

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

Thursday, April 3, 1969

Senate called to order by the President.

Prayer by Rev. John C. Wana-maker of East Winthrop.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects." (H. P. 497) (L. D. 651)

In the Senate March 26, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-50), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-50), as Amended by House Amendment "A" (H-144) thereto, in non-concurrence.

On motion by Mr. Conley of Cumberland, the Senate voted to Insist and request a Committee of Conference.

Non-concurrent Matter

Bill, "An Act to Provide a Uniform Fiscal Year for Municipalities." (H. P. 98) (L. D. 106)

In the Senate January, 30, 1969, Leave to Withdraw Report Read and Accepted in concurrence.

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

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

Joint Order

WHEREAS, Warrant Officer Bard E. Davenport, 22 year old son of Arthur and Delcena Swett Davenport, Jr. of Wilton, was attached to the Armed Forces in Vietnam and

WHEREAS, on March 27, 1969 Officer Davenport died in the line of duty while under enemy fire and in the service of his country; and

WHEREAS, this family above all others prays for peace, for they must suffer and bear the deepest wound and scar of war; and

WHEREAS, the State of Maine has contributed her full share of

fighting men whose indomitable courage, valiant efforts and sacrifice in Vietnam defy any faith or duty to mankind; now, therefore, be it

ORDERED, the Senate concurring, that the 104th Legislature hereby tenders its deep sympathy to the members of the family of this valiant soldier in their sad bereavement; and be it further

ORDERED, that this Joint Order become inscribed as a permanent part of the legislative records of the State of Maine and that the Secretary of the Senate transmit an engrossed copy thereof to the parents of the deceased. (H. P. 1102)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Orders

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish additional wrappers and postage stamps for each member of the Senate and House, not exceeding \$12.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State; and be it further

ORDERED, the House concurring, that the members of the Legislature be furnished with additional express and parcel post transportation for all packages and department reports in a sum not exceeding \$6.00 for each member, the privilege granted to be a personal privilege not to be exercised by anyone other than the member and that such transportation be furnished and expended under the direction of the Secretary of the Senate and the Clerk of the House, respectively, and the unexpended balance at the close of the year 1969 shall be available for use in 1971. (S. P. 425)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports
House
Ought Not to Pass

The Committee on Taxation on Bill, "An Act Relating to Property Tax Credits for Veterans." (H. P. 533) (L. D. 704)

Reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Gambling Apparatus, Burglar Tools, Lottery Tickets and Equipment Used to Counterfeit Money." (H. P. 733) (L. D. 951)

Reported that the same Ought Not to Pass.

The Committee on Taxation on Bill, "An Act to Exempt Certain Totally Disabled Veterans from a Portion of Real Estate Taxation." (H. P. 745) (L. D. 963)

Reported that the same Ought Not to Pass.

The Committee on Transportation on Bill, "An Act Relating to Signs on Slow Moving Vehicles." (H. P. 1057) (L. D. 1388)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted, in concurrence.

The Committee on Towns and Counties on Bill, "An Act Creating a Second Assistant County Attorney for the County of York." (Emergency) (H. P. 302) (L. D. 378)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Recommended to the Committee on Towns and Counties.

Which report was Read.

(On motion by Mr. Logan of York, tabled and specially assigned for Wednesday, April 9, 1969, pending Acceptance of the Committee Report.)

Ought to Pass

The Committee on Education on Bill, "An Act Relating to Secondary School Tuition." (H. P. 720) (L. D. 938)

Reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act to Pro-

vide Social Security Rights to Firemen." (H. P. 880) (L. D. 1123)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act To Incorporate the Town of Bowdoin School District." (Emergency) (H. P. 888) (L. D. 1147)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Confering Degrees by Ellemosynary, Inc." (H. P. 924) (L. D. 1185)

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 Education on Bill, "An Act Relating to Secondary School Tuition." (H. P. 373) (L. D. 482)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-138).

The Committee on Judiciary on Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (H. P. 603) (L. D. 784)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-142).

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Hunting Licenses." (H. P. 688) (L. D. 888)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-139).

The Committee on Inland Fisheries and Game on Resolve, Relating to Fishing in Robbins Pond, Aroostook County. (H. P. 767) (L. D. 987)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-140).

The Committee on Judiciary on Bill, "An Act Relating to Support of Children by Parent Who Does Not Have Custody." (H. P. 933) (L. D. 1194)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-141).

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

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

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 12) (L. D. 12)

Reported that the same Ought to Pass.

Signed:

Senators:

LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

WATSON of Bath
D'ALFONSO of Portland
RIDEOUT of Manchester
STARBIRD of Kingman

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MARSTALLER
of Freeport
DENNETT of Kittery
DONAGHY of Lubec

Comes from the House, The Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-146).

Which Reports were Read.

On motion by Mr. Berry of Cumberland, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

Five members of the Committee on Natural Resources on Bill, "An Act to Prohibit the Sale or Use of the Chemical Compound Known as DDT." (H. P. 1) (L. D. 1)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

BERRY of Cumberland
REED of Sagadahoc

Representatives:

JAMESON of Bangor
COFFEY of Topsham
EUSTIS of Dixfield

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

SEWALL of Penobscot

Representatives:

BROWN of York
SNOW of Caribou
HARDY of Hope

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

Which Reports were Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill and a companion one coming out of the Natural Resources Committee deals with the problem of the use of DDT. This bill is the bill that would flatly prohibit the use of DDT by name, and the next bill which will come along, in a new draft form, will beef up the powers of the Pesticides Board and give them the right by their rules and regulations to ban DDT.

At the hearing all conservation interests were well represented, and I believe that we had everybody speak on the subject from divergent viewpoints. The main objection to a flat prohibition on the use of DDT is that this is only one of many new pesticides which are coming along, and it is difficult, it would be perhaps useless, to flatly prohibit DDT when somebody can go in a store and buy and commercially apply worse pesticides. Consequently, the practical solution seems to be to give

the Pesticides Commission discretionary power.

However, the report was signed by myself and the other members on the Majority Report favoring an expression of opinion that the continued use of DDT is a bad practice so that the record will show and guide the Pesticides Commission to this extent. I want to explain this so the Senate will not think that we are contradictory in our positions.

Mr. President, I would move that we accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Minority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Certain Disqualifications Under the Employment Security Law." (H. P. 565) (L. D. 746)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-131).

Signed:

Senators:

PEABODY of Aroostook
TANOUS of Penobscot
BELIVEAU of Oxford

Representatives:

McTEAGUE of Brunswick
HUBER of Rockland
GOOD of Westfield
BEDARD of Saco
CASEY of Baileyville

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

Signed:

Representatives:

HASKELL of Houlton
DURGIN of Raymond

Comes from the House, the Majority Ought to Pass as Amended by Committee Amendment "A" (H-94) Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-131)

Which Reports were Read and the Majority Ought to Pass, as

Amended, Report of the Committee Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing H-94 was Read and Adopted in non-concurrence. House Amendment "A", Filing H-131, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby Committee Amendment "A" was adopted and, on further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed in concurrence. Subsequently the Bill, as Amended, was tomorrow assigned for second Reading.

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Reclassifying Prestile Stream of the Meduxnekeag River Basin." (H. P. 478) (L. D. 632)

Reported that the same Ought to Pass in New Draft Under Title of: "An Act Reclassifying Waters of the St. John River Basin." (H. P. 1096) (L. D. 1414)

Signed:

Senators:

BERRY of Cumberland
REED of Sagadahoc
SEWALL of Penobscot

Representatives:

BROWN of York
JAMESON of Bangor
EUSTIS of Dixfield
HARDY of Hope

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

Signed:

Representatives:

COFFEY of Topsham
SNOW of Caribou

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

Which Reports were Read and the Ought to Pass in New Draft under New Title Report of the Committee Accepted in non-concurrence, the Bill in New Draft under New Title Read Once and tomorrow assigned for Second Reading.

Divided Report

Five members of the Committee on Election Laws on Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections." (H. P. 724) (L. D. 942)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-129).

Signed:

Senators:

KATZ of Kennebec
ANDERSON of Hancock

Representatives:

PORTER of Lincoln
MacPHAIL

of Owls Head
HENLEY of Norway

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

LETOURNEAU of York

Representatives:

VINCENT of Portland
CARTER of Winslow
GIROUX of Waterville
BOUDREAU of Portland

Comes from the House, Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-129) Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which Reports were Read.

On motion by Mr. Anderson of Hancock, Report "A", Ought to Pass as Amended by Committee Amendment "A", 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.

Divided Report

Five members of the Committee on Inland Fisheries and Game on

Bill, "An Act Repealing the Bounty on Bobcat." (H. P. 34) (L. D. 35)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

HOFFSES of Knox
MARTIN of Piscataquis

Representatives:

THOMPSON of Belfast

LEWIN of Augusta

GAUDREAU of Lewiston

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

ANDERSON of Hancock

Representatives:

BOURGOIN of Fort Kent

ROCHELEAU of Auburn

KELLEY of Southport

PORTER of Lincoln

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

Which Reports were Read.

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

Mr. HOFFSES of Knox: Mr. President, I move that we accept the Ought to Pass Report of the Committee and I would speak briefly to my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves the Senate accept Report "A", Ought to Pass, of the Committee.

The Chair recognizes the same Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: This is a bill which has been before the Legislature on several occasions in the past. It is the one and only bounty which the State of Maine is now paying on a predator animal. It might be interesting to note that the bounties paid by the Fish and Game Department on bobcats since 1920, has been in excess of over one-half million dollars. This is one-half million dollars which the Fish and Game Department could have used to a very good advantage by the employment of more game wardens to protect our fish and wildlife, and to preserve and to make available better hunting for all of our resident and non-resident hunters alike.

I would hasten to say that there is no question but what bobcats kill deer; we know they kill deer. However, we have other enemies of the deer herd, namely: the poacher and the family dogs which

roam the woods through the wintertime.

A very recent situation came to my attention down in my area this past week, where the carcasses of five deer have been found slaughtered, not by bobcats, but by somebody's family dogs. I believe that the money which we have been expending to pay for these bounties could and should have been paid for warden service to protect these deer against these dogs, which may be the family pets, but yet when they are turned loose in the morning, or if permitted to roam throughout the day and night, they prey upon our deer herds when they are at a great disadvantage with the deep snow. As they endeavor to escape the dogs they cut through the snow and are bogged down and the dogs, which can easily run over the crust, can overtake them, and they slaughter the deer in far greater numbers than the department itself or any one of us as individuals are aware.

The bobcat was put on this earth for a particular purpose. I believe if we are going to make laws permitting bounties on these animals that we are going contrary to the law of nature. I would certainly hope that the members of this Legislature in their wisdom would vote in favor of this bill and outlaw this very archaic method of attempting to control nature and to control the population of bobcats we have here in this State.

Now, there are bobcat hunters down in my area. They have urged me to vote in favor of this bill. They like to go bobcat hunting and they say they could care less about the bounty. It is the sport they enjoy, and they certainly hope that we can do away with this, as I mentioned before, archaic method of trying to control one of our natural animals that we have in the woods. And I would urge the members of this Senate to vote in favor of the Ought to Pass Report of this Committee. When the vote is taken I would ask that it be taken by a division.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: It disturbs me to oppose my good friend and committee colleague, the Senator from Knox, but I have no other choice. He is just as honest in his convictions that the bounty on bobcats should be removed as I am that it should be retained. He believes that it is money thrown away, money that could be used in other areas of conservation by the Fish and Game Department. I believe that it is money well spent. A conservation measure, if repealed, would be calamitous to the State's economy.

Let's look at some figures affecting the bounty on cats over the years. They are interesting to me, and I trust they will be to you. Away back in 1832, 135 years ago, a bounty of one dollar was paid on bobcats. That one dollar then would undoubtedly be comparable to fifteen dollars today. In 1897 the bounty was two dollars. In 1913 it was raised to four dollars. In 1919 it went to ten dollars. It held this figure until 1931, when it was raised to twenty dollars. In the years 1931 and 1932 bounties were paid on 1,857 cats, an all-time high. In 1936 the bounty was dropped to fifteen dollars, and has remained at that figure up to the present time. In 1963 and 1964 bounties paid reached another 1,251. It then dropped to 800 in 1965, and 674 in 1966. In the last twelve years, '56 through '68, bounties were paid on 9,378 cats.

The Department of Inland Fisheries and Game, by their own admission, placed a \$300 value on every deer in our herd. This figure is arrived at from the sale of resident and non-resident licenses and from the necessities and luxuries that go hand in hand with the sport of deer hunting. It is estimated that a full-grown cat will kill on an average of six deer a year. Now, I ask you if the expenditure of fifteen dollars to save an \$1,800 investment isn't good business? You know, there must have been some brilliant legislators over the many, many years this bounty has been paid. Doesn't it seem strange to you that it wasn't repealed if it wasn't doing the job?

Fred G. Smith, one of the greatest bobcat hunters that ever strapped on a snowshoe, and certainly one of the most dedicated wardens that ever went into the field for the Fish and Game Department, passed away last week at his home in Ellsworth. For years Fred was a familiar figure at committee hearings in opposition to threatened repeal of the bobcat bounty. He had seen first-hand the havoc wrought on the deer population by the killer bobcat.

Another gentleman who undoubtedly knows more about the habits of wild animals than any other person in the state is Gene Letourneau, writer of the wildlife column. Gene knows whereof he speaks. I cut out a little clipping from the paper yesterday. It seems there was a bobcat right in the outskirts of the City of Waterville. I'm not going to read the whole thing, but he says, "three days earlier we had followed one wildcat some five miles, came upon a deer it had killed, then finally caught up with it. By that time the snow was settling. Belle, the hound, was tired. We finally dragged our way back to the jeep."

Another game warden and a supervisor in Washington County sent me a picture of five bobcats that had been skinned out and he says, "They are covered with fat." He says, "They didn't get that way living on red squirrels and rabbits." I heartily agree with him.

Now, is it possible that all these sportsmen who follow the wilderness trails can be wrong? My hat is off to the Eastbrook Fish and Game Association who, aside from the State bounty of fifteen dollars, pays a five-dollar bounty to any club member who brings in a cat destroyed in Hancock County. I just wonder if there is any other club in the State that can top that.

Contributing factors in our diminishing deer herd, aside from bobcats, are the despicable poacher who robs posterity and steals from the honest sportsman who buys a deer license, deer killed by automobiles and trains, wounded deer that crawl away and die, the hunter who still goes on killing until he gets one down, dogs-

running at large killing hundreds of deer each year, deep snow that hinders mobility in search of food and leaves them easy prey for cats. Put these factors all together and you wonder how this game animal has ever survived extermination.

Mr. President and Members of the Senate, I ask you to join with me in preserving this noble animal. Save him for posterity, for our children and our children's children, that they may see him in the living flesh in his natural setting in the forests of our beloved State of Maine. Thank you.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The good Senator from Knox points his finger at dogs, and rightly so, but he seems to want to let the bobcats go free. Now maybe we should have a bounty on dogs, but obviously we can't do that. I can't see — if he is consistent, he certainly should have the bounty on the bobcat, which is an animal we can try to retard.

Now, also he talks about nature and letting nature take its course with these animals. The inference I draw is that God has put these animals on earth, and we should let them multiply and let them go and maybe have some sport in shooting them. To follow that to a conclusion, then we should let the rats go, and if we want to shoot them then go in the dump and shoot the rat, but just let the rats multiply. And I know the good Senator doesn't believe that. So I do hope that the Senate will go along and support Senator Anderson in his position on this bill.

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

A division has been requested. As many as are in favor of accepting Report "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty - one Senators having voted in the affirmative and ten Senators having voted in the negative, the motion prevailed, and Report "A", Ought to Pass, of the Committee was Accepted in non - concurrence.

Thereupon, the Bill was Read Once and tomorrow assigned for Second Reading.

Leave to Withdraw

Mr. Letourneau for the Committee on Election Laws on Bill, "An Act Permitting Absentee Voting for Town of Sanford." (S. P. 359) (L. D. 1223)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

**Leave to Withdraw
Other Legislation**

Mr. Greeley for the Committee on Health and Institutional Services on Bill, "An Act Relating to Selling Certain Drugs." (S. P. 266) (L. D. 870)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Minkowsky for the Committee on Health and Institutional Services on Bill, "An Act Revising the Laws Relating to the Practice of Dentistry." (S. P. 264) (L. D. 868)

Reported that the same Ought to Pass.

Mr. Stuart for the Committee on Health and Institutional Services on Bill, "An Act Relating to Solicitation of Eye Services and Appliances." (S. P. 265) (L. D. 869)

Reported that the same Ought to Pass.

Which report were Read and Accepted and the Bills Read Once and tomorrow assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Night Hunting for Migratory Game Birds." (H. P. 191) (L. D. 231)

Bill, "An Act Providing for Complimentary Fishing Licenses for Blind Persons." (H. P. 765) (L. D. 985)

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

Bill, "An Act Providing for Transportation of Passengers in Units of Trucking Equipment on a Test Basis." (H. P. 1087) (L. D. 1341)

(On motion by Mr. Barnes of Aroostook, temporarily set aside.)

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

On the matter previously set aside on motion by Mr. Barnes of Aroostook, Bill, "An Act Providing for Transportation of Passengers in Units of Trucking Equipment on a Test Basis," (H. P. 1087) (L. D. 1341), that same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-60, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non - concurrence.

Sent down for concurrence.

House - As Amended

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)

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)

Bill, "An Act Relating to the Effective Date for Game Laws." (H. P. 632) (L. D. 820)

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

Bill, "An Act Repealing An Act Setting Off Lands from Hartland to Pittsfield." (H. P. 239) (L. D. 294)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants and Water Distribution Systems." (S. P. 317) (L. D. 1031)

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

Sent down for concurrence.

Orders of the Day

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

SENATE REPORT — Ought Not to Pass from the Committee on Election Laws on Bill, "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Dates." (S. P. 66) (L. D. 188)

Tabled — March 27, 1969 by Senator Anderson of Hancock.

Pending — Acceptance of Report.

On motion by Mr. Anderson of Hancock, retabled and specially assigned for Thursday, April 10, 1969, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" Filing H-120 from the Committee on Transportation on Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 398) (L. D. 508)

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

Pending — Acceptance of Report.

On motion by Mr. Peabody of Aroostook, retabled and specially assigned for Thursday, April 10, 1969, pending Acceptance of the Committee Report.

The President laid before the Senate the third 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, Bill, "An Act Regarding the Membership of School Committee and Boards of School Directors." (H. P. 1088) (L. D. 1342)

Tabled — March 28, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for Wednesday, April 9, 1969, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Timely Mailing of Tax Reports and Returns." (S. P. 282) (L. D. 915)

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

Pending — Enactment.

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

Mr. HOFFSES of Knox: Mr. President, I yield to the good Senator from Washington, Senator Wyman.

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

Mr. WYMAN of Washington: Mr. President, I present Senate Amendment "A" and move its Adoption and, in support of that, say that merely corrects some technical changes which the State Tax Assessor requested we make.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves the Senate suspend the rules and reconsider its action on Bill, "An Act Relating to Timely Mailing of Tax Reports and Returns," whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, Senate Amendment "A", Filing No. S-64, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Tax on Pari-Mutuel Pools on Harness and Running Horse Racing." (H. P. 417) (L. D. 528) Report "A", Ought to Pass in New Draft under same Title (H. P. 1086) (L. D. 1331) Report "B", Ought Not to Pass.

Tabled — April 1, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" Filing H-109 from the Committee on Business Legislation on Bill, "An Act Relating to Compensation of Electricians Examining Board and Membership and Compensation of Oil Burner Men's Licensing Board." (H. P. 505) (L. D. 676)

Tabled — April 1, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Logan of York, retabled and specially assigned for Thursday, April 10, 1969, pending Acceptance of the Committee Report.

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

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

Tabled — April 1, 1969 by Senator Gordon of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Gordon of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A", and the same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-62, to Committee Amend-

ment "A" was Read and Adopted and, subsequently, Committee Amendment "A", as Amended, was Adopted.

Thereupon, the Bill, as Amended, was passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 2, 1969 by Senator Mills of Franklin.

Pending — Consideration.

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

Mr. MILLS of Franklin: Mr. President, a parliamentary inquiry: Would the President please have the Secretary give us the present status of this matter?

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

The SECRETARY: In the Senate, March 27, 1969, Report "A", Ought to Pass in New Draft, read and accepted and the Bill, in new draft, subsequently passed to be engrossed. Comes from the House, Report "B", Ought Not to Pass, read and accepted in non-concurrence.

Mr. MILLS: Mr. President and Members of the Senate: I was on the Committee or, rather, I introduced the bill. This is a bill to designate tourmaline as the official mineral of the State and granite as the official rock of the State.

The committee reported it out taking the granite or taking the rock out of it, taking granite out, and leaving tourmaline in. Then the other body didn't seem to go along with anything in this regard. Tourmaline is a very precious mineral and a very distinguished characteristic mineral in Oxford County and, whereas Item 9 on the calendar today puts us into conflict to quite an extent with certain of those from Oxford County, on Item 8, which we are discussing now, we are very sympathetic with them, and we want to emphasize our agreements wherever possible in the interests of harmony. We do want to keep tourmaline as the

mineral for the State, and we would like to hear from the Committee - or anyone who doesn't think so or thinks what we feel, they should express themselves at this time, because we can't fathom the reasoning of the Committee in refusing to go along with naming tourmaline as the mineral.

I want to say that the source of this was from a very fine group of people who call themselves the "Rockhounds", and who are dedicated to discovering the minerals in the soil of the State, in the rocks of the State. They made a fine presentation at the hearing, and I think their request was unopposed. So it is puzzling to some of us, Senator Beliveau and myself, why this request should be denied. I think the Chickadee is the bird of the State, the Pine Tree is the tree of the State, and I am sure we have got a flower, we have got an official song, and we think tourmaline shouldn't be neglected in being the mineral of the State. We would like to hear from the Committee or anybody in opposition to this, because it is hard for us to understand what it can be.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: First might I say that I am very pleased with the generous comments of my friend from Franklin County, but I would like him to transfer his support from Item 8 to Item 9, if I could, and show his good faith in support of another project relating to Oxford County.

Very briefly, the bill provides for designating granite as the official State rock, and the Committee felt that this would be in conflict with what is frequently referred to as a New Hampshire rock, and the majority of us concluded that we should retain tourmaline in the bill and have it designated as the official mineral of the State.

It has been suggested that we have several other official designees for flowers, birds, songs, and also, I understand, that some member of the other branch has suggested that he intends to amend

this to provide for a designation of the official State bug — I don't know whether this would be particularly true. But tourmaline, as Senator Mills stated, is a gem or a mineral that is found in Oxford County and it has received recognition nationally and throughout the world. It is a very precious gem and one which can be found primarily in a certain section of Oxford County.

I didn't follow the Clerk's reading very carefully but, if it is in order, Mr. President, I would like to insist and ask for a committee of conference.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that the Senate insist and ask for a committee of conference on Item No. 8 on Page 8 of your calendar, "An Act to Designate an Official Rock and Mineral for the State of Maine."

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I hate to confess my ignorance, but I wonder if somebody could tell me what tourmaline looks like, what kind of a stone it is, and the coloring?

The PRESIDENT: The Senator from Hancock, Senator Anderson, asks a question through the Chair which any Senator may answer if he cares to.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, the tourmaline comes in many colors. Maine tourmaline is frequently thought of as a blue or green color, and it is on sale in fine jewelry stores everywhere, including the Capital City.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: As a matter of interest, I think the largest tourmaline, or one of the largest, in the world came from Pleasant Mountain, and at one time was in Kaizer Wilhelm's collection. I believe someone in Boston owns it at this time.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Oxford, Senator Beliveau,

that the Senate insist on its former action and ask for a committee of conference. Is this the pleasure of the Senate?

The motion prevailed.

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

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)

Tabled — April 2, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate reconsider its action of yesterday whereby this Resolve failed of enactment.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action of yesterday whereby this Resolve failed of final passage. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. KATZ of Kennebec: Mr. President, I now move the enactment of this Resolve.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: It is not my intention this morning to belabor this document for personal reasons, but for a reason I feel is justified.

Without reiterating to any degree on yesterday's presentation that items for Personnel Services, Contractual Services and Capital Expenditures that were originally part of the Androscoggin County Budget, but were deleted, that we may give a gift to a family service organization, I still feel, and implore your understanding and help, that I be allowed to place these previously stated items back into our budget in the form of an amendment. If I prevail, I am very grateful to each and every one of

you. If I don't, at least I know I have done what I believe is right in behalf of Androscoggin County and my constituents in District 14.

I request that this bill not be finally passed so that I might introduce Senate Amendment "B" under Filing No. S-61.

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

Mr. CONLEY of Cumberland: Mr. President, a question of parliamentary inquiry: The Majority Floor Leader, as I understand, made a motion to reconsider our action where we indefinitely postponed this bill, or failed to pass this bill yesterday. I believe the vote was taken on a roll call, and I question whether or not the Majority Floor Leader voted on the prevailing side.

The PRESIDENT: The Chair rules that on a motion to reconsider it is not necessarily the prevailing side that is necessary, but the majority, those who were in the majority. In the case of the vote taken yesterday the prevailing side was the minority position.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, this, I believe, will be the final scene of this extended act that we have been involved with for the last few days.

We discussed this at length yesterday afternoon with the members of our county and it appears that everyone is as adamant as they have been in the previous weeks.

I don't intend to oppose the enactment of this document any longer because I don't believe it will serve any useful purpose. But I do believe that the opposition and the delay which has resulted from preventing the enactment of this document has at least succeeded in focusing on this bill some of the problems that have existed for many years and will continue to exist unless we change the procedure for passing the county budgets. Again, I do not want to repeat all the arguments which I raised and presented yesterday and last week, but I think that we all recognize and appreciate now the

dilemma in which many of us find ourselves, and particularly the dilemma in which county officers, and particularly county commissioners, are in after they have prepared a very complex and lengthy budget document.

I understand that a member of the other body will be introducing an order requesting that the Legislative Research Committee review and examine this area with the hope that they will make certain suggestions and recommendations as to requiring public hearings on these very serious bills.

Again, I appreciate your patience and sympathy and, again, I do not intend to oppose it at this time, although there are several weeks between now and the end of the session, so you may find this document in another form haunting you sometime somewhere along the line, that is, if the Chair doesn't rule that it is not germane.

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

MR. MILLS of Franklin: Mr. President and Members of the Senate: It certainly is a welcome gesture on the part of the Senator to have changed his position in this matter. I want to say a word or two about the handling of this bill and the difference, I think, the difference from previous sessions which has been quite manifest to many of us.

Our county commissioners in my own county are so well entrenched in the idea that they have the last word on matters of this kind that they have asked for legal advice as to whether or not the delegation and the Legislature as a whole has any right to tamper with the budget which they prepared. To my knowledge, over the years, many, many years, no one has ever touched the budget that the county commissioners prepared and sent to the Legislature. They think that it is inviolate and we have no business touching it.

I appeared before the county commissioners two years ago at one of their December meetings and I was treated as though they just wondered what business I had to be there. They didn't say it in exactly those words, but that was

the general idea, but I did point out that I was on the Towns and Counties Committee and that the budget of the county would be coming before us as a committee. That year the budgets were taken, I think, swallowed whole, and this year the committee has made changes.

We have found that throughout the State these budgets are awfully high in some areas and they have been growing by leaps and bounds, and that it was certainly time that the Legislature stepped in and did something. In one county, my own county, as a matter of fact, the budget is less than \$200,000, but they had a contingent fund in there for both years of \$50,000, and that is the maximum that is allowed for any county, C u m b e r l a n d County, Kennebec, Penobscot, and so forth. And for our county, with a budget of less than \$200,000, to have the audacity to ask for a contingent fund of \$50,000 was just out of reason, and the delegation suggested the cut and the committee went along with it.

I hope that the suggestion of the good Senator, Senator Beliveau, that he just made, that this matter be seriously referred to the Research Committee for further study, is taken and that it is taken by the Research Committee. I know we have made studies of county government time and time again, and I think the Research Committee has had a hand in it. But this matter of fiscal control, we are just starting in with the line budgeting, and that is what has brought it to the fore this year. But if county government is going to be preserved, this Legislature needs to take a strong hand in seeing to it that it is done.

I am certainly thankful, and I know the committee is thankful, to the Senator for his very cooperative attitude.

The PRESIDENT: Is the Senate ready for the question? This Resolve, having had its two 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 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?

This being an emergency measure, under the Constitution, in order for its passage it requires the affirmative vote of at least two - thirds of the entire elected membership of the Senate. Will all those Senators in favor of this Resolve being finally passed rise and remain standing until counted? All those opposed will rise and remain standing until counted.

A division was had. Twenty - nine Senators having voted in the affirmative, and three Senators in the negative, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Taxation on Bill, "An Act Relating to Refund for Malt Liquor Excise Taxes." (H. P. 785) (L. D. 1018)

Tabled — April 2, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

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

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

Tabled — April 2, 1969 by Senator Kellam of Cumberland.

Pending — Enactment.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: This L.D. that is presently before us is "An Act Relating to Minimum Speed Under the Motor Vehicle Laws." It is originally stated: "Whenever any person operating a motor vehicle causes a line of 7 or more motor vehicles behind him, said operator shall at

the first reasonable opportunity turn to the right off the road or take other responsible action to allow other motor vehicles to overtake and pass safely."

We held the hearing down before the Legal Affairs Committee, and we held it for several days, and really couldn't make too much sense out of the bill, feeling that it would be kind of difficult for someone to keep looking behind them to see when they had seven cars before they pulled over, and it met its proper demise because it was reported out of the Legal Affairs Committee unanimously Ought Not to Pass.

Somehow or other, over in the other branch an amendment was prepared and they a p p a r e n t l y substituted the amendment — or they accepted the Minority Report and added the amendment to it — I am not sure just how it did get accepted, but the amendment is almost as innocuous as the original bill, and says "Minimum Speed Regulation—No person shall drive a motor vehicle as such at a slow speed as to impede the normal, reasonable movement of traffic, except when reduced speed is necessary for safe operation" and such. In looking this bill over the other day the Chairman of Legal Affairs, who at that time, I think, had been caught off-guard, had a mood to recede and concur with the House, and since that time the three Senate members of the Committee have discussed this and we have also consulted with the sponsor of the bill, and I think everybody would be very happy if it was again returned to its respective place, and I would move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Bill, "An Act Relating to Minimum Speed Under the Motor Vehicle Laws", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Indefinitely Postponed in non - concurrence.

Sent down for concurrence.

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

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

Tabled — April 2, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Beliveau of Oxford to Indefinitely Postpone the Bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Legislature took a calculated risk when it changed the law and decided to use a merchandising technique to register new voters and enroll them in the two parties. The merchandising technique involved the use of cards, the wholesale appointment of Justices of the Peace and Notaries Public, and it was a noble try. This bill says, in effect, that it doesn't work, and I oppose the pending motion for indefinite postponement. I would ask for a division on this motion.

The bill has caused the greatest amount of fraud and violations that I have ever witnessed in my time of being interested in politics. Voters have been registered and enrolled at the same time, and this is in violation of the law. If a voter happened to register and enroll in the wrong party, frequently his card was lost sometime between the time he enrolled and the time it got to city hall, or the city clerk's office and the board of registration. There have been registrations by mail. There have been registrations by runners, completely unauthorized runners, with subsequent "Verification by Notaries Public." There has been a fantastic increase in the number of Notaries Public and Justices of the Peace.

Gentlemen, we have tried a merchandising technique and it has caused flouting of the law and disrespect for the law, and I think we should repeal our previous action. I hope you will join me in opposing the motion for indefinite postponement.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Sen-

ate: In support of the pending motion I would like to briefly comment that in my opinion this is probably the most progressive piece of legislation regarding our election laws, which has been enacted in this document, in the last century. It extended the franchise to thousands of Maine voters who otherwise would not, either through disinterest or inability, become registered to vote or enrolled in either political party.

To say we should repeal this law because there are hundreds of new Justices of the Peace and Notaries Public is a very weak argument. To say that this law has been abused or that the law has been violated, I might only add that there are sufficient sanctions, and if people believe it has been abused or a crime committed, then the proper authorities should be notified. There are criminal sanctions attached to this law but, of the many people who say that this law has been abused, when asked "Why don't you report this or why don't you pursue this further and initiate criminal action?" they say "Oh, we don't want to bother to do this."

I say that if we repeal this law we will be depriving many thousands of people in this State of the right to be registered and enrolled in their party, and I would ask for a roll call again, Mr. President.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I am a little bit disappointed, because this is such a progressive piece of legislation, the bill that was passed, I believe, back in the 102nd Legislature. It was passed and, I feel, worked very effectively, particularly within the large areas of the State, namely the cities, and I speak mostly of Portland.

We have always had a great deal of difficulty getting people interested in what I think should be their No. 1 primary objective, and that is to become more interested and more active in the participation in local, state and national government. And I think it has always been the feeling of

everybody, and I think it is the feeling of all the members of this Senate here today, that they would like to see greater citizen participation within the government.

I feel that the repeal of that particular law that is now before us would be a drastic step backwards because within the cities, and again I speak mainly of the city that I come from, there is a tremendous gravitation of people moving to and from — moving throughout the entire city. And our board of registration has always made it a practice that when the census-takers every April go from door to door to locate who is who, and they return the names to the board of registration, if these people are not at their proper location they are automatically dropped from the registration rolls. I feel that its sole intent is to get again these people on the list so that they can feel they are a part of government.

A few years ago I had the good fortune of attending one of the American Heritage Foundation's sessions in Philadelphia. And the session was dealing with the concern of getting people more actively concerned with their local and state governments, particularly on the local level. They had a non-partisan committee, and I can recall some of those who were there, I remember Mayor Tate of Philadelphia was there and the Minority Leader of the House of Representatives in Congress, Gerald Ford, and the Democratic Committeeman was there, and many other people interested in government, and their main point again was to stress the point of getting people involved.

Now, the law itself spells out what can be done. The Majority Floor Leader feels there has been a large increase in the number of Justices of the Peace and Notaries Public, but this is the intent of the law, so that these people can do the job. The board of registration doesn't take the time to go out on the streets and enroll people, or I should say register people. The law prohibits the enrollment of people at the time that they

are registered door to door by J.P.'s.

Again, I think it would be terrible for us to try to send this thing back. If it is because of the political nature that the Majority Floor Leader feels that the Republican Party is not getting the benefit because there are so many people that are unregistered in the large municipalities, I will admit it is a lot easier for us to go out and get ten to one, there is no question in my mind about that because it would be foolish for us to think anything different. But let's call a spade a spade too, because in the rural areas of this State for years the board of registration always used to kind of look at the newcomer in town and tell him to drop down and they would take care of him. He didn't have to worry about where he was going to be registered or where he was going to be enrolled.

So I kind of look upon this entire legislation as perhaps Veto No. 1, and I would hate to see it go to the Governor's office.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Oxford, Senator Beliveau, that Bill, "An Act Repealing Certain Procedure for Registration of Voters," be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of the Senators present and voting. All Senators in favor of ordering a roll call will rise and remain standing until counted.

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

The Chair will state the question once more. The question is on the motion of the Senator from Oxford, Senator Beliveau, that Legislative Document 816, Bill, "An Act Repealing Certain Procedure for Registration of Voters," be indefinitely postponed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letour-

neau, Levine, Martin, Minkowsky, Reed, and Violette.

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

A roll call was had. Fourteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

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

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

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

Tabled — April 2, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Mills of Franklin to Recede and Concur.

On motion by Mr. Mills of Franklin, retabled and specially assigned for Thursday, April 10, 1969, pending the motion by that same Senator to Recede and Concur.

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

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

Tabled — April 2, 1969 by Senator Barnes of Aroostook.

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

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

Mr. **BARNES** of Aroostook: Mr. President, I yield to the good Senator from Cumberland, Senator Berry.

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

Mr. **BERRY** of Cumberland: Mr. President, I withdraw Senate Amendment "A", Filing No. S-55, and I present Senate Amendment "B", Filing No. S-63, and move its adoption, and I would speak briefly to it.

The **PRESIDENT:** The Senator from Cumberland, Senator Berry, offers Senate Amendment "B" to Bill, "An Act Relating to Sunday Sale of Liquor," and moves its adoption.

Senate Amendment "B", Filing No. S-63, was Read.

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

Mr. **BERRY:** Mr. President and Members of the Senate: It is almost a believe it or not, but there is only one word changed in this amendment, but it was felt for clarity purposes that the entire amendment should be done over. This is the complete Sunday Liquor Bill, and the word that was changed is about a third of the way up from the bottom at the end of the line, where the word was changed from "many" to "each." This was done on the advice of the Attorney General's office to clarify the section, and there is no other change at all. This is merely to clarify a point which could have been in doubt as to just what was meant, and I move its adoption.

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

Mr. **ANDERSON** of Hancock: Mr. President, I move the indefinite postponement of this L. D. and all accompanying papers.

The **PRESIDENT:** The Senator from Hancock, Senator Anderson, moves that the bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. **WYMAN** of Washington: Mr. President, I move that the vote be taken by the "Yeas" and "Nays."

The **PRESIDENT:** Is the Senate ready for the question? The question is on the motion of the Senator from Hancock, Senator Anderson, that House Paper 289, Legislative Document 365, Bill, "An Act Relating to Sunday Sale of Liquor," be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of the Senators pres-

ent and voting. As many members as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that House Paper 289, Legislative Document 365, Bill, "An Act Relating to Sunday Sale of Liquor," and all its accompanying papers be indefinitely postponed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Dunn, Greeley, Hanson, Hoffses, Mills, Peabody, Quinn, Reed, and Wyman.

NAYS: Senators Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Katz, Kellam, Letourneau, Levine, Logan, Martin, Minkowsky, Moore, Sewall, Stuart, Tanous, Violette, and President MacLeod.

A roll call was had. Eleven Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" was adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Berry of Cumberland was granted unanimous consent to briefly address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: Yesterday on our desks we found distributed a copy of a letter which I would bring to the attention of the members of the Senate and would like to spread on the record. I don't generally indulge in activities such as this because I think the time of this body is quite valuable, however, I consider this particular document of extreme significance. Its timeliness and its appropriateness to us here 149 years after it was written is, I am sure, quite apparent to all members of the Senate.

It was provided by our good friend, Fred Nutter, and is a copy of a document in the archives of the Maine Historical Society. I

would like to read it to you, as I say, primarily to get it in the record, and this appears to be the only way to do it. I know you will enjoy hearing me read it though because it is quite apropos. This was a letter to Governor King from a friend he had in Massachusetts. The date is May 14, 1820, from Dorchester, Massachusetts.

"Dear Sir,

"Having always felt a deep interest in the welfare of Maine and those whome its destiny is committed; I have taken the liberty of addressing you on this occasion.

"The eyes of the public are on you; the part taken by you in the Separation of Maine from Massachusetts and in the formation of the Constitution for the New State, leads us to expect much from you.

"I congratulate you and the people, on the result of the election, which placed you at the head of the Government of Maine, where you have it in your power to do so much for the welfare of the people and establish for yourself imperishable fame.

"Of what avail is a good Constitution, if the Government be bad? 'Tis the administration which is to prove a blessing or curse to the people. I am aware of difficulties which will beset you, in the organization of the government. The end for which government is instituted, should be so ledigibly written on the walls, of the hall of your assembly, or impressed on the minds of those in authority as to appal the selfish in their attempts to violate it.

"Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any man, family or class of men."

"To make offices merely because other States have them and men want them, or to fill such as are necessarily made with men, for the gratification of those appointed to them, would seem to be as subversive of the principle or end for which the government was instituted, as it would be to provide high salaries and attach to

official stations, excessive emoluments, merely because those who are authorized to provide for them by law, and their friends, are the class in society, who are to be benefitted by excessive pay.

"As the administration must depend on man, the government will, in a great degree, be good or bad, according to the Justice and wisdom—selfishness and weakness of those appointed to administer it.

"We are too apt to be biased in our Judgement of man, by specious appearances; Virtue is not always the companion of the forward or wise, nor are we certain that a tool or implement is well tempered and of the best stuff, from its being well formed or of high polish. Fortunate is it for the people of Maine that they have at the head of their affairs, those who know how to appreciate men and will be devoted to the public welfare.

"We are in a bad predicament; we voted for thirty-one Councillors and Senators, in but ten districts, while the constitution provides for

the number of forty and that they shall be chosen in not less than thirteen districts; if then we have not a constitutional Senate, how can we enact laws, and how can we chose electors of President and V. President without previously providing for it by law?

"We regret the loss of our old friends of Maine, tho we rejoice in their emancipation.

Very respectfully,

I am Sir, Your obt. Servant,
Amasa Stetson"

A postscript is added which is really good.

"P.S. Your country suffers, for want of being known; the body of the land of Maine is as favourable for farming as any part of N. England, and priveleges greater than are to be found in any other part of it."

Thank you, Mr. President.

On motion by Mr. Hoffses of Knox, adjourned until 9:30 tomorrow morning.