

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

Friday, March 28, 1969

Senate called to order by the President.

Prayer by Rev. Walter R. Brown of Randolph.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, April 1, at 10 o'clock in the morning. (S. P. 420)

Which was Read and Passed.

Sent down forthwith for concurrence.

House Papers

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

CommunicationsState of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

March 27, 1969

Hon. Jerrold B. Speers
Secretary of the Senate
104th Legislature

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Concerning the Riding of Bicycles" (H. P. 789) (L. D. 1022)

Messrs. CAREY of Waterville
IMMONEN of West Paris
LEBEL of Van Buren

Respectfully,

Signed

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports**House****Ought Not to Pass**

The Committee on Election Laws on Bill, "An Act to Revise Ballot Inspection and Recount Procedures

Under the Maine Election Laws." (H. P. 806) (L. D. 1045)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Recommended to the Committee on Election Laws.

Which was Recommended to the Committee on Election Laws in concurrence.

Ought to Pass - As Amended

Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 398) (L. D. 508)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-120).

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

Which Report was Read.

On motion by Mr. Peabody of Aroostook, tabled and specially assigned for Thursday, April 3, 1969, pending Acceptance of the Committee Report.

Ought to Pass In New Draft

The Committee on Public Utilities on Bill, "An Act Repealing the Porter's Landing Water District." (H. P. 525) (L. D. 696)

Reported that the same Ought to Pass in New Draft under Same Title: (H. P. 1091) (L. D. 1383).

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 Election Laws on Bill, "An Act to Hold the Primary Election on the Second Tuesday After Labor Day." (H. P. 723) (L. D. 941)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock
KATZ of Kennebec
LETOURNEAU of York

Representatives:

VINCENT of Portland
 CARTER of Winslow
 HENLEY of Norway
 MACPHAIL of Owl's Head
 GIROUX of Waterville
 PORTER of Lincoln

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

Signed:

Representative:

BOUDREAU of Portland

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

Which reports were Read.

On motion by Mr. Anderson of Hancock, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Annual Review of All Applications for Liquor Licenses." (H. P. 827) (L. D. 1066)

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERRY of Cumberland
 BOISVERT
 of Androscoggin
 CONLEY of Cumberland

Representatives:

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

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

Signed:

Representative:

HICHENS of Eliot

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

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

Sent down for concurrence.

Senate**Ought Not to Pass**

Mr. Mills for the Committee on Judiciary on Bill, "An Act to Prohibit Possession of Burglar's Tools." (S. P. 297) (L. D. 990)

Reported that the same Ought Not to Pass.

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Relating to Personal Property foreclosure Under the Uniform Commercial Code." (S. P. 376) (L. D. 1286)

Reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Time of Filing Security Interests Under the Uniform Commercial Code." (S. P. 377) (L. D. 1287)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin
 QUINN of Penobscot
 VIOLETTE of Aroostook

Representatives:

DANTON
 of Old Orchard Beach
 FOSTER
 of Mechanic Falls.
 BERMAN of Houlton

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

Signed:

Representatives:

MORESHEAD of Augusta
 HEWES of Cape Elizabeth
 BRENNAN of Portland
 HESELTON of Gardiner

Which reports were Read.

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

Second Readers

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

House

Resolve, to Reimburse Errol Barker of East Stoneham for Well Damage by Highway Maintenance. (H. P. 162) (L. D. 201)

Resolve, to Reimburse Mrs. Magna O. Fielding of Scarborough for Property Damage by Escapees from Boys Training Center. (H. P. 211) (L. D. 261).

Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 289) (L. D. 365). (On motion by Mr. Berry of Cumberland, temporarily set aside.)

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 628) (L. D. 816).

Bill, "An Act to Exempt Seamen from the Payment of Overtime Wages." (H. P. 693) (L. D. 893). (On motion by Mr. Berry of Cumberland, temporarily set aside.)

Which were Read a Second Time and, except for the matters set aside, Passed to be Engrossed in concurrence.

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

Mr. MILLS of Franklin: Mr. President, before there is a chance for this to get on the table, I do want to put my seatmate on record in regard to this Bill, "An Act Relating to Sunday Sale of Liquor" (H. P. 289) (L. D. 365). I talked with my good friend, Senator Hanson, yesterday on the telephone inquiring for his health, and he informed me that he expects to be back with us the first of the week.

I told him of the vote yesterday and he said he regretted very much that he was not present in order to make a record vote in opposition to the Sunday sale of liquor. I volunteered to make such a record for him today and he asked me if I wouldn't do so. That is my only purpose in rising.

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

Mr. BERRY of Cumberland: Mr. President, with reference to L.D. 365, "An Act Relating to Sunday Sale of Liquor," I present Senate Amendment "A" and move its

adoption. I would like to speak briefly to it.

The PRESIDENT: The Senator from Cumberland, Senator Berry, presents Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-55, was Read.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. BERRY: Mr. President and Members of the Senate: Senate Amendment "A" will put on what is known as the "local option clause" on the Sunday Liquor Bill. The Committee gave a great deal of thought to the question of various forms of referenda to put on the bill.

Among the things that might have happened, the Committee could have put on a State-wide option for a referendum to have the State accept as a whole the Sunday Liquor Bill. The bill could go right through, if it were to go through, to enactment and citizens could by petition have the matter come to a vote, as was done the last time, or this amendment could be put on. It seems to the Committee - and I speak for the majority of the Committee—that the local option is far and away the best method to treat the controversial matter of Sunday liquor.

The local option means that each community will vote on the acceptance or rejection of the sale of Sunday liquor on those "sale by drink" questions which they have voted on in the past affirmatively. If there was a Class "A" license permitted in a community, this local option of Sunday sales will be only the question "Shall this Class 'A' type of license in this community be permitted to sell Sunday liquor?" Similarly it will be applied to hotels and clubs who have the right. It does not apply in any way, shape or manner to the retail sales of beer to take out. This seems, as I say, a very fair method, and each community can decide for itself.

I am sure all of us have received letters from practically all over the State, not only from our own constituents but others, imploring us to vote one way or the other on this bill. It seems a very fair

way to be able to say to these people that if you want Sunday liquor, or if you don't want Sunday liquor, the results will depend on your efforts in your community.

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

Thereupon, on motion by Mr. Barnes of Aroostook, tabled and specially assigned for Wednesday, April 2, 1969, pending Adoption of Senate Amendment "A".

The PRESIDENT: Is it now the pleasure of the Senate that Bill, "An Act to Exempt Seamen from the Payment of Overtime Wages" (H. P. 693) (L. D. 893), be passed to be engrossed?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It has come to my attention that there are possibilities in this bill of working hardships on employees of others probably than the operation that it might be intended to benefit. I am not an expert on labor law, but I think that this bill, which would exempt seamen from the provisions of overtime payment, would possibly set the clock back as far as some of our existing operations go of the marine industry.

I believe the bill was primarily intended to help out seasonal operations, particularly in one coastal community, of an excursion boat type where there might be summer college employment situations. However, this does not pinpoint such coverage, but does exempt flatly seamen. Accordingly, I think that we have a problem of ferry operations, commercial vessel operations, and so forth. It seems to me that what is being attempted here goes far beyond the things that should be done, even if they should be done just to exempt this summer-type of operation. I think that probably the bill was well intentioned, but the effects would be poor, and I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Item 7-5, Bill, "An Act to Exempt Seamen from the Payment of Overtime Wages" (H. P.

693) (L. D. 893) be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled and specially assigned for Friday, April 4, 1969, pending the motion by Mr. Berry of Cumberland that the Bill be Indefinitely Postponed.

House - As Amended

Bill, "An Act Relating to Minimum Speed Under the Motor Vehicle Law." (H. P. 696) (L. D. 896)

Bill, "An Act to Increase Workmen's Compensation Payments for Disfigurement." (H. P. 820) (L. D. 1059)

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

Senate

Bill, "An Act Relating to Prohibiting Furnishing Liquor to Certain Persons." (S. P. 211) (L. D. 620)

Which was Read a Second Time.

On motion by Mr. Dunn of Oxford, tabled and specially assigned for Wednesday, April 2, 1969, pending Passage to be Engrossed.

Bill, "An Act to Designate an Official Mineral for the State of Maine." (S. P. 418) (L. D. 1408)

Which was Read a Second Time and Passed to be Engrossed.
Sent down for concurrence.

Senate - As Amended

Bill, "An Act Providing for a Seven Member Council for the City of Westbrook." (S. P. 217) (L. D. 673)

Which was Read a Second Time.

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

Enactors

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

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

An Act Relating to Report of Insurance Companies of Fire Loss

Adjustments to Insurance Commissioner. (H. P. 315) (L. D. 402)

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

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

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

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

An Act Relating to Septic Tank and Cesspool Cleaners. (H. P. 685) (L. D. 884).

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

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

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

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

Emergency

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. (H. P. 568) (L. D. 749).

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

Emergency

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty-nine and Nineteen Hundred and Seventy. (H. P. 1092) (L. D. 1393).

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I want to bring to your attention this morning a practice which has existed in this State for several years, a practice that I believe should be changed, and I want to attempt to rectify or correct a situation which is deplorable at best, and which is contrary to every procedure which we have used here in our other legislative proceedings.

The document that you have before you, L. D. 1393, which is a Resolve for the laying of the county taxes for the next two years, involves millions of the taxpayers' money in every county. For those of you who played an active roll in determining the figure which was presented to the Towns and Counties Committee, you are no doubt familiar with the practice this year and the practice of past years in acquiring or arriving at a certain sum. As we all know, the 103rd Legislature passed a bill which requires line budgeting. But a close analysis of the law leads us to conclude - and this is after conferring with the Attorney General's office - that the line budgeting law that we have today is not what the Legislature intended it to be at the time of its enactment two years ago.

At that time the feeling was, as I recall, that the members of the Legislature believed that when an amount of money is appropriated for expenditure at the county level it should be appropriated for the purpose or within the department for which it was requested. It means, for instance, if the clerk of courts or register of deeds was appropriated X number of dollars, that that amount of money is to be expended for that department

and that department alone. The money is not to be transferred from the register of deeds to the clerk of courts, or vice-versa. The law does not prevent this. The law, under Section 252, Title 30, permits the transfer of funds from one department to another under the various categories listed, such as personnel services and contractual services. But that isn't my real argument and my real concern this morning. I just wanted to bring this to the attention of the Senate that the line budget which we have in effect is not a line budget.

Secondly, I want to discuss the procedure or the method resorted to in adopting or arriving at these final figures. As you know, every legislative delegation met and reviewed the budget submitted by the county commissioners from the various counties. The county commissioners prepared a budget after a public hearing, required by statute, and after knowing and reviewing the requests of the department heads, their needs, in comparison to the ability of the county to finance these various departments, and they concluded that in every department X number of dollars was required to operate for the next biennium. In return, their budget requests were submitted and filed with the Secretary of State's office. At that time the members of the Legislature appeared. The delegations met, reviewed the budget requests, and arrived at their own figures as to what the needs of the county were.

Now, this practice differs substantially from the practice and procedure which we use every day in this Legislature in enacting and passing on the merits of the various L.D.'s, but in this instance the custom and practice has been to permit the majority of the county legislative delegation to make its recommendation, and in every instance this recommendation is accepted at face value, including the figures, by the Towns and Counties Committee and, in turn, is reflected in the document before you.

I think that the Legislature is remiss in delegating its legislative powers to the majority of any

county delegation, regardless of its political make-up. We are, in effect, abrogating certain rights, we are preventing people — particularly the members of the boards of county commissioners— from presenting their budgets to a legislative committee to discuss the merits of their budget, and to be heard, so to speak. In this situation, in this instance, the Committee on Towns and Counties accepted at face value the final figure proposed by the majority of the legislative delegation. Now, this right has absolutely no basis in law. There is no statutory provision by which the legislative delegation's final figures must be accepted by the Towns and Counties Committee. There is no provision for this under our laws. Yet, because of the work load, because of the herculean task, an almost impossible task, that the Towns and Counties Committee is confronted with, they absolutely accept the figures submitted to them by the majority of these various counties.

I am raising this issue this morning to bring to your attention what I consider to be a real injustice, an inequitable situation, which exists in Oxford County. I want you to review with me for the various counties the proposed budget by the county commissioners and the finally approved budget as we see it in the L.D. before us. I am going to review this county by county because I think it is important, when we are considering so many millions of dollars, that the inconsistent action of the Towns and Counties Committee should be brought to the attention of this body.

For instance, in Androscoggin County the proposed budget submitted by the county commissioners for 1969 was \$431,619. The budget approved by the Towns and Counties Committee was for that exact sum. This applies for 1970, but the irony is here: For 1970 they request \$421,000, but were given \$452,000, again without a public hearing, without hearing the board of county commissioners, without listening to proponents or other supporters of these measures.

In Aroostook County we have a similar situation, although not as serious. They requested \$593,392 for 1969, and they were given \$511,000, a reduction of about \$82,000. We go down from county to county, and in Cumberland County the county commissioners requested \$986,469, and were given that exact amount to the penny. In Franklin County they requested \$212,000, and were given \$193,000. In Hancock County the request by the board of county commissioners was for \$249,000, and they were given \$249,000. In Kennebec County — and my figures may be wrong here — but my figures indicate Kennebec's request was for \$476,064, and they were given \$477,564. That may be wrong but, in any event, they were given approximately the same sum which they requested.

Now we get down to Oxford County — and this is a very sensitive issue in my county, and one which I have to bring your attention to — the county commissioners, again, the people who are charged by law with preparing the budget request and administering to these various departments, who know the needs of the county, requested \$442,608 for 1969, and were given \$273,753, which is less than the amount of money that was appropriated, expended and approved for 1967. This also applies for 1970, where the county commissioners requested \$412,426, and they were given \$280,942.

I think the practice in Oxford County, which is similar to the practice in other counties, as I understand it, clearly shows and clearly points out the weaknesses in our system. In our county the political make-up results from the good guys being in the minority. It means, in effect, the Democratic Party is the minority party as far as the legislative make-up is concerned. There are five Republicans and four Democrats. The chairman of our delegation did an excellent job and devoted countless hours to reviewing the budget request, but in practically every instance the vote taken on every measure of request by the board of county commissioners

was along party lines, to the end that the document that was presented to you people did not include one increase of any substance, and every request by the county commissioners was summarily rejected. They are concerned. Many taxpayers are concerned. They assumed, as did many of us, after the final figure was presented to the Towns and Counties Committee that they would have an opportunity to appear before the Committee, present their views and arguments, and permit the Committee itself, which is by law responsible for passing on this, to make its own independent judgment, and which means, as a practical matter, in Oxford County our budget, the final figures that we have before you, before us today, was the work of one person, in effect. One individual is able to determine the appropriation for Oxford County for two years, because every vote was five to four practically. Certainly this is not the legislative process.

I think it is time that the Legislature focuses on this problem, that we admit to ourselves that this practice is reprehensible and should not be tolerated or permitted to continue, that it is necessary that we defeat this document which is before us today, permit the county commissioners and other individuals concerned with government, the administration of county government, to appear before the Towns and Counties Committee and present their arguments. This is a nineteenth century practice. I am not saying this violates the Constitution, but it certainly violates good legislative practice. Every other document that is presented to this body has a public hearing, but on a measure involving millions of dollars there is a very clandestine approach to it. Now, this is by custom, by tradition; not by law, I am aware of that. But what I am trying to point out to you people today is that the practice of permitting the majority of a legislative delegation to make its recommendation and the practice to accept this as a binding figure

has no basis in law, it shouldn't have any basis for the practice, and it certainly is a very bad government practice.

Now, we know it has been suggested that it is necessary that this document be passed today so we can meet the so-called April 1st deadline. I would like to pose a question at this point to be answered later by anyone on the Towns and Counties Committee as to whether or not in the past we have ever exceeded or gone beyond the April 1st deadline regarding the enactment of this document?

So, in conclusion, without belaboring this any further, I would urge that the members of this Senate oppose and vote against the emergency enactment of this document so that I can present an amendment to the Oxford County budget.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I was Chairman of the Towns and Counties Committee for five sessions and, while I am no attorney, I always understood that this bill had to be enacted by April 1st, and we always succeeded in having it enacted by April 1st. What happened before then, I am sure I don't know. Maybe some constitutional lawyer can tell us whether or not this must be done, but I had always understood it had to be done.

Now, the good Senator points out that there is nothing to require the Committee on Towns and Counties to take the recommendation of the delegation, and I would point out that there is nothing in the law or otherwise to require them to take the recommendation of the delegation. The game is politics. It has always been played that way, and I think the good Senator from Oxford understands it. I certainly would oppose this motion because this thing has gone so long now that I think this bill should pass and we should not take any chances on letting it go beyond the first of April.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have had a couple side remarks from some members of the Committee, and perhaps some of us are a little sensitive to adjectives, so I will try to clear up some of that, and then I would like to remind the Senator that this five to four decision is perhaps in some of the better traditions of the Supreme Court which in its finest hours has come out with those five to four decisions which I am sure that he endorses. So the majority of the delegation from Oxford in its wisdom did determine upon this Oxford County budget.

We are not trifling here today; we are talking about ten millions of dollars, I think, five million in each year of the next biennium. So we are dealing with a very, very important matter to the taxpayers of this State. We also are dealing with the question which has just been raised, and I did a little research, or had Ernest Johnson of the Tax Division do it for me last evening, in regard to the April 1st deadline. I know that my experience has been, just as the good Senator from Washington, Senator Wyman's experience has been, that I always felt we had to get this done by April 1st, and I wondered if there was a legal reason for it, a constitutional reason, and I took it up with Ernest Johnson, and he reminds me that from his research that he did overnight — he is one of those who doesn't fit the category that we have heard described around here of a bureaucrat, because he is one of the hardest working people, I am sure, in the State House — anyway he developed figures over the last twenty-five years, the dates when these resolves have been enacted, and there have been two occasions when they have gone into April; 1945 and 1955. I don't believe that there is a constitutional or a legal obstacle in the way of review.

I want to agree to some extent with my good friend from Oxford. I think the more light we turn on this subject, the more investigation we make of it, it is a good thing.

It is a good thing for us to know county government better than we do know it, and one of the ways of knowing it is to examine its functions. I wish that the Towns and Counties Committee, of which I am a member, of course, had the time and the facilities that the Appropriations Committee has to examine all facets of State Government, thus we could examine all facts of the county governments.

We have gone into this procedure and I submit that it is not as clandestine as the good Senator suggests to go back to the delegations and say "Here, you do your homework. You know the county situation best, you know the local situation, and whatever a majority of you fellows in Androscoggin County" and that too is in question, or Oxford County or Washington County—"what ever you fellows find who know the situation best, you are a subcommittee for us, to tell us what we ought to do." We have adopted that procedure, we have fallen into that procedure of many years standing, and of course it is going to run into problems when you have five to four decisions coming along.

I believe there is a pretty good defense from the other side in Oxford County. I am not as familiar with it as those from the county, but I do understand and was informed that the very large appropriations that had existed in prior years for promotional activities, for recreational activities, sponsored by the county were lopped off, and that freed a large number of thousands of dollars for current and ordinary services of government. I don't say which side is right in Oxford County, but if this does fail of passage this morning it has got to pass sometime or there is going to be ten million dollars worth of services in the State that aren't going to be performed on the county level of government, and it is going to be awkward if it doesn't pass before April 1st or if it doesn't pass relatively soon, because the municipal officials have got to go to work with their tax levies.

The motion is for enactment of the matter, and it is going to take twenty-two votes to get it over.

I hope that they are available this morning.

The PRESIDENT: Is the Senate ready for the question? This Resolve is an emergency measure and, under the Constitution, in order for its passage it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. Will all those Senators in favor of the passage of the Resolve rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Resolve failed of passage.

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

Mr. BELIVEAU of Oxford: Mr. President, I now move that we reconsider our action whereby this resolve was passed to be engrossed.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, now moves that the Senate reconsider its action whereby this resolve was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mr. Beliveau of Oxford that the Senate reconsider its action whereby the Resolve was passed to be engrossed.

(See action later in today's session.)

The PRESIDENT: The Senate will be at ease for a few moments.

Senate at Ease

Called to order by the President.

Orders of the Day

The PRESIDENT: There being no objection, the Chair would like to make some remarks on the record.

Since I have today made a decision that affects every member of the Senate and, in fact, every member of the Legislature, I feel it is my responsibility to inform you of that decision. While I realize that it is not a usual oc-

currence for the man holding this office to speak from the podium, the nature of this decision demands that the decision be announced at this time and from this place.

As a result of a disagreement between myself and Mr. Benjamin C. Bubar, Jr., I have been asked to negotiate a settlement or face a threat of a civil action against me. I have received a letter from an attorney representing Mr. Bubar which reads as follows:

"March 19, 1969

"Dear Senator MacLeod:

"I have been employed to represent the Christian Civic League of Maine and the Rev. Benjamin C. Bubar, in my capacity as an attorney.

"My clients have instructed me to negotiate a settlement or to bring suit regarding statements made by you on February 27, 1969, which concern themselves with Rev. Bubar and reflect on the Christian Civic League.

"Before bringing suit and in accordance with their instructions I am writing you this letter in the hope that we can negotiate the matter in a manner satisfactory to all concerned.

"For this purpose I would appreciate it if you would make an appointment to see me at my office in Waterville, either in person, with your attorney, or by your attorney, on or before March 28, 1969.

Yours very truly,
s/Bernard R. Cratty"

This incident began when Mr. Bubar personally delivered to me in my Senate office this letter signed by him and directed to me in my capacity as President of the Maine Senate:

"Hon. Kenneth McLeod, President

Maine State Senate
Augusta, Maine

"Dear Mr. McLeod:

"We ask that all bills now assigned to Liquor Control Committee be recalled forthwith and re-assigned to other committees. The present Liquor Control Committee has disqualified itself on several points.

"Because of the very nature of the business, we do not believe that

the vested liquor interests have a right to be so predominantly represented on a committee such as this. The name of this committee would indicate that it was intended, by law, to be a part of our control system. Such representation by these interests seems most unethical.

"It would appear there is a definite conflict of interest on the committee. Several members are either licensed liquor sellers or have a direct vested interest in profits from the liquor business, which their committee is pledged to control. This conflict of interest is not to be confused with that evident on any other Maine Legislative Committee; this instance is far more flagrant. The Hickle case in Washington was never as flagrant as this. Please remember that liquor as a commodity is not in a category with other goods affected by Interstate Commerce, so says our U.S. Supreme Court. The Connecticut Supreme Court says, '... the liquor traffic is a source of danger to the public which is not inherent in other businesses.' Therefore, members of this committee engaged in promoting liquor sales should certainly be disqualified immediately.

"(1) The crude political sham employed in appointing the present committee, after an original committee was appointed and members had agreed to acceptance, is most reprehensible.

"(2) The Committee is biased. Some by their voting record, by their public statements, and by their attitude so that NO fair decision can be expected to be forthcoming.

"(3) Composition of the present committee is a travesty on the sensibility of honest citizens in Maine who may come to Augusta at a sacrifice of their own time and expense, not realizing that such efforts are wasted on the committee, who are already committed to a decision.

"(4) The leadership which appointed this committee under these conditions, with apparent foreknowledge, should be chastised for being a party to such a crude political maneuver.

"It is very evident that the present committee cannot fulfill the intent of its appointment, thus making any further public hearings little more than a political sham and a farce at taxpayers' expense.

"Article I, sec. 15, of our Constitution states: 'The people have a right at all times . . . to assemble . . . to give instruction to their representatives and to request . . . redress of their wrongs and grievances.' Appearance of Maine citizens before the present Liquor Control Committee makes their effort a sham and a farce because the committee, as a matter of record, is biased, has a conflict of interest, is representative of vested interests, and has already established its opinion by past voting and public statements.

"On behalf of the citizens of the State of Maine and the thousands of good citizens we represent, we again request that all bills before the present Liquor Control Committee be withdrawn forthwith and be assigned to other committees. We would also request that this committee be discharged forthwith in the interest of good government and in the interest of maintaining the dignity of the present Legislature.

Sincerely
s/Benj. C. Bubar, Jr.
Superintendent"

It was and is my opinion that Mr. Bubar's letter casts an unfavorable reflection on the integrity of every member of this Legislature. Neither the passage of time nor calm reflection has caused me to change my view.

The letter from Mr. Bubar's lawyer implies that a negotiated settlement would end this affair. But if I were to make any settlement in order to avoid litigation, I would — by my action — lend credence to charges which I rejected then and which I reject now. I am confident that a court of law would exonerate me from the charges threatened and because I believe that my reaction to Mr. Bubar's letter was justified, I have no intention of compromising the honor of the Legislature by any settlement, money or otherwise, to Mr. Bubar. While

I am powerless to prevent Mr. Bubar from bringing a lawsuit against me, I do have the power to resist and defend myself to the limit of my ability and I intend to do so.

Any unwarranted, unjustified attack on this Legislature, or any committee thereof, or any member thereof will always elicit a response from me. I believe in and have love for the Maine Legislature and I believe that it has in the past and is now conducting its business in a manner completely consistent with the public trust. Maine's citizens can be justly proud of this Legislature as I am proud to be a member of it.

Thank you for your attention.

(Applause, the members rising amid shouts of "Bravo".)

Mr. Reed of Sagadahoc was granted unanimous consent to address the Senate:

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I would like to say that, having had the opportunity to serve as President of this body and, therefore, knowing quite well some of the problems and the challenges that confront this office, I would, as an individual Senator from Sagadahoc, like to rise and support the Senate President's statement. In so doing, I would like to remind each Senator here that, although the Senate President does appoint the committees, these committees are approved by each one of us and therefore, in this sense the indictment that has been carried against the Senate President is actually an indictment against each one of us.

Therefore, I can only speak for myself, Mr. President, but I think that the overwhelming majority of this Senate supports you in your position. (Applause)

The PRESIDENT: The Chair thanks the Senator very much for his remarks.

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

SENATE REPORT—Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act

Relating to Municipal Civil Service Commissions." (S. P. 241) (L. D. 712)

Tabled—March 19, 1969 by Senator Martin of Piscataquis.

Pending—Acceptance of Report. Thereupon, the Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

HOUSE REPORT—Ought to Pass from the Committee on Legal Affairs on Bill, "An Act Extending Time for Relocating of Maine Central Railroad Tracks in Livermore Falls." (H. P. 668) (L. D. 855)

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

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 and the Bill Read Once.

Committee Amendment "A", Filing No. H-107, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Tuberculosis Sanatoriums." (H. P. 686) (L. D. 885)

Tabled—March 21, 1969 by Senator Cianchette of Somerset.

Pending—Passage to be Engrossed.

Mr. Cianchette moved the pending question.

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

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

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

Tabled—March 21, 1969 by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

Mr. Tanous of Penobscot presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-44, was Read and Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed in non-concurrence and sent down for concurrence?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have spoken before about this fireworks measure and I don't want to bore the members of the Senate by speaking at any great length at this time, but it would appear to me that the amendment offered by Senator Tanous does very little, if anything, to mitigate against the dangers of the use of fireworks in our State, and I would say that in the name of safety and for the benefit and welfare of the State of Maine we should not go into the use of fireworks again.

We have fortunately been saved from this problem over the years, the last twenty years or so, and we should stay safe from the use of fireworks and the dangers that come from the use of fire by young people. It would appear to me that by restricting their sale to people over sixteen would just lead to more problems than we now would have even without that provision.

I don't know whether the Senator is going to feel that we should have I.D. cards, fireworks cards, like we do the drinking cards or some such thing as that for the buying of fireworks, but it would seem to me a rather ridiculous situation to have them for sale at all and insist that the merchants be able to show the age of a youngster when he comes in to buy firecrackers.

Consequently, I would move that the bill be indefinitely postponed, and I would hope that we would see the last of the fireworks bills for a while.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that Bill, "An Act Relating

to the Sale of Fireworks," be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would ask for a division on the indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Cumberland, Senator Kellam, that Bill, "An Act Relating to the Sale of Fireworks," (H. P. 284) (L. D. 360) be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Sent down for concurrence.

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

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

Tabled—March 26, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. QUINN of Penobscot: Mr. President, I yield to the Honorable Gentleman from Cumberland County, Senator Moore.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I don't know how many of you gentlemen have taken the time to read L. D. 1057 or this amendment, House Amendment 101. I guess the easiest way to explain it is that hereafter whenever we send anyone to a penal institution or a correctional house that we are sending him on a vacation, particularly with reference to House Amendment 101. I

can see one purpose it would serve: we would be assured there would be more children coming on to the ADC rolls constantly.

I think it is a bad bill. Every day we read in the papers where the courts are being more lenient with criminals, and I don't think that the Legislature should start this. I move for the indefinite postponement of L. D. 1057 and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Relating to Rehabilitative Programs in State Penal and Correctional Institutions" (H. P. 818) (L. D. 1057), be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, retabled and specially assigned for Wednesday, April 2, 1969, pending the motion by Mr. Moore of Cumberland that the Bill be Indefinitely Postponed.

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

Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

Tabled—March 27, 1969 by Senator Minkowsky of Androscoggin.

Pending—Reference.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: For approximately the past four years it has been alleged that funds have been illegally donated to Child and Family Services according to a report filed by our own Androscoggin County Attorney.

It was stated that this was permissive-type legislation in that this donation was allowed. Unfortunately I haven't seen or had verification that this is the case.

Gentlemen, this L. D. would legalize the donation and make it compulsory for Androscoggin County to donate to Child and Family Services. Now, without getting involved in the nitty-gritty politics of Androscoggin County, it would seem only logical to me

that this bill be referred to Health and Institutional Services because it encompasses health care, counseling services, psychiatric care and evaluation of children in our public school system.

If Androscoggin County citizens are to make this donation, then they want a complete understanding as to how this money is being spent, and not just endorse a blank check for approximately \$30,000.

The Chairman of Towns and Counties, whom I had discussed this matter with yesterday, did feel that it should be referred to Health and Institutional Services and, without further ado, I would request that L. D. 1405 be referred to the Committee on Health and Institutional Services in non-concurrence, and may I ask for a division on this particular vote.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky moves that Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services," (H. P. 1084) (L. D. 1405) be referred to the Committee on Health and Institutional Services in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: The issue before you this morning concerns only reference to a committee. This bill involves funds which will be part or are part of the budget of Androscoggin County, and I do believe that the Towns and Counties Committee is the proper committee to pass on this piece of legislation. The Committee on Reference of Bills recommended this, the other body concurred, and I hope you will support me in defeating the motion.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would rise in support of the motion of Senator Minkowsky of Androscoggin, and I would like to add at this time a few comments.

I have been involved in deliberations on the Androscoggin County

budget, of which this bill is directly related, and early this week I appeared in the House to speak to the House Chairman of Towns and Counties relative to certain matters pertaining to the budget. There are those among us who would go around talking about a person's ethnic background, religious views, and a few other areas that I can't mention here, but early this week I was in the office of the Clerk of the House, there were two charming young ladies present, there were two representatives I was talking with, there were one or two members of the third house, and a certain gentleman very rudely insulted me. The language was of such a nature that it could be heard by all those in the room. I went back and apologized to the ladies, to the lobbyists, and also to the House Chairman of the Towns and Counties Committee. I didn't apologize for what I said; I apologized for what another very distinguished Democrat said.

There was an article in this morning's paper; as to its exact intent I am a little bit obscured. It would seem that I apologized — I don't know to whom — but I can tell you as it concerns the assignment of this particular document I feel it should go to the Committee on Health and Institutional Services.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion by the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services" be referred to the Committee on Health and Institutional Services will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Thereupon, the Bill was referred to the Committee on Towns and Counties and Ordered Printed in concurrence.

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

HOUSE REPORT — from the Committee on State Government on Bill, "An Act to Permit a Teacher to be a Selectman or a City Council Member." (H. P. 124) (L. D. 140) Ought to pass in New Draft with New Title "An Act Regarding the Membership of School Committees and Boards of School Directors." (H. P. 1088) (L. D. 1342)

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

Pending—Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for Thursday, April 3, 1969, pending Acceptance of the Committee Report.

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

RESOLVE, proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer." (H. P. 14) (L. D. 14)

Tabled—March 27, 1969 by Senator Katz of Kennebec.

Pending—Final Passage.

Thereupon, this being a constitutional amendment and having received the affirmative votes of twenty-two members of the Senate, with nine Senators voting in the negative, was Finally Passed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec, Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty-nine and Nineteen Hundred and Seventy (H. P. 1092) (L. D. 1393).

The **PRESIDENT**: The Chair would rule that the motion made by the Senator from Oxford, Senator Beliveau, is out of order.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. **TANOUS** of Penobscot: Mr. President, having been on the prevailing side on L. D. 1393, I move the Senate reconsider its action of earlier in today's session whereby this Resolve failed of passage.

The **PRESIDENT**: The Senator from Penobscot, Senator Tanous, moves that the Senate now reconsider its action whereby this Resolve failed of passage. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. **DUNN** of Oxford: Mr. President and Members of the Senate: I think that the Oxford County budget is the one that is causing all the trouble here today, and I think perhaps it needs a little explanation.

The Oxford County budget when we received it was a great deal larger than we have ever had before, and I have a copy of the audit here showing the changes. I would like to point out some of them that we did make that were large amounts. I won't go into the small ones. In the first place, the salaries that were requested were — well, for instance, the Sheriff, his salary was \$5,600 and he asked for \$8,000. We O. K.'d \$6,500, we suggested that, and I think that corresponds to the salaries in the other counties for this position. This was true of most of the salaries, so there were quite a few cuts in personnel salary figures. The larger amounts come in three or four areas. The Sheriff's Department was one, and he asked for three new deputies which we did not think were needed. His request was \$92,000 for the first year and \$98,000 for the second year. By removing those three deputies and the salaries, and what goes with them, his department received just over \$60,000 for one year and \$63,000 for the next. I do believe that that corresponds or at least is favorable to the salaries of the Sheriff's Departments in the other counties.

The Extension Service, they had had \$17,000 the two years before, and they asked for \$23,000 this time. They were cut back to \$15,000.

In the employees' benefits, the social security and the MSRA, the reduction in the salary requests from seven and eight thousand back to five and six, it made the difference in those figures, and

there is about twenty thousand dollars each year, just over twenty thousand dollars, twenty one year and twenty-three the next year.

The Department of Economic Development, which the Legislature just abolished and the Governor has signed the bill, called for \$20,000 each year. The Director is employed in Biddeford, and we put enough in this to carry his department through until the first of April, which is the time that he starts employment down the other way. So there was \$15,000 one year and \$20,000 the next year.

The Contingent Account, the request was for \$50,000 each year. We put in \$15,000 for the first year and they are allowed to replace it for the second year, so there was \$35,000 one year and \$50,000 the next.

Those were the largest amounts, but you add them up and they make a sizable reduction. I think you will find in the salaries that they correspond to the salaries paid in the other counties, and I would maintain that we started with a greatly inflated budget. When you do that, it is quite a little job, and I still think they came out with a budget that is quite satisfactory. I hope you will not reconsider this matter.

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

Mr. KATZ of Kennebec: Mr. President, with a sense of embarrassment, I raise a parliamentary inquiry. Senate Rule No. 12 on Page 54 of our little book states that in order to move reconsideration one must be on the majority side; not the prevailing side. Regretfully, I point out that Senator Tanous, although he was on the prevailing side, was not on the majority side, and I raise the question about the propriety of the Senator's motion.

The PRESIDENT: The Chair always assumes that the Senator who makes a motion for reconsideration has been on the prevailing side.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would ask for a roll call on this vote, and would state

further in argument in support of securing final passage at this time that it would be quite likely, if this is worked over more, that it would result in the other branch perhaps reviewing the budgets of many, many counties. I know that there are Senators here very much involved in the Androscoggin controversy in regards to its budget, and I think we would go from Oxford to Androscoggin, and then very likely the Republicans would take the lead from the Democrats and review a number of controversies where they have been having problems in regard to the details of the budgets. I think we would be acting as a committee on the whole for quite a bit of the remainder of the session before we finally get the budgets, and we can dispose of it at this time by twenty-two votes.

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

Mr. BELIVEAU: Mr. President and Members of the Senate: I am very pleased that my good friend from Franklin County recognizes the leadership qualities of the Democrats. We like very much to have the Republicans follow us on some of these bills, some of these other governmental reform bills.

Very briefly again, to comment a little further on the statements from my good friend from Oxford County, Senator Dunn, I agree with Senator Dunn in his comments as to the budget requests and the fact that they were reduced substantially. I don't quarrel with that, I think the areas in which they were reduced in many instances were properly done. I object to other areas in which there was very serious disagreement. I have an amendment which I hopefully will be able to present in which I will request an additional \$18,000 for the first year and \$15,000 for the second year of the biennium, a modest increase at best, considering the substantial increase in every other county in the State.

The arguments I presented earlier still are applicable now. I can't help but recall that fre-

quently quoted statement about county government being the dark corner of American politics. I think if we enact this document today that we will be lending support to that quotation. We have the only opportunity before us right now to permit all the voters in the State to know that we are going to debate this bill as we do every other document that comes before us. There is nothing sacred about this document. There is nothing sacred about April 1st as a magic day by which this document has to be enacted. There is no authority that I see, statutory or constitutional, that requires this to be done. It is done by practice, and nothing more. Again, I would urge the members of the Senate to oppose the passage of this document so that I in turn can present an amendment.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question. It is on the passage of Item 8-11, Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty-nine and Nineteen Hundred and Seventy (H. P. 1092) (L. D. 1393).

The Secretary will call the roll.

Roll Call

Y E A S: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hoffses, Katz, Logan, Martin, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Violette, Wyman and President MacLeod.

N A Y S: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Minkowsky, and Reed.

ABSENT: Senator Hanson.

A roll call was had. Nineteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Resolve failed of passage.

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

Mr. MILLS of Franklin: Mr. President, having voted with the majority, I move for reconsideration.

The PRESIDENT: The Chair would rule that a reconsideration motion may not be made twice to the same main question.

The Resolve will go to the House in non-concurrence, having failed of passage.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, April 1, at 10 o'clock in the morning.