

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 16, 1969

Senate called to order by the President.

Prayer by Rev. Warren H. Benner of Hallowell.

Reading of the Journal of yesterday.

Papers From The House Joint Order

ORDERED, the Senate concurring, that Legislative Document No. 526, Bill, "An Act Relating to Biennial Elections of Penobscot Indians," (H. P. 415) be recalled from the Governor to the House. (H. P. 1132)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the Arts Council of Lewiston and Auburn has brought the riches of Canadian culture to the people, and especially to the children, of the twin cities and surrounding area; and

WHEREAS, the Council is sponsoring a week-long festival of music, drama and poetry, and displays of painting and sculpture and

WHEREAS, the aforesaid festival will enrich the lives of the people of Maine by bringing an appreciation of the spiritually derived values of the arts; and

WHEREAS, this cultural triumph is the result of the hard work and dedication of the Lewiston and Auburn people who have given long hours to the development of this project; and

WHEREAS, the work of the Arts Council represents another significant milestone in the cultural arts of Maine provided by the Lewiston-Auburn area; now, therefore, be it

ORDERED, the Senate concurring, that the Arts Council of Lewiston and Auburn be commended for their contribution to Canadian - United States understanding and an attested copy of this Order be sent to Mr. Henry Bourgeois of Lewiston, general-

chairman of the Arts Festival. (H. P. 1133)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine
Senate Chamber
Augusta, Maine

April 15, 1969

Honorable Jerrold B. Speers

Secretary of the Senate

104th Legislature

Augusta, Maine

Sir:

I would like to withdraw from the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891).

Respectfully,
S/SEVERIN M. BELIVEAU
Senator from District 5

Which was Read and Ordered
Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Compensation of the Panel of Mediators," (H. P. 691) (L. D. 891), the President appointed the following additional Conferee on the part of the Senate:

Senator:

GORDON of Cumberland.

Committee Reports House Leave to Withdraw

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Deer in Northern Zone for 1970." (H. P. 116) (L. D. 132)

Reported that the same be granted Leave to Withdraw.

The Committee on Inland Fisheries and Game on Bill, "An Act Establishing a State-wide Open Deer Season for the Month of November." (H. P. 552) (L. D. 733)

Reported that the same be granted Leave to Withdraw.

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating

to Regulating American Sea Run Smelts." (H. P. 709) (L. D. 923)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Construction Permits from Insurance Commissioner." (H. P. 316) (L. D. 403)

Reported that the same Ought Not to Pass.

The Committee on Retirements and Pensions on Resolve, to Permit Mrs. Harriet McCroary of Winthrop Use of Her Out-of-State Credits to Obtain a Retirement Allowance. (H. P. 708) (L. D. 922)

Reported that the same Ought Not to Pass.

The Committee on Inland Fisheries and Game on Resolve, Relating to Ice Fishing on Cross Lake, Aroostook County. (H. P. 766) (L. D. 936)

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.

Ought to Pass

The Committee on Agriculture on Bill, "An Act Increasing Tax on Milk Producers for Promotional Purposes." (H. P. 401) (L. D. 512)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Increasing and Relating to Disposition of Fees Payable to Maine Milk Commission." (H. P. 503) (L. D. 674)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Taking Possession of Animals Unlawfully Detained." (H. P. 538) (L. D. 717)

Reported that the same Ought to Pass.

Comes 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 State Government on Bill, "An Act to Improve the Management of the Indian Township Forest Resources and Passamaquoddy Trust Funds." (H. P. 394) (L. D. 504)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-165).

The Committee on Claims on Resolve, in Favor of Rodrigue J. Albert, M. D. of Fort Kent and Peoples Benevolent Hospital of Fort Kent. (H. P. 456) (L. D. 593)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-168).

The Committee on State Government on Resolve, Authorizing Forest Commissioner to Convey Certain State Lots in Franklin County. (H. P. 945) (L. D. 1206)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-166).

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

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

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee." (H. P. 379) (L. D. 488)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1119) (L. D. 1439)

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

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

The Committee on Election Laws on Bill, "An Act Relating to the Requirement for a Board of Registration." (H. P. 722) (L. D. 940)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1103) (L. D. 1421)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-153).

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

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Revising the Boundaries of the Northern and Southern Hunting Zones." (H. P. 990) (L. D. 1274)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
MARTIN of Piscataquis

Representatives:

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

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

Signed:

Senator:

ANDERSON of Hancock

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Permitting Sunday Hunting of Small Game and Birds." (H. P. 858) (L. D. 1100)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

THOMPSON of Belfast
PORTER of Lincoln
KELLEY of Southport
ROCHELEAU of Auburn
LEWIN of Augusta

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

Signed:

Senator:

MARTIN of Piscataquis

Representative:

BOURGOIN of Fort Kent

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

Which reports were Read.

On motion by Mr. Hoffses of Knox, the Majority Ought Not to Pass Report of the Committee was Accepted in Concurrence.

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Moose." (H. P. 728) (L. D. 946)

Reported that the same Ought to Pass.

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

BOURGOIN of Fort Kent
THOMPSON of Belfast
LEWIN of Augusta
KELLEY of Southport

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

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

ROCHELEAU of Auburn
PORTER of Lincoln

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

Which reports were Read.

On motion by Mr. Martin of Piscataquis, tabled and specially

assigned for April 23, 1969, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Adding Services to Alcoholics and Drug Addicts to the Responsibilities of the Bureau of Mental Health," (H. P. 629) (L. D. 817)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-152).

Signed:

Senators:

STUART of Cumberland
GREELEY of Waldo

Representatives:

BINNETTE of Old Town
FRASER of Mexico
WHITE of Guilford
PAYSON of Falmouth
CARRIER of Westbrook.

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

Signed:

Senator:

MINKOWSKY
of Androscoggin

Representatives:

SOULAS of Bangor
NOYES of Limestone

Comes from the House, the Majority Ought to Pass as Amended by Committee Amendment "A" report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-152) as Amended by House Amendment "A" (H-182). thereto.

Which reports were Read.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: This L. D. had a very thorough airing which, in essence, would transfer our present Alcoholism Counseling Service from Health and Welfare to the Department of Mental Health and Corrections. After weighing, analyzing, and evaluating all the aspects of this L. D., and taking into consideration the excellent job that Max Good and his councilors have done for alcoholics during the past twelve years

on a very limited budget, I suggest to the Senate that this division remain in its present department. In my estimation there are loopholes in this L. D. that would be detrimental to the State of Maine, by getting tied down to persons or non-profit corporations. The correspondence that I have received from individuals, as well as industry, with whom our councilors have worked, indicate very definitely that they are opposed to the transfer because they feel that there is better communication and understanding between the alcoholic and our present state councilors.

Mr. President, I now move that the Senate accept the Minority Ought Not to Pass Report on L. D. 817.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves 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 in non-concurrence.

Sent down for concurrence.

Senate

Leave to Withdraw

Mr. Stuart for the Committee on Education on Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 14." (Emergency) (S. P. 203) (L. D. 612)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Berry for the Committee on Natural Resources on Bill, "An Act Relating to Discharges from Thermal Electric Power Plants." (S. P. 381) (L. D. 1295)

Reported that the same Ought Not to Pass.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President, in moving acceptance of

the Committee Report, I would like to just make a few words of explanation. The problem of thermal pollution is a problem that is definitely with our country today. In Maine today we are probably not really faced with this as a serious problem yet, but the legislation is well intended to prevent the problem from arising. I do want to assure the Senate that in reporting this bill Ought Not to Pass we are not neglecting the problem. Current statutes provide that the Water Improvement Commission has full authority in any license that they issue to attach such conditions, with respect to discharge, as in their determination are best to achieve the water quality standards. In the Committee's opinion this adequately takes care of the problem.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

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

Sent down for concurrence.

Ought to Pass

Mr. Stuart for the Committee on Education on Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 14." (S. P. 309) (L. D. 1027)

Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Mr. Levine for the Committee on Agriculture on Bill, "An Act Immunizing Dogs Against Rabies." (S. P. 218) (L. D. 659)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Requiring Immunization of Dogs Against Rabies." (S. P. 433) (L. D. 1450)

Mr. Berry for the Committee on Natural Resources on Bill, "An Act Requiring the Licensing of Sewage Treatment Operators." (S. P. 315) (L. D. 1029)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 434) (L. D. 1452).

Which reports were Read and Accepted and the Bills, in New Draft, 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 Political Committees and Political Advertising." (H. P. 684) (L. D. 883)

(On motion by Mr. Bernard of Androscoggin, temporarily set aside.)

Bill, "An Act Amending the Liability of Landowners Law." (H. P. 735) (L. D. 953)

Bill, "An Act to Study Desirability of Extending Route 161 from St. Francis to Canada." (H. P. 928) (L. D. 1189)

Bill, "An Act Relating to Relocation Assistance in State Highway Projects." (Emergency) (H. P. 1118) (L. D. 1438)

(See action later in today's session.)

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 at the request of Mr. Bernard of Androscoggin, Bill, "An Act Relating to Political Committees and Political Advertising" (H. P. 684) (L. D. 883), that same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-75 was Read.

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

Mr. KATZ of Kennebec: Mr. President, glancing at the amendment, it is not quite clear to me exactly the impact of the amendment. I wonder if it could be explained to the Senate.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: It has been brought to my attention that in past elections sample ballots have been printed up by various committees representing either party and have been passed around. I have one in my hand. This was brought to my attention by the Deputy Secretary of State. Before the amendment was drawn up the problem was brought to the attention of the Attorney General for the proper wording. But this particular ballot that I have is exactly what this amendment would prevent in the future. It has across the front of it "Specimen Ballot", or "Sample Ballot", inferring to the voter that this is the official thing. At the top it has "For Town Council for Three Years — Vote for Two", and it only has two names. There may only be two names or there may be three or four or more names on the official ballot. Down below this particular one has "For School Board for Three Years - Vote for One," - it has one name, indicating a preference for this particular office seeker. On the opposite side of the ballot it has: "This is a paid political advertisement," with the person's name, which is required. However it also carries the town seal, which seems to stipulate that this particular specimen ballot with the names as spelled out here are receiving the sole backing of this particular town which to our indication is not proper. This would clarify an additional injustice that is being done. Thank you.

Thereupon Senate Amendment "A" was Adopted and the Bill as Amended was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House - As Amended

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)

Bill, "An Act Relating to Outdoor Advertising." (H. P. 670) (L. D. 861)

(On motion by Mr. Berry of Cumberland, tabled and specially

assigned for April 23, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to the Camp Trip Leader's Permit Under Fish and Game Laws." (H. P. 814) (L. D. 1053)

Bill, "An Act Establishing a Scenic Highway Board." (H. P. 837) (L. D. 1075)

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

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Bill, "An Act Relating to Relocation Assistance in State Highway Projects" (H. P. 1118) (L. D. 1438) was Passed to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill provides right in the meat of the bill on Page 2 of L. D. 1438 payment to people based on a business's earnings. This is a bill that came up before the last session and it presents a new concept for property owners and business operators who are affected by highway relocation. I think it is an extremely serious matter and it can be expensive.

Now, it certainly isn't a one-way street because people who own businesses are vitally affected by highway relocation. They lose their livelihood to begin with, they have the difficulty of relocation physically, and there is a lot of worry and expense that can never be compensated for highway relocation. But the spectre of basing reimbursement costs on earnings, in my opinion, is an extremely difficult one.

An attempt is made here to say that if you take a person's property he is going to use as a basis for his claim his average annual net earnings, and then that is further defined as half of any net earnings before federal or State income taxes - I don't catch the allusion to State income taxes, but that is all right - immediately preceding the taxable year in which this tak-

ing took place. I think that this is a very, very sensitive area, and something that the Senate has got to be very careful to get into. The determination of earnings, certainly, we all just having passed April 15th, realize that you fight and do everything possible to cut down on taxable income. Here is an instance where you are going to do everything possible to build up taxable income. I think we realize that particularly in business it is possible to defer items or put something on the books January 1st when December 31st would perhaps have been the proper time to put it on.

I think there is a great inherent danger in this particular section of this legislation. I think that it needs a lot of study. I am sure the committee might have given it a great deal of study, but before it is acted on by this Legislature I think it should have some open debate here to point out the pitfalls of the legislation.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled and specially assigned for April 18, 1969, pending Passage to be Engrossed.

Senate

Bill, "An Act Relating to Death Benefits before Retirement Under State Retirement System." (S. P. 175) (L. D. 576)

Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have been Granted to Others or Where Municipalities Fail to Act." (S. P. 277) (L. D. 872)

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

Bill, "An Act Relating to Closed Season and Minimum Size of Atlantic Salmon." (S. P. 278) (L. D. 873)

Bill, "An Act Relating to Retirement Allowance for Participating Local District Employees and Prior Service Credit for Municipal

Employees." (S. P. 382) (L. D. 1296)

Bill, "An Act Pertaining to Live Bait Dealers." (S. P. 432) (L. D. 1441)

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for April 18, 1969, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed. Sent down for concurrence.

Senate - As Amended

Resolve, Permitting Ice Fishing on Second Chase Lake, Aroostook County. (S. P. 296) (L. D. 1001)

Which was Read a Second Time.

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

Mr. BARNES of Aroostook: Mr. President, in relation to S. P. 296, L. D. 1001, Resolve, Permitting Ice Fishing on Second Chase Lake, Aroostook County, I move that this Resolve and all accompanying papers be indefinitely postponed. I would like to speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that item 7-14, Resolve, Permitting Ice Fishing on Second Chase Lake, Aroostook County, be indefinitely postponed.

The Chair recognizes the same Senator.

Mr. BARNES: Mr. President and Members of the Senate: I am reluctant to oppose this bill because this bill was sponsored by my good friend and colleague, Senator Martin from Piscataquis. I know he is sincere in sponsoring this bill and I know it means quite a lot to him.

I think we as Senators and Legislators should be all concerned with conservation, especially of our wildlife and our fish. I don't think this is a conservation measure. This is a small pond encompassing the area of about twelve acres, as I understand. It is very shallow water, it has only trout in it, if I am informed correctly, it is easily accessible, there are lumber operations very near there, and it will be just a matter of a short time when they clean out all the trout in this pond.

Now, there have been other bills to open lakes much larger than this to ice fishing and they have been reported out Ought Not to Pass unanimously. I refer you to one this morning in your journal on Page 2, Item 6-6, Resolve Relating to Ice Fishing on Cross Lake, Aroostook County. Now, the wording of these two bills are almost identical, and I'll read them for your benefit, "Resolve, that the Commissioner of Inland Fisheries and Game is authorized and directed to open Cross Lake, Aroostook County, to ice fishing." And then we look at this present bill we have under consideration and it says practically the same thing; "Resolve, that the Commissioner of Inland Fish and Game is directed and authorized to issue a rule and regulation opening Second Chase Lake, Aroostook County, to ice fishing".

Now, here Cross Lake is so large you can put this little Second Chase Lake right in one end of it. Here we are keeping Cross Lake closed to ice fishing, which I believe is correct, and we are opening a little pond here to ice fishing, which I believe is wrong. I think these matters should be decided by the Department of Inland Fisheries and Game after proper public hearing, and I think this should be an administrative decision. I feel this is not good conservation for us to open this little pond to ice fishing. I would hope that the members of this body would support me in this motion. When the vote is taken I would respectfully ask for a division.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I beg to differ with my good friend, Senator Barnes, regarding the size of the pond. Apparently he is misled. He probably has the wrong pond in mind. This pond is about a mile long by a half a mile in width. It is a very deep pond. Mainly the fish in that pond is togue. They do catch some trout in the pond, somewhat, but not too many. There are areas in that pond that are 100 feet in depth. This pond is accessible

during summer months only by a gravel road which is quickly becoming accessible only for four-wheel drive vehicles.

On this pond is one cottage. There are three ponds together. The other two, First and Third Chase Lake, are smaller.

But this one, between Second and Third, there is a cottage owned by a party who resides in Presque Isle. Back along two years ago, a group of people in that area requested a public hearing, so-called. It was very highly attended, the testimony was in favor of opening the pond, but the Department of Fish and Game decided in favor of the owner of the cottage, keeping the fish for that particular owner only. Therefore this necessitated this bill.

The Committee reported, I believe, favorably and I certainly would hope that this body decides to make this pond available for the people in that area that can reach it only in the winter time. I ask for a division, Mr. President.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: Apparently I have my information crossed up; it's not a trout pond, it's a togue pond. The fact still remains it is a small pond. A pond a mile in length is small. Because I know there were bills introduced in this session calling for opening ice fishing in waters that are over twelve miles and they were reported out Ought Not to Pass in the interest of conservation. I think we should be consistent in these matters. If we are going to report out these large lakes Ought Not to Pass when we request them to be open for ice fishing, I think we ought to do the same for the small ones.

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

Mr. MILLS of Franklin: I have a parliamentary inquiry, Mr. President. Would the Clerk give the status of this matter at the present time? I would like to know what the Committee Report is on this Bill.

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

The SECRETARY: This Bill was reported out of the Senate on April 15, 1969, Ought to Pass, as amended by Committee Amendment "A". The Committee Report was Accepted. Committee Amendment "A" was Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MILLS: Could we have the amendment read, please? What was it, a unanimous report?

Committee Amendment "A", Filing No. S-76, was read by the Secretary.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I would like to comment on this bill. A few weeks ago when it was heard, Sleepy Atkins who was warden supervisor, and spent his entire life in this area—he retired a year ago—he went out of his way to contact me about this particular bill, and he thought it would be very bad. This is one of our few good trout lakes left, and he was very much opposed. He said it would be the ruination of this trout pond if we open it to ice fishing. He is what I consider a great conservationist and great outdoorsman, Sleepy Atkins. I never personally liked it myself.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: Again I bring on the confusion of the specie of fish in this pond; this is a togue pond not a trout pond. You do catch a few trout in this pond, but very few. The togue are very many. Again the pond is very deep and the togue are rather small because there are too many in number. This resolve has the blessing of the Fish and Game Department, and it had the blessing of the Committee with the amendment. I really see no reason why this resolve should have any trouble in passing.

There is no comparison with this pond and Cross Lake, as mentioned by my good friend, Senator Barnes,

a while ago. I know the area very well; I come from that section. Cross Lake, yes, is about ten times or fifteen times larger than this pond, but there are other reasons for closing Cross Lake, against reasons for opening this pond.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This may be a good morning to get involved here. I don't want to make any comments on this bill other than to say that I have fished it and it is a togue pond. I have never caught trout there, I have caught togue.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: When I refer to trout, I didn't particularly specify eastern brook trout, because when we refer to trout we refer both to lake trout and brook trout.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Aroostook, Senator Barnes, that Resolve, Permitting Ice Fishing on Second Chase Lake, Aroostook County, (L.D. 1001), and all its accompanying papers be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative and twelve Senators having voted in the negative, the motion to Indefinitely Postpone prevailed.

Sent down for concurrence.

Enactors

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

An Act Relating to Law Clerks for the Judiciary. (S. P. 63) (L. D. 184)

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

An Act Relating to Duties of the Employment Security Commission. (S. P. 229) (L. D. 669)

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

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

An Act Relating to Annual Meeting of Farmington Village Corporation. (S. P. 339) (L. D. 1137)

An Act Creating the Uniform Anatomical Gift Act. (S. P. 349) (L. D. 1215)

An Act Appropriating Funds for Union River Anadromous Fish Restoration Program. (S. P. 427) (L. D. 1425)

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

An Act Relating to Trailers Being Securely Fastened. (H. P. 51) (L. D. 52)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

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

An Act Relating to Expansion of a Building for Maine Employment Security Commission. (H. P. 504) (L. D. 675)

An Act Appropriating Funds to Operate the Board of Pesticides Control. (H. P. 676) (L. D. 875)

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

An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees. (H. P. 774) (L. D. 1007)

An Act Relating to Age of Girls Committed to Stevens School. (H. P. 936) (L. D. 1197)

An Act Amending the Charter of the City of Portland Relating to Rotation of Names on Ballots. (H. P. 957) (L. D. 1238)

An Act Entering Into the Interstate Agreement on Qualifications of Educational Personnel and for Related Purposes. (H. P. 984) (L. D. 1268)

An Act Relating to Privately Owned Business, Trade and Technical Schools. (H. P. 1112) (L. D. 1432)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

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.

On the matter previously set aside at the request of Senator Tanous of Penobscot, An Act Relating to Trailers Being Securely Fastened, (H. P. 51) (L. D. 52), that same Senator then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that Item 8-7, Bill, An Act Relating to Trailers Being Securely Fastened, be Indefinitely Postponed.

The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President and Members of the Senate: Occasionally I breeze through these bills before they are enacted and I ran into this one this morning which appears to me to be a real sleeper.

If you will refer to L. D. No. 52, you will notice that all trailers, without exception, even your boat trailers with two wheels, will now have to have an additional attachment for security purposes. Can you imagine all of the vacationers coming into the State of Maine, in approximately a month, with trailers attached to their cars, who won't be familiar with this law? Of course, if we wanted to have a grand court day we would have to set up a district court at the entrance of the Maine Turnpike, because this is a very rapid digression from the existing law. Now presently, if you have an adequate hoist or hook on your car, this is permissible on your boat trailers. But if we enact this, then you will have to get a chain, or a rope, or some other cable of some type on all trailers. I feel this would be an injustice to not only our own citizens but all of the thousands and thousands of people that come to Maine with boats in the summer. So I request your support in defeating this proposal. 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 April 22, 1969, pending the motion by Mr. Tanous of Penobscot to Indefinitely Postpone the Bill.

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

Mr. TANOUS of Penobscot: Mr. President, on Item 8-15, "An Act Relating to Privately Owned Business, Trade and Technical Schools" (H. P. 1112) (L. D. 1432), I requested that this be set aside merely for purposes of inquiry. It would appear to me in reading this bill that any owner of a private business would have to register his business with the Commissioner of Education. I am inquiring of the Committee that this came from as to whether this is the interest of the Committee?

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

Mr. KATZ of Kennebec: Mr. President, the bill says "Whoever operates or maintains a private business, trade or technical school." I think the Senator will realize we are talking about business schools, technical schools, and the like.

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

Mr. TANOUS of Penobscot: Mr. President, now this may be a technical point, but I disagree with the Honorable Senator Katz on this matter. I would appreciate if somebody would perhaps table this and we could look into it.

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

Thereupon, on motion by Mr. Mills of Franklin, tabled and specially assigned for April 22, 1969, pending Enactment.

Resolve, Authorizing Maurice and Elizabeth M. Woodside to Bring Civil Action Against the State of Maine. (H. P. 387) (L. D. 497)

Which was Finally Passed and, having been signed by the Presi-

dent, was by the Secretary presented to the Governor for his approval.

Resolve, in Favor of Town of Haynesville for Development of a Recreational Area. (H. P. 423) (L. D. 547)

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

Emergency

An Act Repealing Supreme Judicial Court Messenger in Cumberland County. (S. P. 286) (L. D. 932)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Temporary Loans by State. (H. P. 85) (L. D. 94.)

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

Emergency

An Act Relating to Area of and Borrowing Power of the Corinna Water District. (H. P. 942) (L. D. 1203)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Incurrigibles at Juvenile Training Centers. (H. P. 1104) (L. D. 1422)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, and with one negative vote, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Committees of Conference

On the disagreeing action of the two branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, (L. D. 15), the President appointed the following Conferees on the part of the Senate:

Senators: BERRY of Cumberland
KATZ of Kennebec
BELIVEAU of Oxford

On the disagreeing action of the two branches of the Legislature on Bill, An Act to Amend the Eating Place Licensing Law, (L. D. 668), the President appointed the following Conferees on the part of the Senate:

Senators: STUART of Cumberland
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Mr. Gordon of Cumberland moved that the Senate reconsider its action of previously in today's session whereby on Bill, "An Act Adding Services to Alcoholics and Drug Addicts to the Responsibilities of the Bureau of Mental Health," (H. P. 629) (L. D. 817) the Minority Ought Not to Pass Report of the Committee was Accepted.

On motion by Mr. Minkowsky of Androscoggin, a division was had. Nine Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion to reconsider did not prevail.

Orders of the Day

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

SENATE REPORTS—from the Committee on Judiciary on Bill, "An Act Relating to Election of Clerks of the Judicial Court." (S. P. 254) (L. D. 791) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—April 9, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Mills of Franklin to Accept the Majority Ought Not to Pass Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I oppose the motion of the good Senator from Franklin, Senator Mills.

Occasionally, in our form of Government, it is necessary to make adjustments or to adjust some previous bit of legislation which has fallen short of the claims made for it when it was enacted. The 103rd Legislature made the clerk of courts an appointive rather than an elective position. As I recall the debate at that time, this was presented as a "reform" measure and it is unfortunate that those who would tinker with government almost always have their brainchild as a "reform". We have heard in committee, and have been told by opponents of this bill, that by appointing clerks of court we would get better qualified people for these jobs. Let's examine the record. Over the past two years, of all the appointments made for these jobs, every appointee, with one exception, has been the person who had been elected by the voters in the first place. Obviously the voters must have been doing a good job; they must have been making good selections all along. I think it was Abe Lincoln who said "trust the judgment of the common people because they are almost always right." That is as true today as it was in 1861.

Now this present system of appointing Clerks has some built-in inequities. It creates more highly paid elite within the county courthouse. It is a potential source of friction, because other officers feel, and justly so, that they have a right to the same treatment. Does it require any more knowledge to make out a warrant than to probate a will? Of course not, and yet, the judge and register of probate are elective officers. Does it require any more knowledge to handle the clerk's job than the job to, say, process the deed to your home? No, and yet, the register of deeds is an elective office. Why, of four positions, all of which re-

quire approximately the same judgment and intelligence, why did we select the clerk of courts and make this an appointive position? The last Legislature did attempt to make the judge of probate and register an appointive office, but an alert member of the other body aborted this attempt.

The present law which allows clerks to be appointed is a step away from good, sound county government. We are telling our voters that we don't feel they are capable of making this decision, and we are taking it out of their hands. Now, if this trend continues, if we make the register of probate, the judge of probate, and the register of deeds all appointive plums, and I think there may be some effort to have the county attorneys appointed, then come election time we will present the voters with a ballot containing just three county candidates: the sheriff, the county commissioner, and the county treasurer. When that unhappy day arrives county government, as we know it, will be on its deathbed. Each of us to a greater or lesser degree, owes his seat in this Senate to the efforts of the whole ticket. Each of us depends on our county candidates to help us put on a good campaign. The clerk of courts, the register of deeds, the register of probate and the judge of probate, all of them in the past contributed much, both in time and money, toward presenting good campaigns. It is only natural, if one doesn't have to run for office, to pay only lip service to party unity and to the campaign. This bill before us is an attempt to correct an error, it's an attempt to give back to the voters that freedom of choice which is properly theirs. And it's an attempt to halt the further erosion of county government.

I would venture to predict that, if within the next few years these jobs become appointive, then the next logical step will be to have them all filled by attorneys. Now this will be hotly denied, and I have nothing against lawyers per se, but I don't feel that our court houses should be dominated by

any one group of people. And I would point out that as these jobs become more lucrative they will in fact become more attractive to attorneys. For instance, some clerks of court are good for eight or nine thousand dollars per year. Besides being clerks of court they are also clerks of the district court, get extra money for naturalization, and other fees. Now what attorney, particularly a young attorney, could resist the temptation to run for this job? A job, which incidentally, would give him valuable training for his future career. The same situation may prevail with other jobs which I have mentioned. So, I would urge you with all the earnestness at my command to support this Bill and to oppose the motion of the good Senator from Franklin. You will be helping your county government, you will be reaffirming your faith in the people's judgment and, come next election, you may find that you have helped yourself. When the vote is taken I ask it be taken by a division.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I made the motion that is before the Senate, as the record shows. The record of two years ago will show that I debated against the change; I voted and worked against the change in the system. I talked very much the same as the good Senator from Washington has just talked, only lacking his oratory, and certainly I didn't say anything derogatory of the bar at the time, as he has. I was becoming convinced with his arguments until he began to make references to the profession of which I am a member.

I do want to tell him that I do think that that position of clerk of courts is well filled generally when it is filled by a lawyer because of the training that he happens to have. I say that seriously because it is difficult for a layman to undertake the clerk's work in a court unless he has had legal training. Most of the clerks don't have legal training, and they are very good people, as he has pointed out, but I think that a

lawyer does have an advantage in starting in on that work and it is an ideal thing for a young lawyer just getting started to get the background of that work.

I want to be consistent, and I am not going to withdraw my motion, but I can tell you that I am not very enthusiastic for it. I feel more like I did two years ago, especially after hearing the persuasive argument of the Senator from Washington, Senator Wyman. I can't remember how the committee divided, because it was some little time ago and we had lots of bills there, but I think the reason for my being with the majority at that time on Ought Not to Pass is that it was sort of a fatalistic feeling on my part. I felt that this bill hadn't got a chance of going through and why make a futile effort. I didn't realize until I heard the oratory of the Senator from Washington, the good Senator Wyman, that I guess perhaps it did have a chance of making this change back to the old system.

I do think it is too bad to nibble away at the county government in this State. I think that the clerks that we have had, that have been elected by the people, have been very good clerks, and they are close to the people. I don't think they are any better now that we have an appointive system. As a matter of fact, as he has pointed out, they are the very same people generally.

If by any chance the good Senator's arguments should prevail here, and the Minority Ought to Pass Report be accepted, then there is a technical change or two that should be made before the bill becomes law, and that is in regard to the tenure of those clerks who are presently serving. I think that could be ironed out. I just wanted to say, as I have tried to point out, I wouldn't be unhappy at all if the good Senator from Washington prevailed in his arguments.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to apologize to the good Senator from Franklin and

also to any other members of the bar in this Legislature. I meant no reflection on them at all. I was trying to make what I thought was a good case, but certainly there are two people I have to depend on greatly: If I am sick I have to go to a doctor, and if I am in trouble I have to go to an attorney. I have the greatest respect for both of them, and I hope the good Senator will accept my apologies.

I also want to express my appreciation for the support he has given me in favor of this bill.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Franklin, Senator Mills, to accept the Majority Ought Not to Pass Report of the Committee. A division has been requested.

As many as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. One Senator having voted in the affirmative, and twenty-eight Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: The only point I want to make is that I don't feel that strongly about the bill one way or the other, and I have no intention of debating it because I am not that interested in it. I signed the Ought Not to Pass Report out of the committee, and I believe other Senators also did the same thing, and I just wanted to affirm my vote, not necessarily because I am that much convinced, but if I am going to vote in committee one way I think that, unless somebody comes forward with a better reason, I will stand by the vote I have made in committee. I notice that some of our members here don't feel that inclined to do so, and that is the only reason I stood up and voted in support of the position that I took in committee.

The PRESIDENT: First reading of the printed bill.

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

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

Bill, "An Act Relating to Safety Devices for Railroad Utilities." (H. P. 440) (L. D. 564)

Tabled — April 9, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In reviewing this document, it appears that it will change our existing negligence law regarding the liability of railroads. I am wondering whether some member of the Committee on Public Utilities could explain to us or outline for us the reason behind this document?

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair to any member of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: The day that this bill was heard there was no opposition to the bill. There was a large turnout for this bill, especially on the safety features as it was a safety measure. As far as I have been able to find out from the attorneys on Public Utilities, this does not throw any responsibility onto the Highways or anyone else on account of this sign.

This legislation has been passed in twenty-six states. In New Hampshire it was passed in 1963, and in the time since then there have been sixteen signs erected at blind grade crossings on very little used roads. This is entirely a safety measure and there was no opposition to the bill.

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

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

ate: There is nothing that would indicate or lead us to conclude that because there was no opposition to a bill that it is necessarily good or desirable.

As I understand our existing law, the railroads now have the burden of warning the traveling motorist of a railroad crossing. You notice when we approach these crossings that you are greeted by a crossing guard or a crossing sign or a blinking light, or something to this effect, to warn you of it. The responsibility is with the railroad. Just reviewing this very briefly, very quickly, it now places the burden on the motoring public. It will require the State Highway Commission to place stop signs at these intersections, and they have got to maintain these stop signs. It means, as a practical matter, that all of us who do drive, although we do have the obligation to stop, look and listen, we now would have the additional obligation, or it suggests that it would relieve the railroad of any liability if a person fails to stop at the sign or comply with the stop sign. I think this is a substantial change from our existing practice under our negligence laws.

Before making an additional motion, I would like to have someone table this so I could do a little inquiry and a little research on it.

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

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for a two-classroom Building at Somerville Plantation." (H. P. 267) (L. D. 343)

Tabled — April 10, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report. Mr. Hoffses of Knox moved the pending question.

Thereupon, the Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Relating to Powers of Board Under State Employees Appeals Board Act." (H. P. 821) (L. D. 1060) Report "A", Ought to Pass; Report "B", Ought Not to Pass.

Tabled—April 10, 1969 by Senator Tanous of Penobscot.

Pending—Acceptance of Either Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: L. D. 1060 seeks to remove from the present law—or, I guess the intended purpose is to make classification and compensation matters of State employees a mediation matter. The classification section of this bill, of course, would remove the need of a personnel board, and the compensation part of it, of course, would interfere with the legislative authority of budgeting. So, for this reason the committee divided itself. There were two schools of thought: one being that these matters would interfere with State Government if this bill was passed, and the other school of thought, of course, was that it wouldn't interfere.

I met with the representative of the State employees this morning, and they concede that perhaps the "B" Report, Ought Not to Pass, is the proper one, and they feel that probably our point is well taken. In view of this, I move to accept the Ought Not to Pass Committee Report "B". Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept Report "B", Ought Not to Pass, of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Ought Not to Pass Report "B" of the Committee was Accepted in concurrence.

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

Bill, "An Act Establishing an Occupational Safety Rules and Regulations Board." (H. P. 338) (L. D. 447)

Tabled—April 10, 1969 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-78 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the sixth 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—April 10, 1969 by Senator Anderson of Hancock.

Pending—Acceptance of Report.

Mr. Anderson of Hancock moved Acceptance of the Committee Report.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the seventh 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 10, 1969 by Senator Wyman of Washington.

Pending—Acceptance of Report.

On motion by Mr. Kellam of Cumberland, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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

Bill, "An Act Increasing Maine Forestry District Taxes." (H. P. 875) (L. D. 1118)

Tabled April 11, 1969 by Senator Martin of Piscataquis.

Pending—Enactment.

This being an emergency measure and having received the affirmative vote of 29 Senators 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 ninth tabled and specially assigned matter:

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

Tabled—April 11, 1969 by Senator Stuart of Cumberland.

Pending—Passage to be Engrossed.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Judiciary on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." — (H. P. 734) (L. D. 952)

Tabled — April 11, 1969 by Senator Logan of York.

Pending — Motion by Senator Mills of Franklin to Accept the Ought Not to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President, would a motion to substitute the bill for the report be in order?

The PRESIDENT: The Chair would inform the Senator that we first must dispose of the motion of the Senator from Franklin, Senator Mills, to accept the Ought Not to Pass Report of the Committee.

Mr. BERRY: Mr. President and Members of the Senate: I would ask that you oppose the motion of the Senator from Franklin, Senator Mills. We have before us

here a tool very much needed by our law enforcement officials. We are proposing to apply the same laws that now apply in the State of Maine to bootlegging to those reprehensible characters who carry drugs around in their vehicles to sell to pushers to give to our people in the State of Maine. The place to stop this traffic is at the top; not down at the bottom. And here we are only dealing with people who are making money out of traffic in drugs.

We have a case pretty close to Augusta where this law would apply. A vehicle was stopped at the end of the turnpike, allegedly bringing dope in for sale at Cony High School. This was a matter in the news media.

If an individual innocently picks up a hitchhiker who has this on him, and the hitchhiker is intending to sell this stuff, there is no problem to the owner and driver of the vehicle. He doesn't know what is going on and he has nothing to worry about. Anybody who has a mortgage on a vehicle has nothing to worry about because, under our law, anybody who has a claim on a vehicle must be satisfied. Anybody dissatisfied with the seizure of the vehicle has the right of judicial appeal.

It seems to me we have got a really down-to-earth tool here that we need to give our law enforcement officers to get moving on this wholesale traffic of drugs. I hope you will vote against the motion, and I will request a division.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: I am very reluctant to oppose my good friend from Cumberland County, but I think we ought to clear the record on this. There is no denying that drugs, narcotics and so forth are very emotional issues, and I don't believe that any member of this Senate would do anything to aid, abet or assist the pushers, and we would certainly like to see them all arrested, convicted and incarcerated. But the issue before us is whether this bill will accomplish this purpose, whether it would contribute at all

toward the reduction of the so-called traffic in drugs in this State, and whether the weaknesses and shortcomings in this bill are such that they should not be considered when our goal is to reduce the so-called activity in drug traffic.

I have some very real objections to this bill. I would disagree with a comment of our earlier speaker which says that a person, you or I, when operating our cars, if we pick up a hitchhiker who possesses narcotics, that our vehicle under this law would be exposed and subject to forfeiture. Read the first paragraph: "Any vehicle used to transport or cause to be transported, or facilitate the transportation of any substance," and so forth. It places the burden on the operator of the car or the owner of the car to prove his innocence. It doesn't place the burden on the State to establish the guilt of the defendant or the individual.

Let's go one step further. Assuming this hypothetical does occur, the individual in the car is arrested and the car is impounded, he must then appear before a judge for judicial determination as to whether or not the car was in fact being used to transport drugs. Only then, if the judge finds that you did not knowingly transport drugs, is your car or vehicle returned. Again, it places the burden on you to go to court and prove your innocence.

Now, this bill has many dangers and potentials here as I see it. It is not limited to a car. It is any vehicle. It could apply to a bus, as has been said earlier, an airplane, train, truck, car, or anything else. It means that the individual or the owner of a vehicle who unintentionally or unknowingly permits a person to use his vehicle or gives a person a ride would be subject to forfeiture. Now, I think the question was raised at the hearing, "Well, how will this contribute to the reduction of drug activity in this State?" It is because, they say, that this will place an intolerable burden upon the owner of a vehicle, that he will have to forfeit his vehicle, and thereby we will impress upon him the seriousness of this. We all know that most of these people who traffic or

distribute this material, for the most part, are operating used cars or mortgaged vehicles subject to liens, and it would place again a burden on the finance companies or banks, or whoever it is, to go in and appear before a tribunal and argue or present their defense that they are entitled to the truck or car.

I fail to see where this bill would contribute in any measure to the reduction of traffic in drugs in this State. As I understand it, this was a unanimous Ought Not to Pass Bill. The Judiciary Committee, of which I am not a member, considered this at great length and they concluded that the risk, that the potential abuse by the police officers, by far outweighs any benefit that could accrue.

Finally, as I understand our rules of criminal procedure, and using the example that was cited earlier of the vehicle that was stopped at the end of the turnpike, if this vehicle contains contraband, if it contains this narcotic, or whatever it is alleged that it does contain, the police under our existing law have a right to impound this to use it as evidence, which is the way it should be done, and after the case is disposed of the vehicle is released to the owner. But it can be impounded and used in evidence at a subsequent hearing. I don't believe that this bill will contribute significantly or at all towards the reduction, and I believe that our existing laws are more than sufficient to meet this problem. So I strongly urge the members of the Senate to support the existing motion to accept the unanimous Ought Not to Pass Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President, may I ask the present status of this legislation, please?

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

The SECRETARY: Reported by the Committee on Judiciary unanimously Ought Not to Pass.

Comes from the House, the Bill substituted for the Report and subsequently the Bill passed to be engrossed.

Mr. KATZ: Mr. President and Members of the Senate: Speaking as a Senator from Kennebec, I was taken aback by the bill the first time I looked at it. I marched myself down to engage in discussion with Mr. West and Mr. Doyle of the Attorney General's office. I didn't get any editorial comment from them, but I came away convinced that the bill is good legislation, that it should pass, and I would speak against the motion to accept the Committee Report.

The Senator from Oxford, Senator Beliveau, says that under existing law the car can presently be impounded. So, if there is any opportunity for harassment of an innocent person, it exists under existing law. But in reading the top of Page 2 of this bill, I notice that it very clearly says: "No vehicle shall be subject to forfeiture for any act or omission as established by the owner to have been committed or omitted by any person other than the owner and without the owner's knowledge or consent."

I have a feeling that the existing law on the books, as was mentioned by the Senator from Cumberland, Senator Berry, referring to bootlegging, I have a feeling that this law served a very useful purpose in its time to help reduce the illegal transport of liquor in the State of Maine. As a layman, I am disturbed enough by the increasing traffic of drugs in our schools and on our campuses, and with the general public, that I have enough confidence in the law enforcement agencies that I say give them this tool and let us see if it can't reduce some of the heartbreak and tragedy that is stalking our youth in the country today.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Mention has been made of

this being necessary as a tool. I will say this was debated to some extent sometime ago and I don't intend to get into any extended remarks at this time, but mention has been made, and this is a common reference, that certain tools are needed in the enforcement procedures in this State. This also has been referred to as analogous to and similar to the forfeiture provisions of the alcohol laws of the State.

To our knowledge, there hasn't been any use of this so-called tool in enforcement of the alcohol laws of this State from time immemorial. There have been many, many violations of law, which is pretty much common knowledge, violations of the alcohol laws of the State, the liquor laws of the State, which involved the use of vehicles, but no law enforcement officer, to our knowledge, has made use of any forfeiture provisions.

This carries with it a potentiality for considerable harassment. It reverses the burden of proof completely so that a completely innocent person, even a railroad owner, an owner of any transportation facility, any facility for the transportation of goods which might have within it a marijuana cigarette or any type of narcotic, it throws the burden on that person or that corporation, that owner, to go into court and affirmatively prove his innocence, which is entirely contrary to our approach to justice in this State.

In the Committee we asked "How are you going to use this tool? Give us illustrations and instances when you have found it necessary and you found the tools lacking." We weren't assisted in any way. We are a conservative group in that Committee and, unless a case is made out, we don't stampede for the law enforcement officers who do as much law enforcement, it seems to me, in the newspapers and in the halls of the legislature as they do in court. We haven't seen any evidence at all that law enforcement has been impeded whatsoever by the lack of this statute.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: There is one comment I wish to make with regards to this bill, which I made the other day but I want to repeat again, and which concerns me very, very strongly: While there are some provisions, with which I am not entirely in agreement as to how satisfactory they may be, with regards to an owner who is indirectly involved in the transportation of drugs, there is also this other feature which I certainly cannot accept, and that is of what happens to the vehicle when the owner himself is the one who is primarily concerned and who may be stopped and arrested for a drug violation.

Now, under this act there is no provision, at least nobody has pointed it out to me, that if the man is subsequently found innocent of the charge that is laid against him there is no provision for return of the vehicle to him. This is a straight forfeiture provision, and there is no provision in this bill which says that the vehicle will be held until disposition of this case in the courts, which may take several months, but at the end of which results in an acquittal of the person whose vehicle has been forfeited. There is no provision to return this vehicle to the rightful owner or the owner himself, or the man who has been accused of the crime and has subsequently been acquitted thereof. This, I think, is not acceptable to me, and is another reason why I cannot support this bill.

We used to have forfeiture provisions in our Fish and Game laws, and I think it was eventually found that they made no significant contribution, in that you forfeited your gun if you were found guilty. Even after having been found guilty now they return them, because I think they have found that the forfeiture of your fishing and hunting equipment, I assume, did not materially result in improvements in the law enforcement procedures, and we have reversed that trend.

I certainly endorse all the statements that were made here today with regard to trying to reduce the matter of illegal narcotics use in

our State, but, notwithstanding that proposition I endorse, I cannot support this legislation.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I labor under the handicap of no legal training, but on Page 3 of the bill it says: "If the judge upon hearing is satisfied that the vehicle" and so forth, "was not subject to forfeiture" and so forth, "and that the claimant is entitled to possession of the vehicle, he shall give the claimant an order in writing, and the judge shall direct the vehicle be returned to him."

I was particularly heartened to hear the Senator from Franklin, Senator Mills, say that there is such a provision in existing law, in the liquor laws, and there has been no abuse whatsoever by law enforcement people of existing laws, so this heartens me even more to support the position that I hope prevails, that this motion is defeated and the bill is substituted for the report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: In listening to those who have spoken in opposition to the bill, who would like to see it defeated, the gist of their argument seems to be that we should do nothing more because the present law is adequate. Well, I would submit to you that present law is patently not adequate. If it were, we wouldn't have the problem that we do, we wouldn't have this spreading cancer which has started down in my area and is quickly engulfing the State. The present law simply is not doing the job, and we must give our policemen, our law enforcement officers, additional tools with which to work.

Now, there seems to be some concern about the person who is found with narcotics in his car and has to stand trial. I submit to you that a person who is found with narcotics in his car should stand trial. I see nothing wrong with that whatsoever. Nor, let me add,

can I get overly concerned about the possibility of the police impounding a Maine Central Railroad train. The problem here is the tendency to examine the extremes, the potential abuses, what would happen if, when and what. I submit to you that we are being substantially abused now, and it is not by the police; we are being substantially abused by the traffickers in narcotics, and we have to do something about it. Thank you very much.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate accept the Ought Not to Pass Report of the Committee. A division has been requested.

As many as are in favor of accepting the Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The PRESIDENT: Is it now the pleasure of the Senate to substitute the bill for the report?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I move this lay on the table until Thursday.

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

Mr. BERRY of Cumberland: Mr. President, I request a division on the tabling motion.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Item No. 10 on your calendar, Legislative Document 952, be tabled and specially assigned for Thursday. A division has been requested.

As many as are in favor of the motion to table will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirm-

ative, and fifteen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to substitute the bill for the report?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I move that we reconsider our action whereby we failed to table this bill.

The PRESIDENT: The Chair would inform the Senator that a tabling motion cannot be reconsidered.

Is it now the pleasure of the Senate that the bill be substituted for the report?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I am of course searching for an avenue here.

The PRESIDENT: The Senator is welcome to question the ruling of the Chair.

Mr. BELIVEAU: That is exactly what I am doing, questioning the ruling.

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

Mr. BERRY of Cumberland: Mr. President, a parliamentary inquiry: Do my ears deceive me? Did the gentleman question the ruling of the Chair?

Mr. BELIVEAU: I must admit you are very alert again this morning, Mr. Berry. Your ears do not deceive you.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, appeals the ruling of the Chair. The question before the Senate is: Shall the decision of the Chair stand as the judgment of the Senate? All those wishing to sustain the decision of the Chair will rise and remain standing in their places until counted. All those opposed will rise and remain standing until counted.

A division was had. Twenty-six Senators having voted in the affirmative, and three Senators having voted in the negative, the decision of the Chair was sustained.

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

Mr. MILLS of Franklin: Mr. President, I move that the matter lie on the table until the next legislative day.

The PRESIDENT: The Chair would inform the Senator that this was the previous motion defeated by the Senate. The motion to table which failed cannot be reconsidered.

Thereupon, the Bill was substituted for the Report in concurrence and the Bill Read Once.

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

Mr. MILLS of Franklin: Mr. President, I was going to move on the question of the first reading of the bill that the matter be tabled until the next legislative day. Is there another matter before the body on this bill, or is this automatically on the calendar for further action? A parliamentary inquiry.

The PRESIDENT: The bill will be on the calendar tomorrow for second reading.

Mr. MILLS: Pending the second reading is the matter eligible for being tabled to the next legislative day?

The PRESIDENT: The Chair would inform the Senator that the bill has been given its first reading. The matter will be before the Senate tomorrow for its second reading.

Thereupon, the Bill was tomorrow assigned for Second Reading.

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

HOUSE REPORTS—from the Committee on Towns and Counties on Bill, "An Act Relating to Appropriating Money by Municipalities for Ambulance Service." (H. P. 534) (L. D. 705) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—April 11, 1969 by Senator Logan of York.

Pending — Motion by Senator Martin of Piscataquis to Indefinitely Postpone Bill and Reports.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: It is a pleasure to change from a subject of such deep importance to one that is largely of local concern.

This bill, very simply, would do this: It would allow municipalities to support local ambulance service if they saw fit. Section 5105: "A municipality may raise or appropriate money. . ." and then there is a list of things, for supporting the poor, supporting the hospital, public health, employing a hygienist, subsidizing a physician, pest control, providing for a public ambulance and garage for it, and the bill adds, "or supporting an ambulance service serving its residents."

Now, this bill was filed by Representative Marion Brown of York in response to a need which we have in York, and which I understand has arisen in many, many smaller communities, where our local undertaker is no longer willing to provide ambulance service simply because he doesn't want to be bothered with it any more. But this would enable the town then to make other decisions that would put other towns in a position where they could band together to provide ambulance service.

I see absolutely nothing wrong with this bill, and I would urge the Senate to defeat the acceptance of the Minority Ought Not to Pass Report. I might add that there was only one signer to the Minority Report. Thank you.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: It is true there was only one signer to the Minority Report, and that signer was myself.

I speak on this bill with fifteen years experience as a town manager of several municipalities in the State of Maine. I also speak on this bill with ten years experience working for an ambulance service or an undertaker. I also realize that the existing statutes

cover the problem pretty adequately. It leaves loopholes, yes. But I also realize, through my experience as a town manager, that if we open the doors for this type of service that it won't be long before many ambulance services or undertakers throughout the State will follow the example and demand subsidies from their constituents. This is a monopoly in a sense.

I would like to point out that ambulance service and undertakers in this State are non-competitive, in a sense. You might find one or two in a small locality which is comprised of several towns within the area and comprises quite a populated area. You don't find an undertaker who is going broke. You don't find an undertaker that is in need of additional funds. I must agree that the undertaker does not make any money regarding transporting patients, whether they are sick or accident patients, to the hospital, but he certainly makes up for it when he gets the body of the party who died in the hospital and performs other duties.

I am married to a girl who has been in a family where undertaking has been the business of the family since she was a young child. She is with me this morning, and I told her about this bill this morning. I would like to give her comment in the very same words she used. She answered shortly, she said, "They make enough money as it is. They don't need that."

If we open the door and authorize the selectmen of the towns to include articles in their town warrants to subsidize this type of service, I think we are creating a great injustice for our people which will directly and indirectly within not very many years ahead cost our towns and the public a large amount of dollars. I certainly hope that this motion to indefinitely postpone this bill carries.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to rise in support of the position of Senator Logan. I

can't see where the amount of money an undertaker is earning has very much to do with this. It is a free country and if undertakers are earning good money, or too much money, there is nothing to stop some of the rest of us from going into the undertaking business, although I am sure I don't want to.

It seems to me it is a question of taking care of these situations in these towns. We have one in our town. I think the undertakers are free to say that they are not going to do this work. It is a free country. If they don't want to do it, they don't do it. If you have an accident and they don't go out, then there is a problem. The law already provides that a town can buy an ambulance and build a garage to keep it in.

It does seem to me that this is a very minor change, but a change that might save the town money and prevent the town from buying an ambulance by allowing them to contract for this service. I hope you will oppose the motion of the good Senator from Piscataquis County.

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

Mr. LOGAN of York: Mr. President, I request the vote be taken viva voce.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that Bill "An Act Relating to Appropriating Money by Municipalities for Ambulance Service," be indefinitely postponed. As many as are in favor of the motion will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion did not prevail.

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

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

Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Re-

porters." (H. P. 603) (L. D. 784)

Tabled—April 11, 1969 by Senator Beliveau of Oxford.

Pending—Enactment.

On motion by Mr. Beliveau of Oxford, retabled and specially assigned for April 23, 1969, pending Enactment.

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

Bill, "An Act Relating to County Inventory of Property and Bids." (H. P. 650) (L. D. 838)

Tabled—April 15, 1969 by Senator Beliveau of Oxford.

Pending — Adoption of House Amendment "A"—Filing H-169 to Committee Amendment "A" — Filing H-157.

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

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

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

Tabled—April 15, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-77, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Resolve, Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation, (H. P. 589) (L. D. 731).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This L. D., which has a very modest price tag on it of \$15,000,

would enable the community of Long Island Plantation, known also as Frenchboro, to build a ramp leading up to the dock at the island.

The 101st Legislature appropriated \$15,000 for these people to build this facility, and it was expected at that time that the Federal Government would step in and match this \$15,000 with additional moneys. This has not come to pass, so that their present facilities out there in the ocean are not adequate to land the ferry at certain times, and I have been told that there have been times when the food shortage has been eminent out there.

The opportunity to get this constructed is now because it requires reasonably heavy equipment, and they have arranged to have this built within the moneys available, provided we pass this L. D., whereas a little later on the contractors are busy and undoubtedly they would not be available to get as favorable a price for doing the work.

The \$30,000 which this will cost is to pay for a mainland contractor and supplies to build this ramp. The labor will be furnished locally at no cost.

I think that this might be the right time to point out the condition of our finances. My Committee has been listening all winter long to requests for millions of dollars, and I feel that it is a reasonably sorry indictment of our financial condition and the fiscal brinksmanship that is being practiced when a \$15,000 item requires the concern that this one has in arriving at the decision to take it off the table. The State's business is approximately \$200,000,000 a year, when you include bonds and the retirement thereof, and it might be of interest to the Senate to listen to the sums that were in and are now in unappropriated surplus, so-called, in this \$200,000,000 business.

I won't go back too far, but in 1961 on June 30th the State had \$7,300,000 in surplus. In 1963 we had \$3,200,000. In 1965 we had \$13,700,000 in unappropriated surplus. In 1967 we had \$9,300,000. In 1968, last year, for the first time, I believe, we ended up with a nega-

tive figure in unappropriated surplus, a negative figure of \$138,893. This resulted from a unique method of financing called raising the estimates. You can see from the foregoing figures what has happened to our surplus. This year, 1969, the best estimate that I can get, after we pay for the present emergency legislation that we now have either before the Appropriations Committee or presently on the Appropriations Table, we will have approximately \$250,000 in unappropriated surplus on June 30.

I suggest to everyone that this is a pretty thin line in the running of a \$200,000,000 a year business. I guess the only point I would like to make is that we have got to face up to reality. If we are going

to vote for spending measures that require money for either buildings or programs, that we have just plain got to face facts and raise moneys to finance them.

Mr. President, I now move that L. D. 731 be finally passed.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Final Passage.

(Off Record Remarks)

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