

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 2, 1969

Senate called to order by the President.

Prayer by Rev. David Glusker of Hallowell.

Reading of the Journal of yesterday.

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

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

In the House March 25, 1969, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate March 28, 1969, the Majority Ought Not to Pass Report Read and Accepted in non-concurrence.

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

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

BERRY of Cumberland
CONLEY of Cumberland
BOISVERT
of Androscoggin

Non-concurrent Matter

Bill, "An Act to Designate an Official Rock and Mineral for the State of Maine." (S. P. 304) (L. D. 997)

In the Senate March 27, 1969, Report "A", Ought to Pass in New Draft, Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Comes from the House, Report "B", Ought Not to Pass, Read and Accepted in non-concurrence.

On motion by Mr. Mills of Franklin, tabled and tomorrow assigned, pending consideration.

Non-concurrent Matter

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty-nine and Nineteen

Hundred and Seventy. (Emergency) (H. P. 1092) (L. D. 1393)

In the House March 27, 1969, Finally Passed.

In the Senate March 28, 1969, Failed of Passage.

Comes from the House, that Body having Insisted.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate recede from its former action whereby this bill failed of enactment.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede from its former action whereby this bill failed of enactment. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: The purpose of my discussion this morning was brought about through a discussion with staff members of the Attorney General's office in reference to the legality as to why many items that were inserted in our county budget were removed in order to authorize a gift of \$15,000 annually to a worthwhile service operating in Androscoggin County, even though there is no present statutory law that would authorize this particular gift.

We now have an L. D. before us, which I debated last week, to which a committee has been assigned and referred to. Originally it was my thinking that this particular gift item should be stricken from the Androscoggin County budget, and reinsert those deleted items that were presented to Towns and Counties in the form of an amendment.

It has been stated that up to this time the Legislature was the only one that could add or subtract from a county budget and, since the Legislature is the responsibility of the county, I felt that I should be heard in this particular matter. Unfortunately, this is not the case, as these changes in the form of amendments were not heard before the appropriate committee

or approved by the entire Legislature, nor was the addition making it compulsory for a county to donate funds to a private organization working within a county.

I this morning was to propose an amendment, not to strike out the gift of \$15,000 in each year of the biennium, but to reinsert those items that were deleted which, in turn, would increase the allocation of each year of the biennium as stated in the amendment I was to propose. In Androscoggin County in the first year it would amount to approximately \$15,580 over and above what is stated in the L.D. before us, making it \$446,619. The second year increase would only amount to \$9,324, for a grand total of \$462,028.16. By this particular method, which is fair to all parties, I personally feel that no one would be slighted.

On this particular basis, I now feel that this change has been heard by the Legislature for your consideration and your approval. The county commissioners approved this particular move and they feel as I do, that we were not opposed to the gift to the county service organization, but we wanted to be sure that this item was legal and covered by either permissive legislation or statutory law. With the bill that is before us, it might stand on its own chances, being covered by this particular law, even though we feel that making it mandatory for a county to allocate funds on a blank check endorsement, without being assured as to how these funds are to be used, would set a very, very bad precedent, and I am sure it would be followed in other counties. Thank you very much.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am not going to repeat or review the arguments I presented last week on this matter, which I feel were well taken, but it is my understanding that it still requires a two-thirds vote for enactment. Is that correct, Mr. President?

The PRESIDENT: The Chair would reply in the affirmative.

Mr. BELIVEAU: Without belaboring the arguments of last week which were valid arguments, I believe, I would simply say that we still have this problem in Oxford County.

I met over the week - end with our County Commissioners, two of the County Commissioners, and the County Treasurer, and we reviewed in detail the financial problems we have, and we concluded that the document that was submitted to you people last week in the form of a proposed amendment, which requests an additional appropriation, represents the very bare minimum, and it is less than ten per cent of what the County Commissioners presented initially in the budget they prepared and which was presented to the Legislature.

I now urge this body to vote against the motion of the good Senator from Kennebec, Senator Katz, and I would suggest that we do have an alternative course of action here. I have conferred with the Senate Chairman of the Towns and Counties Committee and, if this motion fails, we have an alternative course of action which I believe would be acceptable to this body. Mr. President, when the vote is taken, I would ask for a division.

The PRESIDENT: The question before the Senate is on the motion by the Senator from Kennebec. Senator Katz, that the Senate recede from its former action whereby this bill failed of enactment. As many as are in favor of the Senate receding from its former action whereby Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty - nine and Nineteen Hundred and Seventy, failed of enactment will rise and remain standing until counted.

A division was had.

The PRESIDENT: The Senate will be in order. Will the Senators please rise again and remain standing until counted?

The Chair will state the question again since there seems to be some

doubt. The question is on the motion of the Senator from Kennebec, Senator Katz, that the Senate recede from its former action whereby this bill failed of enactment. All those in favor of receding from its former action will rise and remain standing until counted, all those opposed will rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed.

The PRESIDENT: This Resolve, having had its three several readings in the House, its two several readings in the Senate, having been passed to be engrossed, having been reported by the Committee on Engrossed Bills as being truly and strictly engrossed, having been finally passed in the House and signed by the Speaker, is it now the pleasure of the Senate that this Resolve be finally passed?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I request a division on this vote, please.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate. It would appear, if the vote stays the same on the next vote, that we will not have the votes sufficient to enact this measure because it is going to take twenty-two, as I understand it, to enact this emergency measure, which it is.

I just want to state here that the Committee, I believe, in the course of action we plan to pursue - it is essential that these counties know what they are going to have to pass out to the towns for tax levies for this year. It is past April 1st, and I think there isn't any legal obstacle to a long delay, but practically it is not a good thing for the towns not to know how much they are going to have to levy to support county government for the ensuing two years - and my suggestion is going to be, if we fail to enact this measure now, that we have an amendment to elimi-

nate Oxford County, and to try to enact a measure, if Mr. Beliveau and his troops will let us do it, to enact a measure which will put a county tax out for the other fifteen counties. Then at least fifteen-sixteenths of the State can function in county government for the next biennium and, sometime between now and haying time, probably the Oxford County delegation can get together and decide on what we should do for them in the way of county government, and then we will put a separate bill through in that regard.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The course of action suggested by the Senator from Franklin, Senator Mills, is an interesting one, except you just know that laying in the background is a difference of opinion within Androscoggin County and you know, or at least I find out now, that there is a difference of opinion within Kennebec County, and if this is the approach we are going to take in meeting our responsibilities, and meeting them in a timely manner, I would say we are on very, very shaky ground.

Mr. President, I ask for a roll call.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I would like to comment on the statement that in order for us to meet our responsibilities it is important that we enact this document this morning. I think that if we do enact this document this morning it is a clear example of a situation where we have failed to meet our responsibilities. We certainly can't presume to think that by enacting this document today, if we consider its legislative history, so to speak, where there were no public hearings held on this, and all the other arguments that I presented last week, they are still as valid and apply as equally today as they did last week, I again would urge the mem-

bers of this body to vote against the final enactment of this document.

Whether or not we pursue the course which the good Senator from Franklin has outlined for us, or whether we do it through the form of an amendment or through the form of a committee of conference, regardless of the alternative that we resort to, the fact remains that we are going to try and work this out because this intolerable situation in Oxford County cannot be permitted to continue. So, again, I would urge you all to vote against the pending motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: County matters are not the closest thing to my heart, but I can't help but recall that in every one of the sessions in which I have been privileged to participate that the county budget has been reported out by last-minute activities not later than April 1st.

In searching my mind as to why we are in the predicament we are in now, it seems to me that my very good friend, the Senator from Oxford, Senator Beliveau, is bringing up at the last minute some matters which he had three months to think about. He has had plenty of chance to discuss this matter with his delegation, with the interested members of the Towns and Counties Committee, and it seems to me three months is plenty of time to resolve these differences. Of course, I hate to tangle with anybody with the backing as the good Senator from Oxford has, Senator Beliveau. He speaks with the accolade of the Chairman of the Democratic State Committee on his shoulders, but I am wondering if he isn't bordering on the frivolous in asking us now to try to resolve some differences that should have been resolved in the past three months. It seems to me his position is a little tenuous.

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 answer my good friend very briefly as to whether or not my position is in fact frivolous and, further, to comment on his suggestion that I have had three months to pass on this.

As I indicated last week, the Oxford County delegation met on several occasions and reviewed this budget. We made certain deletions and we supposedly voted on these various budgetary matters. But every vote that was taken went down party lines, every lousy, stinking vote that was taken - in keeping with the democratic process, I might add. But the fact remains that when the final figure was arrived at and submitted to the Towns and Counties Committee, I approached members of the Towns and Counties Committee and asked them whether they would hear us, whether we would be given an opportunity to present our case, so to speak, and I was assured that we would. The next thing I knew, the very next day the bill appeared here in printed form. To say that we had an opportunity to be heard is untrue, both in fact and in law, and in every other sense of the word. So, I think this is not a frivolous matter.

We are dealing again with a ten million dollar budget. We are dealing with a budget of several hundred thousands of dollars in Oxford County which affects the lives and welfare of many people up in Oxford County. Again it gets back to the very real problem here, that the Legislature, or the majority of the legislative delegation, is permitted to pass upon a budget that was prepared by the Board of County Commissioners. Now, this Board of County Commissioners is comprised of three individuals, and there are two Democrats and three Republicans, and it was unanimous - what we are considering, what we are attempting to do here, is to salvage less than ten per cent of their request for additional funds. We were not given an opportunity to be heard, and I say that if we weren't, then this is the place to do it. And if we have to hold up this document from now until July 1st it should be done.

There is nothing sacred about April 1st, and there is nothing sacred about this document: it isn't any more divinely inspired than most of these documents we have before us, so I would suggest that if we have to go down, as they say, to the deep depths of dermial drudgery, do it today. Let's kill this thing right now, let's prevent it from being enacted, and we will work this out, in keeping with the high traditions of this body, and I am certain that we will arrive at a reasonable solution to this.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am a freshman in this body and there are many things that I don't understand, but I do understand the democratic ways of our town meeting methods. And I believe that at the town meetings the board of selectmen present a budget, and it is gone over and approved or rejected by the people, the taxpayers, of the town.

In this particular instance the county commissioners present a budget and it is approved or disapproved, or rejected or changed by the legislative delegation of each county. They act for the public of the county. And the majority of the legislative delegation presents their budget to the Towns and Counties Committee, and then the Towns and Counties Committee studies the budget and approves or disapproves accordingly. In this particular instance the Towns and Counties Committee has acted according to the wish of the majority, and I move passage of this bill. There always will be a minority, and the majority has been considered in this case, which should be the case. Thank you.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Before we do act on this, I think I would like to reply very briefly to the remarks of the Senator from Oxford, Senator Beliveau. As he will recall, in the few instances that we were both at the delegation

hearings, there were many instances where several of us were reluctant to go along with certain pay raises, and there was an effort to get together and we did get together, regardless of party, and went along with these increases. Again, on the final night, we met with our County Commissioners on a Tuesday night, the delegation met in the well of the House the next day, and I don't think the Senator from Oxford was there, and it was discussed and put in its final form. I think there was ample opportunity to suggest and work on any changes at that time.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate that this Resolve be finally passed? This being an emergency measure, in order for its passage it requires, under the Constitution, the affirmative vote of two - thirds of the entire elected membership of the Senate. A roll call has been requested. In order for the Chair to order a roll call it requires, under the Constitution, the affirmative vote of at least one - fifth of the Senators present and voting. As many as are in favor of ordering a roll call will rise and remain standing.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will again state the question. The question is on the final passage of 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

YEAS: Senators Anderson, Barnes, Berry, Boisvert, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Martin, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Wyman, and President MacLeod.

NAYS — Senators Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Minkowsky, Reed, and Violette.

A roll call was had. Twenty Senators having voted in the affirmative, and twelve Senators

having voted in the negative, the Resolve failed of final passage.

Thereupon, on motion by Mr. Katz of Kennebec, the Resolve was tabled and tomorrow assigned, pending consideration.

House Papers

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

Senate Papers Legal Affairs

Mr. Bernard of Androscoggin presented Bill, "An Act Establishing the Auburn-Lewiston Airport Authority." (S. P. 424) (L. D. 1420)

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

(Signed:)

JERROLD B. SPEERS
Secretary of the Senate)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Committee Reports House

Ought Not to Pass as Covered by Other Legislation

The Committee on Education on Bill, "An Act Relating to the State Vaultation That Shall be Used in Computing Foundation Program Subsidies for School Administrative Units." (Emergency) (H. P. 372) (L. D. 481)

Reported that the same Ought Not to Pass as Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Liquor Control on Bill, "An Act Abolishing Liquor Enforcement Division and Transferring Duties to Sheriffs' Departments." (H. P. 902) (L. D. 1163)

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 Taxation on Bill, "An Act Relating to Refund for Malt Liquor Excise Taxes." (H. P. 785) (L. D. 1018)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Recommitted to the Committee on Taxation.

Which report was Read.

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Ought to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Night Hunting for Migratory Game Birds." (H. P. 191) (L. D. 231)

Reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Providing for Complimentary Fishing Licenses for Blind Persons." (H. P. 765) (L. D. 985)

Reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act to Eliminate the Length of Trout in Brooks and Streams." (H. P. 891) (L. D. 1150)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to the Effective Date for Game Laws." (H. P. 632) (L. D. 820)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-134).

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

Amended by Committee Amendment "A".

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

The Committee on Legal Affairs on Bill, "An Act Repealing an Act Setting Off Lands from Hartland to Pittsfield." (H. P. 239) (L. D. 294)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-123).

Comes from the House, Bill and Report Indefinitely Postponed.

Which report was Read.

On motion by Mr. Cianchette of Somerset, the Ought to Pass Report of the Committee was Accepted in non-concurrence, and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act Relating to Application for and Marking of Absentee Ballots." (H. P. 224) (L. D. 274)

Reported that the same Ought to Pass in New Draft and With New Title: "An Act Relating to Delivery of Absentee Ballots." (H. P. 1064) (L. D. 1233)

Signed:

Senators:

ANDERSON of Hancock
KATZ of Kennebec

Representatives:

PORTER of Lincoln
VINCENT of Portland
BOUDREAU of Portland
HENLEY of Norway

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

Signed:

Senator:

LETOURNEAU of York

Representatives:

CARTER of Winslow
MacPHAIL of Owl's Head
GIROUX of Waterville

Comes from the House, the Majority Ought to Pass in New Draft and With New Title Report Read and Accepted and the Bill in New Draft, Passed to be Engrossed as Amended by House Amendments "B" (H-116) and "D" (H-130).

Which reports were Read.

Mr. Anderson of Hancock, moved Acceptance of the Majority Ought to Pass Report.

On motion by Mr. Letourneau of York, tabled and specially assigned for Tuesday, April 8, 1969, pending the motion by Mr. Anderson of Hancock to Accept the Majority Report of the Committee.

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Partridge or Grouse and Pheasant." (H. P. 330) (L. D. 439)

Reported that the same Ought to Pass.

Signed:

Senators:

HOFFSES of Knox
MARTIN of Piscataquis

Representatives:

GAUDREAU of Lewiston
ROCHELEAU of Auburn
BOURGOIN of Fort Kent
THOMPSON of Belfast
PORTER of Lincoln
KELLEY of Southport
LEWIN of Augusta

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

Signed:

Senator:

ANDERSON of Hancock

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

Which Reports were Read.

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 Report of the Committee, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate accept the Majority

Ought to Pass Report of the Committee.

The Chair recognizes the same Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: This is one of some ninety-five bills which the Committee on Inland Fisheries and Game has had and will have before it. It is only one of several divided reports which we have and which we will be submitting for consideration.

I have stated on many occasions that the Committee on Inland Fisheries and Game probably has more experts testify than any other committee that we have in our legislative process. We have a great many diversified opinions on many of these pieces of legislation.

To look at this particular bill it would indicate that this is liberalizing our fishing and game regulations and allowing the depletion of our natural resources. As a novice, I certainly am not qualified to say whether this will or will not. The reason that I signed the Majority Ought to Pass Report was upon testimony given to us by the Inland Fish and Game Department. It was their opinion that this bill allowing the extending of the open season on partridge and pheasant would not seriously endanger the population. We all know that pheasant is a put - and - take program. I do not believe that the conservation of the pheasant will enlarge the present population. I believe it is strictly a put - and - take situation and that the few birds that do survive will not materially increase the pheasant population. They will die through the rugged winters which we have here, and we must again go through the general process of replenishing the fields with these birds.

In the matter of partridge or grouse, it is my understanding that these birds cannot be reproduced in captivity; they are a natural bird and they must produce themselves.

I know that my very distinguished friend, colleague and fellow member of this Committee, Senator Anderson from Hancock, signed the minority report. If you vote against me and vote for the good Senator, I am sure that he

and I will sit down side by side today and hear some very controversial bills which are coming before our Committee. I would not in any way try to influence any members of this Senate as to their votes on this particular matter. I would just say to you that I did sign the Majority Ought to Pass Report. If my motion fails I will not feel deeply concerned about the matter. The only thing that I am deeply concerned about is conservation and if, in the best interests of conservation, this bill fails I will be the first to applaud the action which you take. Thank you.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I was the lone signer of the Ought Not to Pass Report. The partridge is probably one of the greatest game birds in America, and certainly it is fast disappearing.

This sets the date ahead from November 16th to December 1st. Now, I imagine there are many bird hunters in the Senate, and if they know the habits of the partridge, in the Fall of the year, and late in November, they fly into the trees and feed on buds. We call it budding. A man with a rifle, by picking the lowest one, can take every bird on that tree. There might be a dozen there, and they will not fly as long as you pick off the lower bird.

Now, I am not going to belabor this question, but I say to you that if you want to prevent extinction of one of the greatest birds in America you will vote Ought Not to Pass on this bill. Thank you.

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

Thereupon, on motion by Mr. Barnes of Aroostook, tabled and specially assigned for Friday, April 4, 1969, pending the motion by Mr. Hoffses of Knox to Accept the Majority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on State Government on Resolve.

Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Eighteen Years of Age and to Reduce the Voting Age to Eighteen Years. (H. P. 10) (L. D. 10)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

D'ALFONSO of Portland
DONAGHY of Lubec
DENNETT of Kittery
WATSON of Bath
MARSTALLER

of Freeport

STARBIRD of Kingman

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

Signed:

Representative:

RIDEOUT of Manchester

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Claims on Resolve, to Reimburse Robert Sweet of Lincoln Center for Well Damage Resulting from Use of Salt on Route 2. (H. P. 87) (L. D. 96)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-135).

Signed:

Senators:

LOGAN of York
QUINN of Penobscot

Representatives:

QUIMBY of Cambridge
MORGAN

of South Portland

MARQUIS of Lewiston
SHELTRA of Biddeford
CURTIS of Bowdoinham
CROTEAU of Brunswick
LINCOLN of Bethel

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

Signed:

Senator:

GORDON of Cumberland

Comes from the House, the Majority Ought to Pass as Amended by Committee Amendment "A" (H-135) Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which Reports were Read.

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

Mr. LOGAN of York: Mr. President, I move acceptance of the Majority Report.

The PRESIDENT: The Senator from York, Senator Logan, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I would speak briefly on this bill, if I may. I think it is the prerogative of the Claims Committee to screen carefully and conscientiously the claims that are brought to our attention prior to their referral to the Appropriations Committee. It is a most difficult task for all of the members and they diligently search their conscience in these matters.

However, in my opinion, in this particular case and similar cases, whereby a well is clearly contaminated by bacteria or some other source, that we should consider this fact, and because there is chlorine in this well, possibly from highways or mineral deposits, that we should consider this fact, that the State of Maine could well have contaminated a well by chloride and salt from the highways. But since the well was clearly contaminated by other sources, I felt that the State of Maine was not obligated to replace or to render any settlement for a well that was clearly unusable, and I wished to call it to the attention of the Senate. Thank you.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Everything that Senator Gordon has said has been quite true. It is unfortunate that the Claims Committee is forced to deal with a lot of very nebulous situations, nebulous from the point of view of law — there is no law actually; it is a court of justice more than a court of law — frequently with very bad information.

In this case we had a very good report from the Highway Department: Three analyses, made over a period of three years, and there was no question but what there was salt in this well. The likely source of this salt was the highway; there was a means by which it could wash down there. Other contaminants, yes, but the fact remains that salt was there. Thank you.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from York, Senator Logan, that the Senate accept the Majority Ought to Pass Report of the Committee will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and the Bill was Read Once. Committee Amendment "A", Filing No. H-135, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Claims on Resolve, in favor of Louis L. Doyle of Pownal for Automobile Damage Sustained Through Wrongful Act of State Ward. (H. P. 212) (L. D. 262)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-136).

Signed:

Senators:

GORDON of Cumberland
QUINN of Penobscot

Representatives:

SHELTRA of Biddeford
LINCOLN of Bethel

MARQUIS of Lewiston
QUIMBY of Cambridge
CROTEAU of Brunswick

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

Signed:

Senator:

LOGAN of York

Representatives:

CURTIS of Bowdoinham
MORGAN

of South Portland

Comes from the House, the Majority Ought to Pass as Amended by Committee Amendment "A" (H-136) Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon, the Majority Ought to Pass, as Amended, Report was Accepted in concurrence, and the Bill Read Once.

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

Senate

Leave to Withdraw

Mr. Levine for the Committee on Agriculture on Bill, "An Act Relating to Bonding of Potato Brokers." (S. P. 373) (L. D. 1283)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass As Amended

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants and Water Distribution systems." (S. P. 317) (L. D. 1031)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-58).

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Election of Clerks of the Judicial Court." (S. P. 254) (L. D. 791)

Reported that the same Ought Not to Pass.

Senators:

VIOLETTE of Aroostook
MILLS of Franklin
QUINN of Penobscot

Representatives:

HESELTON of Gardiner
FOSTER

of Mechanic Falls
MORESHEAD of Augusta
HEWES of Cape Elizabeth
BRENNAN of Portland

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

Signed:

Representatives:

BERMAN of Houlton
DANTON

of Old Orchard Beach

Which reports were Read.

On motion by Mr. Wyman of Washington, tabled and specially assigned for Wednesday, April 9, 1969, pending Acceptance of Either Report.

Second Readers

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

House - As Amended

Bill, "An Act Relating to Special Offices for Indian Tribes." (H. P. 395) (L. D. 505)

Bill, "An Act Relating to Definition of Hotel Under Liquor Law." (H. P. 700) (L. D. 900)

Bill, "An Act Relating to Naming the Bridge Between Cousins Island and Yarmouth Mainland." (H. P. 870) (L. D. 1113)

Bill, "An Act Concerning the Administration and Program of the New England Interstate Water Pollution Control Commission." (H. P. 906) (L. D. 1167)

Bill, "An Act to Grant a Charter to the Town of South Berwick." (H. P. 66) (L. D. 85)

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

Senate

Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements." (S. P. 307) (L. D. 1000)

Bill, "An Act Relating to Hunting Mink in Cumberland, Lincoln and Sagadahoc Counties." (S. P. 421) (L. D. 1416)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to School Lunch Programs." (S. P. 236) (L. D. 709)

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

Sent down for concurrence.

Enactors

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

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

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

An Act Establishing a Study Committee on Water Resources. (S. P. 281) (L. D. 928).

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

An Act To Create Hospital Administrative District No. 3 in Aroostook and Penobscot Counties. (H. P. 438) (L. D. 562)

An Act Relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent. (H. P. 462) (L. D. 599)

An Act Relating to Audits of School Revenues and Expenditures. (H. P. 549) (L. D. 728)

An Act Relating to Acts of Cruelty to Animals. (H. P. 564) (L. D. 745)

An Act to Grant a Council-Manager Charter to the Town of Lincoln. (H. P. 572) (L. D. 759)

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

(On motion by Mr. Beliveau of Oxford, temporarily set aside.)

An Act Relating to Minimum Speed Under the Motor Vehicle Laws. (H. P. 696) (L. D. 896)

(On motion by Mr. Kellam of Cumberland, tabled and tomorrow assigned, pending Enactment.)

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

An Act Relating to Service and Attendance in State Military and Naval Forces. (H. P. 869) (L. D. 1111)

An Act Relating to Bond for Excise Tax for Malt Liquor Sold by Wholesalers. (H. P. 874) (L. D. 1117)

An Act Providing for a Statutory Agent for Foreign Domiciled Carriers Purchasing Semitrailer Plates. (H. P. 1085) (L. D. 1330)

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.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair at this time would like to ask the Senator from Cumberland, Senator Berry, to be escorted by the Sergeant-at-Arms to the podium to be President pro tem for the remainder of the session.

Thereupon, the Sergeant-at-Arms escorted Mr. Berry to the rostrum where he assumed the duties of President pro tem.

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

Mr. BELIVEAU of Oxford: Mr. President, I move that this Bill, An Act Repealing Certain Procedure for Registration of Voters, House Paper 628, Legislative Document 816, be indefinitely postponed.

We discussed it at length last week and outlined our reasons why we opposed this bill. Very briefly, this would repeal the law that was enacted in '65 which permits registration of voters by justices of the peace and notaries public. It is, in my opinion, a very progressive piece of legislation - that is, the

law is a very progressive law, it was badly needed, and it has not been abused to the extent that certain people suggest.

I also request a roll call, Mr. President.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that Item 8-9, L. D. 816, be indefinitely postponed. A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford that the Bill be Indefinitely Postponed.

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

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

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

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

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

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

Constitutional Amendment

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

Comes from the House having failed of Final Passage.

This being a Constitutional Amendment and having received the affirmative votes of twenty-four Senators, with six Senators having voted in the negative, and one Senator absent, was Finally Passed.

Sent down for Concurrence.

Orders of the Day

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

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

Tabled — March 26, 1969 by Senator Martin of Piscataquis.

Pending — Passage to be Engrossed.

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

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

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

Tabled — March 27, 1969 by Senator Stuart of Cumberland.

Pending — Consideration.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to take just a minute to explain what our problem is with this bill, and I take the time because I need some help.

This is a department bill which was sponsored by Senator Cianchette, and it came out of the Health and Institutional Services Committee nine to one Ought to Pass. It then went to the House where they had a change of heart, at least the Committee members did, and they reversed it and accepted the minority report.

Now, this is a bill that I understand was before the 103rd Legislature. It used up a lot of time and it was very, very troublesome. It ended up in a committee of conference and was killed.

Now, it is an amendment to the Eating Place Licensing Law, and it does two things. It inspects certain establishments where, as I understand it, pizzas and Italian sandwiches are made and taken out. Any place where food is eaten on the premises is inspected, but if food is taken out - and there are two or three hundred of these places. Now, the problem is be-

cause Dr. Fisher assures me these places are not inspected and should be, and other people tell me that they have gone into these places and found certificates that they are inspected. So it is a matter of believing and having confidence in our department head. For three months now I have defended this man, and he is under a lot of criticism, so I have about reached the end of my tether on this.

The other thing this L.D. does is that it changes the maximum fee for inspecting, and this is the big difficulty. Now, Dr. Fisher says he needs this money. It has been \$15, and it was increased to \$50 as a maximum, but we worked out a graduated scale. We spent a lot of time on it and it seemed to me it was fair. A large place, like the Eastland Hotel, say, in Portland, could afford to pay \$50, and then it goes away down to \$5 for the smaller ones. But the problem comes when some people just don't want to pay the fee, because they are paying \$15 now and they don't want to pay \$40. But Dr. Fisher says that if this bill doesn't pass then he is just not going to be able to inspect these places. Now, he is not going to be able to inspect these places that I mentioned before, where they take the food out, and he is going to have to cut down on inspecting all the places, because it costs more to keep the inspectors on the road, and they have had increases in salary. So, we don't know where to go from here.

Some people say they don't need any more money, and the inspectors don't really do a good job anyway, so, I take your time because I need your help. We can insist and have a committee of conference on this, but I am afraid it will be defeated, and I, for one, am thinking of the people. And I don't want to eat in any restaurant that hasn't been inspected in the last two or three years. If you believe Dr. Fisher, that is what it is coming to.

The bill is rather irritating to me. Sometimes I just want to move to indefinitely postpone it. I feel that if we table it until a week from now we won't be any further along than we are now.

So, since I am a freshman here, and others have more knowledge of this problem than I, I would hope that someone would move to either table it or indefinitely postpone it.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am pleased to fall in with the latter suggestion that we move to indefinitely postpone. I agree with the Senator, I mean, \$50 is a lot of money to raise from \$15, and these pizza places do need inspection. So, if they take that \$50 out of there, and keep it down to \$15, because these inspectors are going right by their doors, and it is too bad to put on a heavy fee like that, but \$50 is a lot to charge these people. Besides, these pizzas can't be so awfully dirty because they are cooked at 500 degrees - it is only a few minutes, but most anything that you put into that pizza oven and cook it at 500 degrees is going to come out sterile, and it isn't going to hurt anybody very much.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate recede and concur.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: Having socially and otherwise had a great deal of contact with the distinguished Senator, Senator Stuart, and knowing him to be one of the most able and most conscientious men in this Senate, if there is a doubt, as there is a doubt, I certainly would follow his recommendation.

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

Mr. HOFFSES of Knox: Mr. President, I merely pose a question through the Chair to the good Senator from Cumberland, Senator Stuart: Would he care to make an estimate on what the price tag would be on this legislation?

The PRESIDENT pro tem: The Senator from Knox, Senator Hoffses, has posed a question

through the Chair to the Senator from Cumberland, Senator Stuart, who may answer if he so wishes.

The Chair recognizes that Senator.

Mr. STUART: Mr. President, I have no idea what the price tag is, but I would like to state to the good Senator from Franklin, Senator Mills, that if you look at the L. D. it looks as though we are increasing this from \$15 to \$50, but I would remind you that the bill has an amendment and we have a graduated fee scale, so not everyone - it seemed to me that perhaps he thought that everyone was paying \$50, and very few are paying anywhere near that. This amendment lists the eating places having up to ten seats, and lodging places with one to three rooms, and camps and vending machine establishments, and for each one there is a fee. It seems like a very fair schedule to me.

I also would like to say that the pizzas may come out of an oven at 500 degrees, but it is the Italian sandwiches that I worry about more than the pizzas.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate recede and concur.

The Chair recognizes that Senator.

Thereupon, on motion by Mr. Mills of Franklin, tabled and tomorrow assigned, pending the motion by that Senator that the Senate Recede and Concur.

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

HOUSE REPORT — Ought to Pass in New Draft under same Title (H. P. 1087) (L. D. 1341) from the Committee on Transportation on Bill, "An Act Providing for Transportation of Passengers in Units of Trucking Equipment on a test Basis." (H. P. 247) (L. D. 302)

Tabled — March 27, 1969 by Senator Barnes of Aroostook.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft under same Title Report of the Committee was Accepted in concurrence, the Bill

in New Draft Read Once and tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Education of Indians." (H. P. 531) (L. D. 702)

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

Pending — Passage to be Engrossed.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act Relating to State Historians." (H. P. 710) (L. D. 924)

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 10, 1969, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 289) (L. D. 365)

Tabled — March 28, 1969 by Senator Barnes of Aroostook.

Pending — Adoption of Senate Amendment "A" Filing S-55.

On motion by Mr. Barnes of Aroostook, retabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

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

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

Tabled — March 28, 1969 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President pro tem laid before the Senate the eighth 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 28, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Moore of Cumberland to Indefinitely Postpone Bill and Report.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document, apparently, as I recall the debate last week on this, the primary objection seemed to be to the Amendment which would provide for conjugal visits from the various penal institutions. You will note that this is under Filing No. House Amendment 101, which provides for family conjugal visitations, in addition to the other provisions in the bill.

Now, aside from the amendment this is a Bill which has received the support of the Department, which provides very briefly that individuals who are within our penal or correctional institutions may be released from one of these institutions, whether it be from the Men's Correctional Center or the State Prison, and be permitted to participate in the work release program. The real substantive change you will find in the second paragraph, Section 527 of the bill, which permits the head of the department to grant an inmate or prisoner a furlough from the institution for not more than ten days to visit a dying relative or attend a funeral of a relative, or to contact a prospective employer, and also to obtain medical services. And, of course, the amendment is then added which would extend this to family or conjugal visitations. The rest of the bill is concerned with imposing sanctions upon people and so forth.

Now, I can see some of the reason behind the vocal objections to the amendment. But I fail to see, and I don't recall any debate or any discussion in opposition to the bill itself, because I think it is undisputed and cannot be denied the need for these various furloughs. Although I didn't attend the committee hearing, and although this is not my bill, I'm familiar with some of the arguments presented in favor of the document. That is, where individuals are incarcerated for an extended period of time, particularly in our State's Prison, and when they are about to be released, either on parole, which most of them are released, of course, on parole, that they be permitted to visit with a prospective employer to prepare for the transition from this life of confinement to society. This has been used in other states and has been very successful. A penologist concluded this is very good therapy for these people.

Now there is no provision in our laws also for individuals to be released to visit a dying relative. This is a discretionary matter with the department head. He will make a judgment as to how long an individual, or the inmate, will be permitted to leave and how long he may remain at the home of a dying relative. Again, this is discretionary, the need is here, it is present, and it has been used in other states and very effectively. And this, of course, extends to the other argument. So, I would suggest briefly, and not to delay this any longer, that we oppose the pending motion to indefinitely postpone and, if the prime objection as it appeared to be is with the amendment, that, in turn, we move indefinite postponement of the amendment, but accept the bill in its present form, because, again, I don't recall anyone advancing any argument in opposition to the bill itself. I would urge members of this body to vote against the pending motion and, in turn, we can make arrangements to defeat the amendment. And I would request a division on the vote.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I will agree that this bill would be less obnoxious if that amendment was removed, but it still would be very obnoxious to me. I don't approve of this type of legislation. I believe in trying to protect the law-abiding citizens, and the fellow that has got himself in prison or some other place, I haven't any sympathy for him. I hope you will go along with my motion to indefinitely postpone the Bill and Report.

The PRESIDENT pro tem: the question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Bill and Report be indefinitely postponed. A division has been requested.

All those in favor of indefinite postponement will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby it adopted House Amendment "A". House Amendment "A" was subsequently indefinitely postponed and the Bill Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to University of Maine at Portland to Study Preservation of Building. (S. P. 423)

Tabled — April 1, 1969 by Senator Hoffses of Knox.

Pending — Passage.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This order is designed to help, if it is possible to help, the preservation of a barn structure

that is on the University of Maine's Campus in Portland. The campus in Portland is on a former farm land which, as the order states, is the old Deering Estate. The barn is, I believe, it was around 1800 when it was built.

I am quite familiar with the surroundings, having lived in the neighborhood for quite a while, and it has come to my attention that with the completion of the new gymnasium that there is indications that the barn would be demolished and, because of that, it would seem to me that we are losing an opportunity to preserve a structure which might have architectural value and which nothing would be lost by deterring a demolition of it. If a group of individuals did want to use the barn for some other purpose, such as moving it away or moving it over to another section of the campus on which it could be used, I would certainly see no reason why that shouldn't be done.

We do have a group in Portland called "Landmarks, Inc.", which is funded through the Federal Government, and which is looking at various structures in the Model Cities Area of Portland, and I have been endeavoring to contact some of these people in the last days, without too much success, to see what their situation is, so they could look at this building and give us some indication of whether it should be saved and how it could be saved.

So actually all the order does — it doesn't interfere with the running of the University at all — the building is not used; it's in the middle surrounded by other brick buildings — it doesn't try to substitute our judgment for anyone else's, but it merely sets forth and gives some authenticity to a group from the Legislature to show an interest in the building and, if it does have some merit, give it to some group that would save it. There is absolutely no appropriation involved in this matter, so I would hope the order would pass.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I have no notion as to the

validity or not on this approach but before we set up an ad hoc committee, I have a feeling that perhaps I would like to make a brief investigation as to what has been done so far and how pressing this question is. I hope this matter will be tabled, at least for today's session.

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

Mr. HOFFSES of Knox: Mr. President, I move that this lie upon the table until one week from today, April 9th.

The PRESIDENT pro tem: the Senator from Knox, Senator Hoffses, moves that this item be placed upon the table until April 9th. Is this the pleasure of the Senate?

For what purpose does the Senator arise?

Mr. GORDON of Cumberland: Mr. President, I would request a division on that tabling motion.

The PRESIDENT pro tem: A division has been requested. All those in favor of the tabling motion will rise and remain in their places until counted. All those opposed to the tabling motion?

A division was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed, and the Joint Order was retabled and specially assigned for Wednesday, April 9, 1969, pending passage.

The PRESIDENT pro tem: The Senate is proceeding under Orders of the Day.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, is the Senate in possession of Bill, "An Act Increasing Compensation of Members of Board of Hairdressers," House Paper 227, Legislative Document 283?

The PRESIDENT pro tem: The Chair will answer in the affirmative, this item having been held at the request of the Senator.

Thereupon, on motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action whereby the Bill was passed to be engrossed.

On further motion by the same Senator, tabled and specially assigned for Friday, April 4, 1969, pending Passage to be Engrossed.

On motion by Mr. Letourneau of York, the Senate voted to take from the table the seventh tabled and unassigned matter:

Bill, "An Act to grant Certain Changes in the Government of the Town of Sanford." (H. P. 194) (L. D. 248)

Tabled — March 5, 1969 by Senator Letourneau of York.

Pending — Passage to be Engrossed.

Thereupon, on further motion by the same Senator, and under suspension of the rules, the Senate

voted to reconsider its action whereby Committee Amendment "A" was adopted.

The same Senator then moved that Committee Amendment "A" be indefinitely postponed.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for Wednesday, April 9, 1969, pending the motion by Mr. Letourneau of York that Committee Amendment "A" be indefinitely postponed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.