at the four - columnar sheet you will realize that the 1968, 1969 aid proposed already in the law is in a great many instances the same that would be received under the so - called majority compromise proposal. In other words, we are taking a large segment of our State, we are adding 15 per cent to the subsidies, the amount of money to be distributed by the subsidy program, and we are giving none of it to this great portion of our State. Instead we are taking the money and distributing it over those communities which in 1968 aid feel they have done better in '69, due primarily, I suppose, to the change in valuation figures.

Now, I am not opposed to protecting a community which has a rapid change in its subsidy formula. I think it is only reasonable that we should try to minimize the impact of any change in valuation in order to allow time for the local assessing units to reappraise itself as to its assessing practices and to proceed with the means available to them for more property to be taxed than taxed in the past. That basically is what it comes down to. I have no quarrel at all with protecting these communities. What I do have a quarrel with is to perpetuate the inequities that exist, to add further problems to the inequities. If these communities have in fact had an increase in valuation they can adjust their assessing practices to take that into recognition, and I believe that

in the great bulk of the cases they have.

Now, I have talked to the Chairman of the Board of Equalization, we have had him in our committee hearings, and I have had discussion with him in his office as to what the practice is.

We have in the State of Maine 11 full time people working on the State Board of Valuation to check into local assessments and to check transfers, to look at the property itself, and to ascertain what ratio of true value these various communities are taxed on. In other words, what the percentage of the real value of the property is being taxed. And these percentages are released on a two - year interval. There is in our law the right of appeal by any community which disputes these figures. These gentlemen are working full time at this job, they are trained tax assessors, they are trained appraisers, and they are charged under the statute to do this very job. Now, this last year and the year before, I believe, they have made a more intensive effort to be accurate in their evaluation and do it in spite of the fact we have had an inflationary trend through the years on land values. I think we all know that. I think there probably isn't a person in this building that when he thinks of his own home and thinks what he paid for it 10 years ago and think, well if he sells it, he thinks in terms of selling it for more money than he paid for it. This is a normal thing, and I think it reflects the fact that values have gone up. Now some communities have lagged behind in their assessing practices and, when this has occurred, then they found out they have more value in the community than they thought they had for one year while they get in line and actually produce some taxes from his property they didn't believe was there. Now if the property is not there they should take the matter to appeal to the State Tax Assessor and they should go to court as the statute provides for them to do to appeal the evaluation, but they didn't. I believe up to last fall there was something

like 66 inquiries made of the Board of Valuation as to the value placed on the property in the various communities, and of these 66, all of them concerned themselves with the impact of the subsidy program. None of them concerned themselves with truthness of the valuation, and I would cite to you Title 36, Section 381, which does have the appeal procedure and, of course, there is remedy in the Superior Court if these valuations are in error.

What the majority report wishes to do is to sweep this entire process under the rug, pay for 11 people to be out in the field assessing property or standardizing evaluations of property and doing nothing with the material so furnished as far as school subsidies are concerned. To me it is a very irresponsible action and it is designed merely to perpetuate a system which has got to change and to allow for greater subsidies to towns which are better able to pay themselves.

Now, this is what is meant by wealthier communities. We hear these statements made as to help for the wealthier communities. My report, the minority report, is designed to help those people at the very bottom of the ladder. The majority is designed — whether it is designed or not, it does, help the center, help the people that are the wealthier communities by basis of the revaluation.

Now I had a call the other day from a city in the northern part of the State, the school official, complaining about the situation in relation to his department. They felt that they were going to get an increased subsidy this year when there was talk in the legislature about an increase in subsidy payments. He has just seen the figures that came out and finds that he would get no more money than he is already scheduled for in 1969. This, of course, involves considerable trouble for them. This particular town has instituted a kindergarten program three years ago at the insistence of the State, and we try to encourage kindergarten programs, and this year is the first year where the in-



creased enrollment of the schools would have an impact on their subsidy program. And what this amounts to is that we have led these people into these programs, have got them to give more programs and then when it comes around to increasing the school subsidies we have denied them any help at all.

Now, you can compare on that four - columnar sheet that you have the situation in relation to all the communities, and I believe you will find a great many which will get nothing more during 1969 than they are already scheduled for, and I feel that this is a most inequitable practice since it is only designed to spread this money over those communities which do have the means to tax themselves to support their program and do not need further help, and the amount of money involved is something a little bit less than two million dollars for this one particular item alone. Practically none of the money would go into the formula that is put into this program, — the 15 to 4 and the ceiling nearly limits the help that would be received by the formula, some towns would come between the floor and ceiling, but not very many. I would say this, that in the majority report 85 communities would get the same figure as they are getting for '69. Now, as far as those 85 communities are concerned there is no representation in this body for them, there is no money to be distributed among those communities, they are completely forgotten, if this majority report is accepted. In the minority report there will be some that will still get the '69 figure because of their increased valuation, I count up at least 30 that will get the same. But in the minority report there will be 264 communities, that being all the other communities around the state, that would get more aid than they are now scheduled for in 1969.

I could go on this at considerable length. I don't want to do so because I think it might not be focusing attention where it really deserves it, and that is on the fundamental honesty of this body in complying with the statute and

accepting the current valuation figures.

That's all I am asking of the Senate today, not to consider the entire subsidy program, because you can't, we don't have any vehicle to do so, we are stuck with this particular situation of allocating funds by a table, which is about the worst type of situation we could ever come into. 1969 may go down as the one year when the subsidy program was abandoned, and all of the research and thought that went into the Sinclair Law was thrown out the window, that we stuck our heads in the sand and perpetuated outmoded figures. And to me it would be just about the poorest thing this body could do and to have to live with for the next two years.

Therefore, I would recommend that we refuse to accept the majority report in order to at least give some semblance to honesty to the legislation being presented and accept the minority report. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, I am loathe to continue the use of confusing figures, because figures can be used on both sides of this very, very easily. I could say that the 270 towns now in school administrative districts are usually considered to be poor towns and they fare better under the majority report than they do under the minority report. I could tell you that 265 units of the State will gain under the majority report. But I don't think this would add any more to the situation any more than using such words as referring to the majority report as a method of expediency, adding a layer of fat, sweeping under the rug, irresponsible, let's salvage a semblance of honesty. I think these phrases are completely not pertinent to the occasion facing us today. And I would take this time very briefly not to discuss the merits of one report over the other, but to give you a very brief background of the question of school subsidies as it faces this legislature.

At the very beginning of the ses-

sion there was a feeling on the part of some who felt that we should delay everything and report out one subsidy bill to take care of so - called inequities existing under the law. Inasmuch as this would have under one bill involved an appropriation of \$101.5 million dollars over the biennium, I suggested that it was impractical to attempt to wrestle with an appropriation of 101.5 million dollars in February or March. I also suggested that prudence would indicate that we take care of the fire that was burning and then in a leisurely fashion turn our attention to the overriding question as to what we could do on a permanent subsidy change. I am very happy to say that the Governor bought this point of view and has cooperated, has proved himself to be yielding and cooperative throughout the question as we attempted to find some common meeting ground. I want to tell you that I have found a genuine desire to compromise and meet. I repudiate the notion that one is a Republican Bill or a Kellam Bill or a State Bill or a Democratic Bill or anything of the sort. Both of these measures have been the result of an honest attempt by men of good faith to arrive at a decision. With a feeling of humility I say that there is lots of room for humility in deciding how to spend 43.5 million dollars. There is no right answer. There is no wrong answer. All you can do is apply the knowledge and the conviction and the dedication that you have to try to come across the best possible answer. I am very proud and pleased that apparently we succeeded in convincing the 10 members, the 10 bi - partisan members, of the Appropriations committee that the majority report was written and accepted. I am very pleased too that we got a large majority of the Committee on Education, six of the nine members, because Representative Ralph Allen is fortunately very successfully recovering, I am very pleased to tell you, from a heart attack, and could not be with us.

But let us have an understanding as to what our ground rules were. Our ground rules were that we

were assigned the task of reporting out a method of distributing an extra five million dollars in school subsidies over and above what communities would get under existing law. This was our assignment. This is the task that has been before us for weeks. These two reports are the result.

Mr. President, obviously I feel that there is equity. I feel that there is honesty, and I feel that there is complete integrity in the majority report, and I will say the same things for the minority report. But I feel that the majority report is a more effective measure to handle the needs of our communities now.

Mr. President, as the debate proceeds I hope that we will keep one goal in mind, that this is a decision with which we have been playing for days and weeks, and, yes, indeed, months, the communities of the state are watching us and they are waiting for us and I hope that we reach a decision this morning.

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

Mr. LEVINE of Kennebec: Mr. President, Members of this Body: I have listened to the distinguished Senator from Kennebec and also the distinguished Senator from Cumberland, Senator Kellam. I think that both are honest people, they both mean well. But the issue arises, are we every time we meet here to set up different formulas or different standards for subsidies. I feel that we shouldn't hurry right at this moment to pass either bill. The both sides in my estimation, to listen to both of them, are very close to arriving at a solution of a just figure and a figure that shouldn't have to be changed every year the legislature meets. Most towns have had their town meetings already. They have appropriated already the money for the school budget, so there is no urgency for us to pass this bill today or tomorrow. I think if we give them a little time I am pretty sure that both sides are willing to come to the best figures that they can arrive at or the best — I don't want to call it compromise. What bothers me mostly is that we can

come every year and do a different basis to set the subsidies. Because it ain't fair to the towns, if they are going to take the '66 figure this year the next town meeting is in 1970. None of the towns will know what to expect. So before we do anything we have got to straighten out what we are going to do, how we are going to do it, and do it on a permanent basis. And that is why I should feel that we put it off a week or two, and both sides will get together and arrive at a just solution. Thank you very much.

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

Mr. STUART of Cumberland: Mr. President, as a member of the Education Committee, I feel that there is a sense of urgency in this. This has gone on several weeks and each week I go back to my community and I tell them that the school subsidy formula will be set and decided in a few days, and each week I go back and it hasn't been. It seems to me that this debate could go on indefinitely. Now, true, many of the towns have had their town meetings but the tax rate hasn't been set and I have got the feeling in my town that they want to know by April 1st, and I would hope that the Senators would go along with the majority report, Draft A, and I can assure my distinguished colleague on the Education Committee, Senator Kellam, that if we pass this today that I will do all I can to work with him and come up with a permanent solution. I do not think we are going to change the rules each session. I think that Senator Katz, the Chairman of the Education Committee, and the other members want to come up with a good solution and we will go to work on that. But I think it is very imperative that we pass this today.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Knox, Senator Hoffses, to accept the Majority Ought to Pass Draft A Report.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the

Senate: I would just say a couple of additional things. The Senator from Kennebec has pointed out that the committee, joint committee, was charged with the responsibility of adding five million dollars to our school subsidy program, and I believe that in effect is essentially true that a limitation was placed on it of five million. The original L.D. in this matter asked for two million more than that. It seems a very poor situation here, we are going to substitute five million for seven million and do so much harm. We could have gone for the other two million and had a decent piece of legislation, one that we could have lived with in the years ahead. I merely want to point out to the body again that nearly two million dollars of the five million dollars goes to perpetuate these outdated figures and therefore is lost insofar as any advancement made in the school subsidy program. So actually we are only distributing three million over the current figures. The 1969 figures are, of course, the current aid figures. We are only distributing three million to those communities in addition to what they will get in 1969. And I want to say this here, one thing, that this is a clear violation of the law existing on the books that we have lived with the last 12 years, and I think it becomes easier and easier to come out with a new table every year, if that is what this body does this time. I am a lawyer by trade and deal with matters of law enforcement and I know that once you violate the law it is a little easier the second time around. I think this probably applies to all of us. So I would hope that we do seek some semblance of our own honesty here and go along with the minority report in order that, if nothing else is done in 1970, certainly we aren't going to be having this two million dollars or nearly two million dollars of a pork barrel tied around our neck.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Knox, Senator Hoffses, that the Senate Accept the Majority Ought to Pass, in Draft "A" Report

of the Committee. As many as are in favor of accepting Report "A" will say Yes. Those opposed will say No. The Chair being in doubt will order a division. As many as are in favor of Accepting Report "A" in new Draft will rise and remain standing until counted. Those opposed.

A division was had. 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion prevailed, and the Majority Ought to Pass in Draft "A" Report was Accepted. The Bill in Draft "A" was Read Once and tomorrow assigned for Second Reading.

(Off Record Remarks)

**Second Readers**

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

**House**

Bill, "An Act to Clarify the Barber Laws and Raise Certain Fees." (H. P. 464) (L. D. 601)

Bill, "An Act Relating to Credit for Military Service Under State Retirement Law." (H. P. 576) (L. D. 762)

Bill, "An Act Relating to Blood or Tissue Transfer Services." (H. P. 927) (L. D. 1188)

Bill, "An Act Adding Airport Facilities to the Revenue Producing Municipal Facilities Act." (Emergency) (H. P. 1080) (L. D. 1313)

Resolve, Making a Retroactive Adjustment in the Retirement Pension of Charles Hulbert. (H. P. 781) (L. D. 1014)

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

**House - As Amended**

Bill, "An Act Increasing Compensation of Members of Board of Hairdressers." (H. P. 227) (L. D. 283)

(See Action later in today's session)

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

Bill, "An Act Relating to Report of Insurance Companies of Fire Loss Adjustments to Insurance

Commissioner." (H. P. 315) (L. D. 402)

Bill, "An Act Relating to the City Charter of the City of Caribou, Authority of the City Council and Time of Elections in the City of Caribou." (Emergency) (H. P. 568) (L. D. 749)

Bill, "An Act to Grant a Charter to the Town of Pittsfield." (H. P. 609) (L. D. 797)

Bill, "An Act Providing for a Council - Manager Charter for the Town of Vassalboro." (H. P. 638) (L. D. 826)

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

**Senate**

Bill, "An Act Relating to Administration of School Lunch Programs." (S. P. 202) (L. D. 611)

Bill, "An Act Authorizing the Acceptance of Gifts by School Administrative Districts." (S. P. 247) (L. D. 756)

Bill, "An Act to Clarify School Construction Aid for Certain Units." (Emergency) (S. P. 288) (L. D. 930)

(On motion by Mr. Dunn of Oxford, tabled and specially assigned for Thursday, March 27, 1969, pending Passage to be Engrossed.)

Resolve to Change the Name of Plantation 33, Hancock County, to Great Pond Plantation. (S. P. 268) (L. D. 906)

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

Sent down for concurrence.

On motion by Mr. Believeau of Oxford, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Increasing Compensation of Members of Board of Hairdressers," (H. P. 227) (L. D. 283), was Passed to be Engrossed.

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

**Enactors**

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

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

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

Mr. LOGAN: I request the unanimous consent of the Senate to address it briefly.

The PRESIDENT: The Chair would inform the Senator if he is going to speak on one of the items before us —

Mr. LOGAN: I am just going to make a speech. Mr. President and Members of the Senate, I think we should pause briefly at this moment to recognize a signal achievement of the 104th Legislature. I am referring to the enactment of House Paper 201, An Act Providing a Maine Insurance Code. This is an extremely far-reaching measure, an act that controls the flow of literally millions of dollars and touches the lives of every member and every citizen of the State of Maine. It is also the largest piece of legislation ever presented to any Maine Legislature. But I can also assure you that each and every word has been scrupulously analyzed. The credit for this achievement goes to the commission members who prepared this code: Senator Kenneth MacLeod, Chairman; Attorney Douglas F. Thomsjo, Vice Chairman; Senator Harvey R. Johnson, Representative George W. Scott, Representative Claude M. Trask, Representative Carleton F. Scott, Attorney John J. Connor, Attorney Norman F. Reef, Mr. Roger W. Woodman. On the advisory panel was Mr. Frank Hogerty, Insurance Commissioner; Mr. Harold Trahey, Deputy Insurance Commissioner; Mr. Harry Starbranch, Assistant Attorney General; Mr. James Erwin, Attorney General; and the Commission was represented by legal counsel, Mr. Robert G. Williams.

An Act Providing a Maine Insurance Code reflects great credit on these people and on the 104th Legislature and on the State of Maine. Mr. President, thank you, very much.

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

Mr. MILLS: of Franklin: Mr. President, I would like to add to the statement just made by my distinguished colleague that this enactment of this piece of legislation not only reflects probably, undoubtedly, with great credit upon the committee and those research people who assisted it in bringing about the enactment of this voluminous, very voluminous bill. I also want to comment and state for myself that it reflects a great faith on the part of many of us who were unable, because of the volume and the tremendous content of this bill, to know precisely what is in it.

I have been assured, and I am stating this because I want the record to show this, I have been assured, and I hope that the Chairman of the Committee will also assure me, that there is nothing in this bill in regard to the insurance provisions and the insurance laws of the State of Maine that tear down those provisions which were enacted two years ago which struck at the abuses of the small loan companies in the insurance field. I have been given to understand that in this bill, actually, there are tightening provisions, and they actually tighten up on the loan companies in their abuses in the insurance field. We will be discussing within a few days some of the activities of these companies during the last two years since we met, since we discussed them quite fully in committee hearings within a couple of days. I am very much concerned about the insurance laws and about the activities of the loan companies in infringing upon the culpability of the people of Maine in that area, and the things that they have been able to get away with in the past. I am refraining from taking any action in regard to enactment of this bill. I want to say here and now that I understood, and I do understand, that there is nothing in this bill that takes away those laws which we enacted two years ago or nullifies them to any extent. And I go along as a matter of faith on those assurances and I trust I also have that from the Chairman of the Committee.

An Act Relating to Driver's License Reexamination. (S. P. 232) (L. D. 672)

An Act Relating to Funds and Personal Property of Deceased Patients and Inmates of State Institutions. (H. P. 385) (L. D. 495)

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

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

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

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

(On motion by Mr. Bernard of Androscoggin, tabled and specially assigned for Tuesday, April 1, 1969, pending Enactment.)

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)

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

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

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

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

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

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

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

### Orders of the Day

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

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

Tabled — March 20, 1969 by Senator Violette of Aroostook.

Pending — Passage to be Engrossed.

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

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Revising the State Board of Arbitration and Conciliation Law." (H. P. 437) (L. D. 561), Majority Report, Ought to Pass, Minority Report, Ought Not to Pass.

Tabled — March 21, 1969 by Senator Beliveau of Oxford.

Pending — Acceptance of Either Report.

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

Mr. BELIVEAU of Oxford: Mr. President, I move the Acceptance of the Majority Ought to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President, I would request the Secretary read the signers of the two reports.

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

The SECRETARY: The Majority Report Ought to Pass signed by Senators Tanous, Peabody, and Representatives Haskell, Huber, Durgin, Good, Bedard, Casey and McTeague. Minority Ought Not to Pass Report signed by Senator Beliveau of Oxford.

Comes from the House the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

The PRESIDENT: Is it now the pleasure of the Senate to Accept

the Majority Ought to Pass Report of the Committee?

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

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — March 21, 1969 by Senator Beliveau of Oxford.

Pending — Acceptance of Either Report.

Thereupon, the Majority 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 Relating to Septic Tank and Cesspool Cleaners." (H. P. 685) (L. D. 884)

Tabled — March 21, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec moved the pending question.

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

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

Bill, "An Act to Provide for the Expunging of Certain Records of Arrest." (S. P. 223) (L. D. 663)

Tabled — March 21, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I now move that we reconsider our action whereby we

adopted Committee Amendment "A" to this L.D.

The PRESIDENT: Under suspension of the rules, is it now the pleasure of the Senate to reconsider its action whereby it adopted Committee Amendment "A".

The motion prevailed.

Mr. Beliveau of Oxford, then presented Senate Amendment "A" to Committee Amendment "A", Filing No. S-45, and moved its Adoption.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I would like to explain very briefly what this Amendment provides.

Committee Amendment "A" would exclude from this bill which would require expunging criminal records, all investigative records, fingerprints and photographs. I have been approached by several police agencies who were concerned that the communications or at least the teletype records that they are required to maintain, should not be expunged. So I have agreed to the Amendment which is before you, which would also exclude investigative records in addition to the photographs, fingerprints and communication records. This is an attempt to meet the objections of those who raised some minor objections to this bill at the time of the hearing. I think that I have reviewed this and discussed this with all those concerned and it appears that the amendment before you meets all the requirements and meets whatever objections there were to this document.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to Committee Amendment "A"?

Thereupon Senate Amendment "A" to Committee Amendment "A" was Adopted. Committee Amendment "A", as Amended by Senate Amendment "A" thereto was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from

the table the thirteenth tabled and unassigned matter:

**JOINT ORDER** — Relative to Appropriated Funds in Department of Indian Affairs. (S. P. 411)

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

Pending — Passage.

Thereupon, on motion by Mr.

Berry of Cumberland, the Order was withdrawn.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.