

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 17, 1969

Senate called to order by the President.

Prayer by The Hon. Albert W. Hoffses of Camden.

Reading of the Journal of yesterday.

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

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

In the House March 21, 1969, Passed to be Engrossed.

In the Senate April 11, 1969, Indefinitely Postponed, in non-concurrence.

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

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

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

Senators:

LOGAN of York
DUNN of Oxford
MARTIN of Piscataquis

House Papers

Bill, "An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial." (H. P. 1130) (L. D. 1457)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

Joint Order

On motion by Mr. Logan of York, ORDERED, the House concurring, that the State Department of Banks and Banking be and is hereby authorized and directed to report a Bill or Bills to disclose interest and finance charges in retail sales and loans that will correspond with the Federal Consumer Credit Protection Act, as enacted under Public Law 90-321; and be it further

ORDERED, that said Department of Banks and Banking report such Bill or Bills at the next regular or special session of the Legislature. (S. P. 436)

Which was Read and Passed.

Sent down for concurrence.

Communications

State of Maine

House of Representatives
Office of the Clerk

April 16, 1969

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

Sir:

The House today voted to Insist and join with a Committee of Conference and the Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act relating to Open Season on Partridge or Grouse and Pheasant" (H. P. 330) (L. D. 439)

Messrs.

LEWIN of Augusta
KELLEY of Southport
M A R S T A L L E R of

Freeport

Respectfully,
S/BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought Not to Pass

The Committee on Legal Affairs on Bill, "An Act to Annex Black and Megquier Islands in Thompson Lake to Town of Oxford." (H. P. 287) (L. D. 363)

Reported that the same Ought Not to Pass.

Mr. Bernard of Androscoggin moved Acceptance of the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Dunn of Oxford, tabled and specially assigned for April 24, 1969, pending the motion by Mr. Bernard to Accept the Majority Ought Not to Pass Report of the Committee.

The Committee on Education on Bill, "An Act to Change the Age

Requirements for Compulsory Education." (H. P. 374) (L. D. 483)

Reported that the same Ought Not to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Working Capital of State Liquor Commission." (H. P. 619) (L. D. 807)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and, except for the tabled matters, Accepted in concurrence.

On motion by Mr. Sewall of Penobscot, Recommended to the Committee on Appropriations and Financial Affairs in non-concurrence.

Sent down for concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on Resolve, Regulating Ice Fishing on Certain Lakes in Penobscot and Piscataquis Counties. (H. P. 192) (L. D. 232)

Reported that the same Ought to Pass.

The Committee on Retirements and Pensions on Bill, "An Act Relating to Restoration to Service Under State Retirement Law." (H. P. 966) (L. D. 1249)

Reported that the same Ought to Pass.

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

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

Ought to Pass In New Draft

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Muskrat and Mink." (H. P. 16) (L. D. 19)

Reported that the same Ought to Pass in New Draft. (H. P. 1122) (L. D. 1443)

The Committee on Business Legislation on Bill, "An Act Relating to Approval or Disapproval of

Mergers Under the Banking Laws." (H. P. 160) (L. D. 199)

Reported that the same Ought to Pass in New Draft. (H. P. 1121) (L. D. 1442).

The Committee on Public Utilities on Bill, "An Act to Regulate Sewer Utilities." (H. P. 481) (L. D. 635)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1106) (L. D. 1423)

(On motion by Mr. Letourneau of York, tabled and specially assigned for April 23, 1969, pending Acceptance of the Committee Report.)

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Fall Trapping by Indians." (H. P. 763) (L. D. 983)

Reported that the same Ought to Pass in New Draft. (H. P. 1124) (L. D. 1445)

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

Which reports were Read and, except for the tabled matter, Accepted, in concurrence, the Bills in New Draft, Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Safety Equipment on Boats Operated on Waters of the State." (H. P. 119) (L. D. 135)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

(On motion by Mr. Cianchette of Somerset, tabled and specially assigned for April 24, 1969, pending Acceptance of the Committee Report.)

The Committee on Claims on Resolve, to Reimburse Ernest J. Powers of Kennebunkport for Well Damage by Highway Construction. (H. P. 137) (L. D. 159)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

The Committee on Claims on Resolve, to Reimburse Mr. and Mrs. Laurie E. Mann of Augusta for Property Taken by State. (H. P. 803) (L. D. 1042)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

The Committee on Inland Fisheries and Game on Resolve, Relating to Fishing in First Chase Lake, Aroostook County. (H. P. 892) (L. D. 1151)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

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, except for the tabled matter, 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.

Senate Ought Not to Pass

Mr. Berry for the Committee on Liquor Control on Bill, "An Act Relating to Powers and Duties of Liquor Inspectors." (S. P. 110) (L. D. 320)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Stuart for the Committee on Education on Bill, "An Act Relating to a Maine-New Hampshire Interstate School Compact." (S. P. 387) (L. D. 1378)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Education on Bill, "An Act Relating to Conferring Degrees by Husson College." (S. P. 417) (L. D. 1392)

Reported that the same Ought to Pass.

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

Ought to Pass In New Draft

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing the State Contingent Account." (S. P. 119) (L. D. 381)

Reported that the same Ought to Pass In New Draft Under Same Title. (S. P. 435) (L. D. 1454)

Which report was Read and Accepted, the Bill, 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 Increasing Tax on Milk Producers for Promotional Purposes." (H. P. 401) (L. D. 512)

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

Bill, "An Act Relating to Appropriating Money by Municipalities for Ambulance Service." (H. P. 534) (L. D. 705)

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

Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." (H. P. 734) (L. D. 952)

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

Bill, "An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee." (H. P. 1119) (L. D. 1439)

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

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

Mr. BELIVEAU of Oxford. For reasons that I outlined yesterday and the other proponents of this bill, I move for its indefinite postponement. I will speak very briefly to the motion.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Item 7-5, Bill, "An Act

to Provide for Forfeiture of Vehicles Used to Transport Narcotics," be indefinitely postponed.

Mr. BELIVEAU: Yesterday we outlined several reasons why we felt this document was objectionable. I think it could be summarized in a few sentences. First of all, it places a burden on the individual owner of the vehicle to prove his innocence, that once the vehicle has been impounded he must appear before a judge or a tribunal and prove that, in effect, that he didn't know that there was narcotics or contraband in the vehicle. Secondly, it is my opinion that our existing law is sufficient, that there is no need for this particular document; that police officers who want to impound a vehicle and retain it as evidence can do so under our existing rules of criminal procedure and under the rules of criminal evidence. If they want to arrest a person who has possession of narcotics they can impound the vehicle and use it at the time of the hearing.

Thirdly, there is no provision in this document that would assure a person the vehicle would be returned to him if he is found not guilty, or acquitted of the crime at the time of the hearing. And fourthly, there is no provision in this document to provide for the protection of the lien holder; the bank or mortgage company, or finance company, or G.M.A.C., or any of these other individuals who have an equitable title, or have a substantial interest in the document. There is no provision in this that would protect their interest. And lately, and I think a very serious area, is the potential abuse by police officers.

The document is very broadly and vaguely worded to such an extent that although the proponents of the bill would suggest that an innocent person, or person who does not know that there is contraband or narcotics in the car, that he's protected under this. And I tell you this is not true. He's protected to the extent that he must go to court and hire an attorney and prove to the Judge, hopefully prove to the Court, that he didn't know there was contraband. I submit

that the potential abuse by this by far outweighs any benefit that could possibly accrue. And I trust you will support my motion.

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

Mr. BERRY of Cumberland: Mr. President, Members of the Senate: To summarize briefly for the benefits of the bill, the first section of the bill very carefully says that any vehicle which is being used for the transportation, or the facilitation of transportation of drugs which are unlawful — which is the secret of the whole thing — the transportation has got to be unlawful. The person who is driving or owning the vehicle is not subject to forfeiture. It explicitly states this in the last sentence of Section 3, the vehicle is not subject to forfeiture if the person does not know that the person he is carrying with him is carrying drugs, very carefully spells it out in words of one syllable. The vehicle is returned to the owner if he's found innocent in court. I have an amendment which was prepared by your committee — your Judiciary Committee — which will be offered when the bill gets to that stage, which will even spell out more clearly the return handling of the vehicle. The good Senator from Oxford, Senator Beliveau, does not cover the most important point of the bill, and that is, this is an important tool in the fight against organized crime in the State. I hope you vote against the motion, and I would request a division.

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

Mr. MILLS of Franklin: Mr. President, this matter has been debated on three different days, I assure you that there aren't any issues that haven't been covered by the discussions that we've had. I just want to make one further point. I think that probably a hundred years of prosecutive experience is represented by the Judiciary Committee. I've spent a good many more days in court prosecuting than I have in defending cases. And if there's anyone interested, I think, in suppressing organized crime, it's

Judge Quinn, with many, many years on the bench in Bangor, spent ten years as a prosecutor in Penobscot County. There are others on the Committee, there are young members of the Committee just starting at the bar, who are highly intelligent and contribute a great deal of work to the Committee. I think you cannot say that this Committee — these ten lawyers in this Committee — have any interest, except the welfare of the State and the prosecution of cases. And if this were an essential tool, you can be sure that we'd be behind it a hundred per cent. It isn't. It isn't necessary, and it can create great hardship and great burdens upon innocent people in this State. It isn't necessary, and I'm sure you make no mistake when you turn this down. The place to fight organized crime, and the place to suppress what crime we've got in this State, is right out there on the firing line, in the courts, in trying cases; not in the newspapers, not in a lot of talk about the Mafia, and that sort of thing. There is room in this State for good prosecutive action, not a series of 21 indictments in Franklin County thrown out the window for improper draftsmanship, and that sort of thing. There is room in this State for good, hard work in the prosecution of cases. And this isn't a tool that's necessary whatsoever in this area.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, all of the talk notwithstanding, the present law is patently not adequate. But to put it on another basis, here is a bill that strikes at a problem of concern to everybody. Is there any one of us here that can go home and say that we opposed it?

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I want to point out one thing, and this is on the point that I have, on two previous occasions, talked about to this body. That is that the bill makes no provision

for the return of the property of the forfeited vehicle in the event that the man is subsequently acquitted. Now, I beg to differ with the other gentlemen in this body who have stood up and told this Committee otherwise. And this is not the interpretation that the Attorney General also places on the bill, because when the Attorney General, or his representative, came before the Judiciary Committee I raised the question that I have raised here on two occasions, as to what provisions the bill made for return of the forfeited vehicle in the event that the person was subsequently found innocent of the charge. And I then pointedly, and very clearly asked him, does this bill provide for the return of the vehicle in that instance. And he said no. It is a forfeiture, and it's a clear forfeiture from the time that the vehicle is seized. This is the objection that I raised to this bill. And the Attorney General himself places that — he places that intent, or that understanding of the bill.

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

Mr. BERRY: Mr. President, in answer to the objection posed by the good Senator from Aroostook, Senator Violette, I had covered that, I felt, in my previous remarks this morning, where I said I had an amendment which has been prepared by his Committee, which would even go into more detail on the subject of forfeiture. And that is still the case, and I still have the amendment. In my previous debate on this, the last time we discussed it at some length, I quoted Section 7. Section 7 gives the intent of the bill on forfeiture. I shall read it to you in full. And it's not too long. "Section 7: Court Order of Claimant Found Entitled to Vehicle. If the Judge upon hearing is satisfied that the vehicle listed in the claimant's claim was not subject to forfeiture in accordance with this Section, and that the claimant has title, or is entitled to possession of the vehicle, he shall give the claimant an order in writing, and the judgment shall

direct the order to the libellant commanding him to deliver the vehicle to the claimant." Now, that's the intent of the Legislation, and the amendment would put it even more clearly. I think, echoing the sentiments of Senator Logan of York, that we have here something very, very important, Mr. President and Members of the Senate. I think that the lines are becoming clearly drawn. In this connection I would request that the vote be taken by the Yeas and Nays.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: I am a Member of the Judiciary Committee, and I feel that I should speak my position on this bill. This bill was given very serious consideration by the Committee. It was debated back and forth as to the pros and cons. And the Committee finally determined that the bad features outweighed the good of the bill. We're all unanimously against narcotics, and would like to have the strictest enforcement to prevent them. But we feel that this bill has so many bad features that we cannot unanimously vote an Ought to Pass.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President, Members of the Senate: I am not a member of the Judiciary Committee, and of course, have not had the benefit of their discussions on this bill. But I have looked the bill over carefully, and I want to say one thing. Somewhat in response to my fellow Senator from Cumberland who has spoken about Section 7 in relation to the forfeited vehicle, and the return of same. Now, the way I read that section, it says if the Judge determines that the claim was not subject to forfeiture, he could return it, if it was not subject to forfeiture. In the initial section of the bill it sets forth what vehicles are subject to forfeiture. And the only requirement seems to be that it had something to do

with the transportation of one of these items. So, clearly, it does not say that the vehicle will be returned to the rightful owner if it is determined that he had nothing to do with transport of these materials. I feel that the bill is poorly drawn, and I don't know what the backing of the bill is, but it would appear to me that someone who wants to go into this type of thing ought to spend a little time on the preparing of the bill, and the merit of the bill. It is very hard to conceive in light of the existing statutes, and the penalties involved in the drug traffic.

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

Mr. BERRY of Cumberland: I request permission to speak a third time.

The PRESIDENT: Permission is granted.

Mr. BERRY: Mr. President, answering my colleague from Cumberland, Senator Kellam, the bill has the backing of all law enforcement agencies in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, shall Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics," 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 present and voting. As many Senators as are in favor of the roll call will rise and remain standing until counted.

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

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Mills, Minkowsky, Quinn, Reed, Tanous, Violette, and Wyman.

NAYS: Senators Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Moore, Peabody,

Sewall, Stuart, and President MacLeod.

A roll call was had. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

House - As Amended

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

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)

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

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

Bill, "An Act Relating to the Requirement for a Board of Registration." (H. P. 1103) (L. D. 1421)

(On motion by Mr. Beliveau, of Oxford, tabled and specially assigned for April 22, 1969, pending Passage to be Engrossed.)

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

Senate

Bill, "An Act Relating to Election of Clerks of the Judicial Courts." (S. P. 254) (L. D. 791)

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

Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 14." (S. P. 309) (L. D. 1027)

Bill, "An Act Requiring Immunization of Dogs Against Rabies." (S. P. 433) (L. D. 1450)

Bill, "An Act Requiring the Licensing of Sewage Treatment Operators." (S. P. 434) (L. D. 1452)

(On motion by Mr. Berry of Cumberland, temporarily set aside.)

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

Sent down for concurrence.

On the matter previously set aside at the request of Mr. Berry of Cumberland, Bill "An Act Requiring the Licensing of Sewage Treatment Operators," the same Senator presented Senate Amendment "A" and moved its Adoption.

Thereupon, Senate Amendment "A", Filing No. S-80, was Read and Adopted.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 22, 1969, pending Passage to be Engrossed, as Amended, by Senate Amendment "A".

Orders of the Day

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

HOUSE REPORT — Ought to Pass from the Committee on Legal Affairs on Bill, "An Act Relating to Fees of Disclosure Commissioners." (H. P. 823) (L. D. 1062)

Tabled — April 10, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This bill, of course, it's got quite a career ahead of it before it gets to the final enactment stage, but I'd like to mention it in an adverse way at this point, and perhaps later attack it more fully. This bill is very brief. It's Legislative Document 1062, and it says that the Judge or Disclosure Commissioner shall be entitled to a fee of — it was \$5.00 and now it's \$10.00. There is legislation coming along at this session of the Legislature, which would in effect repeal the Disclosure Commissioner Law, and set up something else in its place. If those bills are enacted, why this would be a useless piece of legislation. At this point I want to make a

statement that contradicts a quotation from me that unfortunately appeared in the newspaper this morning. And it's on this subject, so I think it's germane to this discussion.

The newspaper said—a young reporter called me up last night, and said something about how long I was going to stay around, and I'm sure I expressed myself as hoping to stay around for a good long time. Certainly in the Legislature, if possible. But the newspaper says this morning — and he's probably — I won't say that he misquoted me, but I'm sorry for the quotation if it is accurate, because it's awfully presumptive. I don't think this way, and I hope I didn't say this. It says I will remain a Senator long enough to have my bill go through the Legislature. Well, I might stay here till Hell freezes over before I get some of my bills through the Legislature. And if I said that, I apologize to the Senate for having appeared to be so presumptive. Because I know if I were a layman reading the paper I'd say who does this Mills think he is, to think that he can, just by staying around, get something through. I don't have any such presumptions. And I have had many unfortunate experiences that lead me to think otherwise. Perhaps the longer I stay around, the less likelihood I'll have of getting my legislation through.

But this bill here this morning, on the calendar, the good Senator Katz held it up, does pertain to this subject matter which is very close to my heart. And I will just state briefly why I would hope to defeat legislation of this kind, if I can do so. We have a fee system in the State of Maine which is bad. It was bad when it pertained to trial justices, when trial justices, for instance down in the southern part of the State, gathered together a great clientele of officers bringing cases to them, because they invariably convicted. And the more convictions, the more cases they got, the more dollars they got, the more fees they got — \$5.00 apiece, I think. That system was struck down many years ago by the Legislature. We adopted a system

whereby no magistrate who finds anybody guilty or not guilty is rewarded by fees, even though the fees accrue to him in the number of cases that he handles. Naturally the officers having control of the number of cases, if they're successful, they bring him more cases. Well, we knocked that system out of our jurisprudence quite a few years ago. Now what we do have still in our jurisprudence, this system of disclosures, and Disclosure Commissioners, by which the Disclosure Commissioners are paid in accordance with the cases that they hear. And this bill would raise the amount that they get from \$5.00 to \$10.00. I don't particularly quarrel with the amount of money, but the system itself is bad. And in the poor debtor legislation, which will be heard in a short time by the Judiciary Committee, and probably come out of there with a divided report — because my good friend, one of the Senators on the Committee, was successful in defeating it two years ago in the House.

That bill would dispose of this type of system. And I have no objections at this point to letting this go along. But I think I just want to say here to the Legal Affairs Committee, I don't know what their report was, probably a unanimous report, but I'm going to try to defeat it later on if I can, on the basis of the arguments that I've mentioned this morning. And when it comes up to enactment stage, I will try to attempt to move indefinite postponement. But for now, so it doesn't take the committee by surprise, I'll let it go. I'll try to do something with it, at least hold it up until the larger bill comes out of Judiciary Committee. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

The motion prevailed.

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

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

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 240) (L. D. 715) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 11, 1969 by Senator Bernard of Androscoggin.

Pending — Motion by Senator Martin of Piscataquis to Accept the Minority Ought Not to Pass Report.

On motion by Mr. Bernard of Androscoggin, tabled and specially assigned for April 24, 1969, pending the motion by Mr. Martin of Piscataquis to Accept the Minority Ought Not to Pass Report of the Committee.

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

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

Tabled — April 15, 1969 by Senator Kellam of Cumberland.

Pending — Consideration.

On motion by Mr. Kellam of Cumberland, the Senate voted to Insist on its former action and ask for a Committee of Conference.

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

KELLAM of Cumberland
CONLEY of Cumberland
BERRY of Cumberland

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

Bill, "An Act to Revise Ballot Inspection and Recount Procedures Under the Maine Election Laws." (H. P. 1114) (L. D. 1433)

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

Pending — Passage to be Engrossed.

Mr. Beliveau of Oxford presented Senate Amendment "A", Filing No. 79, and moved its Adoption.

Senate Amendment "A" was Read.

Mr. Anderson of Hancock then moved Indefinite Postponement of Senate Amendment "A".

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Senate Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate L. D. 1433 would change substantially our existing law regarding ballot inspection and recount procedures. My amendment would strike out the first paragraph which provides that inspection should not be used for harassment, assessment of ballot splitting, or other purpose not relating to the determination of whether ballots were counted in a proper and lawful manner.

I have no quarrel with that language as such, but my problem is with who will be the judge. Who is going to make the final determination as to whether or not a candidate, in my request for a ballot inspection, is doing it solely for harassment purposes? The law provides for inspection of ballots after an election under certain circumstances. I believe that a defeated candidate of either party is entitled to a ballot inspection if he feels that he desires one. If we were to request a ballot inspection, the local registrar of voters — now this is unclear whether it's the registrar of voters, Board of Selectmen, City Council or a person from the other party. It's very unclear as to exactly who has the authority to say that you cannot have a ballot on the inspection because it's for harassment purposes or you're doing it solely for the reason of assessing ballot splitting. Certainly no candidate is going to state, prior to requesting a ballot inspection, that I'm doing this solely for the reason to harass my opponent.

Now, have there been any situations or instances in this State where this has been abused? Is there a need for this? I don't believe a case has been made for this Legislation.

Now, I have no quarrel with the remainder of the bill which in-

creases the deposits that are required in the event of recount. I think that the figures outlined there are very reasonable, and the increase is desirable at this time. But I do quarrel with the first section. It would deprive many people of the right to a ballot inspection. It could be used arbitrarily, and, again, there are no safeguards or outlines here or any language to indicate who makes the decision. Is it the Secretary of State, the Attorney General, as I say, the Registrar of Voters, the City Council, the Board of Selectmen, the opponent? This is very vague and ambiguous. I trust that you will vote against the motion to indefinitely postpone the amendment.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: This bill will certainly discourage harassment of candidates and also do away with a lot of unnecessary counting of ballots.

Now it spells it out very clearly in the bill. If you haven't got it before you, if you will bear with me, I will read it. "The purpose of such an inspection shall be to provide factual basis for a request for recount. Such inspection must be of reasonable duration and may not be used for harassment, assessment of ballot splitting, or other purpose not related to the determination of whether ballots were counted in a proper and lawful manner."

"Recount on deposit: The losing candidate may request a recount by making a deposit with the Secretary of State in the following amounts: if the combined vote is 1,000 or less and the percentage of difference between the votes of the candidates is more than ten percent; five, one hundred dollars. 1,001 to 5,000 and not more than five percent, one hundred and fifty dollars. 5,001 to 10,000 for two candidates, not more than four percent, two hundred dollars. 10,001 to 50,000, two hundred and fifty dollars. If the combined vote is 50,001 to 100,000, and the percentage of difference between the votes for the two candidates is

more than one percent, five hundred dollars. If the combined vote is 100,001, or over, and the percentage of difference between the vote for the two candidates is more than one-half of one percent, one thousand dollars.

"The deposit made by the candidate requesting the recount shall be property of the State in the event that the recount fails to change the results of the election. If the recount reverses the election, the deposit will be returned to the candidate requesting the recount." And I say that this will discourage a lot of griping candidates.

I repeat my motion for indefinite postponement and urge passage of this bill at the present time.

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

Mr. BELIVEAU of Oxford: I don't intend to take up the Senate's time on this, but my amendment does not strike out section two, regarding the deposits. I agree with the language of the bill to that extent. But again, the question has not been answered as to who will make the decision. We all know that to campaign for this office, or any other office in this State, is a very difficult task, and varies, of course, from area to area. And to tell a defeated candidate that he cannot request a recount or ballot inspection unless he can assure someone that it is not done for harassment purposes, and so forth, would be very unfair indeed. Again, there are no guidelines here. There has been no answer to my inquiry as to who will be the judge as to whether or not the request is for harassment purposes.

I don't deny that the purpose of such an inspection shall be to provide factual basis for the request for recount. Well, how can anyone determine or decide why a candidate is requesting a recount. I think that we all want to, if I were to lose an election, regardless of the margin, certainly, and I want a ballot inspection, and some election clerk, or some clerk, or official told me, you can't do it, Beliveau, because you're harassing

someone, and then he could arbitrarily refuse this. I say this is very bad, bad legislation, and no case has been made.

Where is the harassment? Have we had harassment in the past? Has this law been abused? Is there a need to change it? I submit to the members of the Senate, the standard we have here, is there a need for this legislation? Is there a pressing, felt need at this time? I say there is not, and I request you vote against it.

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

Mr. KATZ of Kennebec: Mr. President, may I ask for the status of the bill? The nature of the report?

The PRESIDENT: Will the Secretary give the status?

The SECRETARY: This Bill was reported Ought to Pass in New Draft under same title, House Paper 1114, Legislative Document 1433. Comes from the House, the report read and accepted, and the Bill in New Draft passed to be engrossed.

Mr. KATZ: Thank you, Mr. President. I presume it was a unanimous committee report. And if my memory serves me correctly with respect to the question raised by the Senator from Oxford, Senator Beliveau, of who determines, the Bill very clearly refers in Title 21 to a previous section which outlines rather clearly the procedures for requesting a ballot inspection. And I think that probably this section does a pretty good job of referring to a previous section that indicates who, what and how.

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

Mr. ANDERSON of Hancock: Mr. President, I move when a vote is taken it be taken by division.

The PRESIDENT: A division has been requested. As many as are in favor of the motion of the Senator from Hancock, Senator Anderson, that Senate Amendment "A" be indefinitely postponed, 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 Senate Amendment "A" prevailed.

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

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

Bill, "An Act to 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)

Tabled — April 16, 1969 by Senator Logan of York.

Pending — Passage to be Engrossed.

On motion by Mr. Logan of York, retabled and specially assigned for April 23, 1969, pending Passage to be Engrossed.

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

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

Tabled — April 16, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. BERRY of Cumberland: Mr. President, I move that the rules be suspended and the Senate reconsider its action whereby L. D. 103 was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that under suspension of the rules the Senate reconsider its action whereby, Bill, "An Act Relating to the Certification of Operators of Water Treatment Plants and Water Distribution Systems" (S. P. 317) (L. D. 1031), was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Thereupon, Mr. Berry of Cumberland presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-81, 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 Seventh tabled and specially assigned matter:

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

Tabled — April 16, 1969 by Senator Gordon of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: Having studied this bill to a small degree, I think that we have a very bad bill before us. This bill, if you will note, will relieve the railroads of the responsibility of stop signs or crossing warning signs if the Public Utilities so desires and place it in the hands of the State or local community.

I think the burden should remain where it is. I think this should be properly with the State, and, therefore, Mr. President, I move that we indefinitely postpone this bill with all accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Gordon, moves that House Paper 440, L. D. 564, Bill "An Act Relating to Safety Devices for Railroads Utilities" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Mr. Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: as I mentioned yesterday when we debated this bill shortly, that this was a safety measure entirely. This is not any bill to relieve the railroads of their responsibility, nor to throw it on someone else, but this is a safety measure. If a person stops before he comes to some of these blind-grade crossings, he might save several lives; we could save some

bad accidents, and that's all the bill means. It has worked successfully, and I don't see why we have so much opposition to it here. Thank you.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Gordon, that the Bill, "An Act Relating to Safety Devices for Railroad Utilities" be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone will say "Yes", those opposed "No"

A viva vice vote was taken. The Chair being in doubt ordered a division.

A division was had. Nine Senators having voted in the affirmative and twenty-one Senators having voted in the negative the motion to Indefinitely Postpone did not prevail, and the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the eighth 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 16, 1969 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

Mr. BERRY of Cumberland: Mr. President, I move the bill be substituted for the report.

The PRESIDENT: The Senator from Cumberland, Senator Berry moves that the bill be substituted for the report.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: This Bill came out of the Committee, Election Laws Committee, unanimous Ought Not to Pass.

This Bill, L. D. 188, timewise will place undue pressure on State and local officials. With seven weeks to hold two major elections, it

seems to me that a tight schedule almost to the day would have to be maintained to get recounts completed and ballots printed and distributed.

You can readily see that efficiency would suffer with such a tight time schedule if there should be mechanical delays resulting in ballots not being ready for the general election.

Holding of recounts at the local level would be a good example of the scarcity of time. This Bill calls for the receipt of a written application no later than three days after an election.

This would give the Secretary of State only four days to notify the clerks of the municipalities. They in turn in the same four day period would have to notify the candidates in order to get the wheels of the recount in motion. All recounts would have to begin no later than seven days after election day.

There is the possibility that the recount would have to be appealed to the courts and if this occurs it would have to be done within forty - eight hours after the recount is completed. Thereupon the justice of the Supreme Court would appoint an associate justice to hear the appeal and render a decision, hopefully within a few days. The cost to implement this time-testing program would be considerable.

The state election division would have to double up on packing and proof reading crews. The printer would have to employ a much larger staff and keep machines running many hours overtime to meet the deadline.

There are no safeguards in the bill to require the courts to make a quick decision on recount appeals. A delayed decision of two or three days could well bring about a crisis. The Secretary of State's office undoubtedly would supply a manual pointing out good and bad ballots, but even with this I would be afraid there would be many more appeals to the courts with recounts made at the municipal level than under the present system.

Clerks and local election officials have already expressed concern,

should the bill pass, about the responsibility of setting up the machinery for a recount. They are also concerned over determining whether a ballot is good or bad and the cost involved in a recount. It is estimated that a small town would probably average three recounts for each election. The cost would probably run from \$100 to \$200, and in the larger municipalities could run from \$500 to \$1,000.

Another concern of clerks would be problems of personality which well might occur if recounts were held at the local level. Certainly the safety of the ballots would be much more of a problem with the municipalities doing the recounting than it would under present State jurisdiction.

The filing of nomination petitions, which have to be filed by July 1, would also be much more difficult during the summer months than under the present system. During this period of time I believe candidates would find it more difficult to hold well-attended meetings.

I feel that bill board space, t.v. time, radio time and other promotional mediums would be hard to come by and for the most part would be limited to local office seekers.

Mr. President and Members of the Senate, I am sure you can readily see that time would be of the essence if this bill became a law. Every phase of our election system would have to be in perfect coordination to make it workable. In other words, every piece of the puzzle would have to fall into place or the State of Maine might find itself in a very embarrassing situation.

Mr. President, I urge the Ought Not to Pass Report be accepted.

The PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Berry, to substitute the bill for the report. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This legislation, or proposed legislation, is basically an attempt to simplify our election procedure,

both from the standpoint of the public, and the standpoint of the candidate. The exposure of the candidate to the people, when our campaigns start really the first of the year, and is carried forward to November, is practically a ten month proposal for most candidates. This is hard on the public, as well as on the candidate. By the time the campaign has gone a couple of months we run out of steam, we run out of these press releases that we grind out, we've run out of new ideas, and many of us have run out of money. The public feels just exactly the same. They're a little tired of looking at us. They feel that we've been a little overexposed. And the newspapers and the other media show too much of us to them.

Now, transferring the primary date to September is going to remove these objections. It's also going to put us in the same boat with approximately 20 other States who do their primary work any time after the last week of August. If we wanted to go back and start in the first week of August, this number would increase as you go back towards June, more and more States have a date after we do.

All the other New England States have their primary in September, with the exception of Connecticut, which has a convention type of primary nomination procedure.

The recount problems enumerated by my good friend from Hancock, Senator Anderson, are the objections raised by our Secretary of State. They were two years ago. I say that if other states can do it, therefore we can do it. I have a fundamental belief that in Maine frequently we do things better than they do it in these other States. I would point out that in the last primary I think we had no formal recounts. We're making progress in this field.

A proposed amendment which has been prepared, and will be offered at the opportunity, will remove from State - wide recounts offices in the Legislature and local offices, meaning that at the State level we will only have recounts for State - wide elections and Con-

gressional races. This does not seem to me to be too onerous. We've gone along with the Secretary of State and said that we will remove from your responsibility legislative recounts if and when they arise.

I think this will cut down on campaign expense. It's going to cut down on the public apathy to campaigns by shortening them. I think this is a good progressive piece of legislation. I hope you support my motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I believe there are 16 other States that have their primary election in September. But these States have a commission set - up. You might call them professional counters. In others of the 16, the recounting is done by the Courts.

Now, until such time as we have that set - up, I don't think we should go along with this. Thank you.

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

Mr. MOORE of Cumberland: I rise in opposition to the motion of my good friend, the Senator from Cumberland, Senator Berry. I certainly wouldn't want to visualize myself campaigning during July and August, because people couldn't be less interested in politics than they are at that time, during their vacation, and busy, especially in the State of Maine. And for a candidate running for higher office, say for United States Senator or Governor, or United States Representative, he would create very little interest in the months of July and August.

Another reason I'm opposed to it, if — and it's not going to shorten the campaign season at all, in my estimation — if a person has got a tough fight, and he knows by the first of January, or the first of April whether he's going to be opposed or not, and he's got to work, but at least we have a moratorium during July and

August. This gives us a rest, and we can start in after Labor Day.

And another thing, after all the mean things we've said about each other in our own parties during our campaign in the primaries, they're pretty well forgotten by November if we stop in June. Where, if we just stopped in September, they'll be well remembered. And I would rather spend my time after June opposing the opposite party — and I'm sure that they all agree with me — than I would opposing a man of my own party. I can't see that this bill does anything helpful. It just creates trouble. I hope that the motion of the good Senator from Cumberland doesn't carry.

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

Mr. ANDERSON of Hancock: Mr. President, I request a division.

The PRESIDENT: As many as are in favor of the motion of the Senator from Cumberland, Senator Berry, to substitute the Bill for the Report will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Four Senators having voted in the affirmative, and twenty-six Senators having voted in the negative, the motion to Substitute the Bill for the Report did not prevail.

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

Sent down for concurrence.

The President laid before the Senate the ninth 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 16, 1969 by Senator Kellam of Cumberland.

Pending — Acceptance of Report.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate. I rise this morning to speak on L. D. 1018, which is a

bill, An Act Relating to Refund for Malt Liquor Excise Taxes. I bring it to the attention of the Senate this morning — only because I feel it is not an earth-shaking bill, but I do feel it has merit, and in the act of fair play to the businessmen in this industry it should be strongly considered by the Senate before further consideration by the Senate on that long road to enactment. The problem at present is that the excise tax on malt liquor is a pre-paid tax. That is, the wholesaler must pay the tax on the malt liquor before the consumer purchases it. In the event that there is loss or damage to the malt liquor due to fire or flood on the premises of the wholesaler, it becomes his personal loss. And in no manner can he recoup his losses. Under the present insurance laws he cannot be insured against floods, and it's questionable as to whether or not he can actually be insured on fire. That is again with reference to recouping of the collection of the tax.

The present laws on the books today, under Section 4367, Title 36 of the Revised Statutes, involving the cigarette tax, reads as follows: "That the tax assessor shall redeem any unused, uncanceled stamps presented by any licensed distributor or dealer at a price equal to the amount paid therefor by such dealer or distributor, and said tax assessor may, upon proof satisfactory to him, in accordance with the regulations promulgated by him, redeemed at a price equal to the amount paid therefor Maine cigarette tax stamps affixed to the package of cigarettes which have become unfit for use and consumption, or unsaleable, and the Treasurer of the State shall provide, under the money collected hereunder, the funds necessary for such redemption.

And so the problem, or the root of the problem this morning, as I see it with this particular L. D., is that once the health inspector from the Department of Health and Welfare has ruled, or decided that any beer or malt beverage has been ruled not fit for human consumption, then the wholesaler

is out of pocket the amount of tax that he paid on this product.

It is my understanding that the cost is 25 cents for the excise tax — 25 cents per gallon on beer and ale. I'm not sure, and I don't have any idea actually what would be the cost to the State. However, it is my understanding that the State has not had any great disaster with relevance to this item since many, many years ago. And I think the last time it occurred was down in Biddeford.

So again, I think it is only an act of fair play that we should reconsider this, or at least give it further consideration. So at this time, Mr. President, I would move we substitute the bill for the report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate substitute the bill for the report. The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate. I had this tabled because I wanted to get some more information on it, which I have not had time to do. I would hope some Member of the Senate might table it until some day next week.

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

Thereupon, on motion by Mr. Anderson of Hancock, tabled and specially assigned for April 23, 1969, pending the motion by Mr. Conley of Cumberland to Substitute the Bill for the Report.

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

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

Tabled April 16, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate. This Bill has to do with nothing other than increase of com-

penensation. This is L. D. 283, an Act Increasing Compensation of Members of Board of Hairdressers. They have been getting \$20 a day, and their expenses, when they meet. Now, they come before this Legislature and they ask an increase to \$50 a day. Now, this is one of many bills before us this session in which boards and commissions have done the very same thing. We had a debate a week ago on a similar matter, and my theme song at that time was let's hold the line. Now, it's true they have since presented an amendment to this bill which would reduce their request of \$50 to \$35. But I remind you that this board, the Members of this Board were willing to serve on this Board at the compensation of \$20. So let's hold the line. Let's keep it right where it is. This session is no time to have this unreasonable increase.

It's true the funds come out of their own funds. It's not tax money. But at the same time, it's making other boards and commissions in this State that are working on tax money discontented with what they're getting. Now I happen, since the last time we debated a week ago, on the other bill, and killed it, the Board of — Oil Burner Board, and Electricians Board, had a bill in here to go from \$20 to \$30. They amended their bill — there were other matters in their bill, and they have amended to take off that increase. So they're back to \$20. They're holding the line.

And since then I have had occasion to go to the Finance Officer to find out some of the other compensation that some of these boards have been getting. Now, the Board of Bar Examiners, the attorneys that sit examining candidates to become lawyers — what do they get? They get \$10 a day. Professional men.

Now, I hope you go along with me on this thing. Let's hold the line. I move that this bill be indefinitely postponed. And when the vote comes I ask for a division.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that House Paper 227, Legislative Document 283, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: This Bill was before the Committee on Health and Institutional Services. And this may seem like a very small matter, but this is a rather large matter for some of the hairdressers about the State.

They have quite a bit of money in their reserve fund. We discussed this some time ago, so I'm sorry I can't be a little more specific. I think they have something like \$70,000 or \$80,000 in a reserve fund. And they feel that they're being—we're penalizing them for their frugality.

Some of these hairdressers make \$30, \$40 a day, I'm sure. And when they take off a day from work for the purpose of examining candidates, they feel they should get at least that much. They wanted \$50, as the Senator from Penobscot, Senator Quinn, said. And we considered this carefully, and reduced it to \$35. This seemed to be reasonable to the Committee. And although it is true the Bar Examiners may get \$10, the others get quite a bit more.

The Dental Examiners get \$50, and Land Damage Board gets \$100 a day. So it varies all the way from \$100 down to \$10.

As I said in the beginning, this does mean a lot to these hairdressers who came to the hearing. And no State money is involved. And I don't see why it isn't reasonable to give them \$35 a day.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I believe that this has been fairly well explained by the good Senator from Cumberland, but I would like to go a little bit further. In the first place, we all agree that they have approximately \$70,000 to \$75,000 surplus. I understand the Board planned to try to obtain a space somewhere within the capitol complex to hold their examinations.

Now, those of you who have not attended one of these State Examinations, I would advise you to,

sometime. Just—it's really very interesting. Because they usually have a minimum of 200, and they will run anywheres from 200 to 400 that they are examining at any one test that they might be giving.

Now, of course, they cannot finish these in one day. They may work into the evening, and they may go into the next day. And they were hoping with this surplus that they have on hand that they could have a room which is properly equipped with the lavatories, the shampoo equipment, the necessary tools to work with. And now they find that the space is—there's just no space for them, I guess, in the complex. And they are considering having a building of their own, or making other arrangements, anyway.

I feel that \$35 a day is a reasonable price to receive. I agree with the good Senator from Penobscot that—I guess these appointments are considered more or less of a political plum, if you happen to know the right people, and so forth. And I think sometimes they possibly don't check these as closely as they might, that are on the Board. But regardless of that, any operator that can't earn the \$35 a day average for the week anyway, in my opinion, they should be out of business.

But they would receive, if this Bill was passed, \$35 a day, plus their mileage and their meals. And also their lodging if they had to stop overnight. These are their funds which they have paid into the Board.

They have, I believe, two full-time inspectors. I believe that they also have two girls in the office as well. I really feel that \$35 is a very reasonable price. And I think if you check the list, those that are on the boards, you will find on the various boards are receiving anywheres from \$10 a day up to \$100 a day. And I think if you checked on this you would find it correct.

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

Mr. QUINN of Penobscot: The Members of the Board, who, when they accepted membership on it,

knew what the compensation was. And they were satisfied. Now, mention has been made of an administrative matter, the number of people that come to take this examination. That has nothing to do with the compensation. The Members of this Board can set these examinations at such times as they will have a reasonable number to examine. So if they have an overload, it's all in their administration, and nothing to do with compensation. They accepted this job at \$20 a day, and I feel that they should be given—retain that same compensation now, that it shouldn't be upped. And that all of these other boards that have retained their present compensation per diem, we should treat them all alike. And I move that when we vote, it be a Yea and Nay vote.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, (H.P. 227) (L.D. 223), Bill, "An Act Increasing Compensation of Members of Board of Hairdressers," 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 present and voting. Will those Senators in favor of a roll call rise and remain standing until counted.

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

The Secretary will call the roll.

ROLL CALL

YEAS — Senators Anderson, Barnes, Bernard, Berry, Boisvert, Dunn, Duquette, Gordon, Katz, Kellam, Letourneau, Levine, Logan, Martin, Mills, Moore, Peabody, Quinn, Reed, Sewall, and President MacLeod.

NAYS: Senators Cianchette, Conley, Greeley, Hanson, Hoffses, Minkowsky, Stuart, Tanous, Violette, and Wyman.

ABSENT: Senator Beliveau.

A roll call was had. Twenty-one Senators having voted in the affirmative, and ten Senators having

voted in the negative with one Senator absent, the motion to Indefinitely Postpone prevailed.

Sent down for concurrence.

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

RESOLVE, Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation." (H. P. 589) (L. D. 731)

Tabled — April 16, 1969 by Senator Reed of Sagadahoc.

Pending — Final Passage.

This being an Emergency measure, and having received the affirmative vote of 31 Senators was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Earlier in today's session, Item 7-5 was before this body, and it was an excellent setting or a scenario for what I'm going to say to the Senate now. Because here is a bill that I got beaten over the head with, and defeated on. I sincerely felt I was right, and I was up against a better man, as I have been so many times previously this session. When I noticed in the paper this morning that the Senator from Franklin, Senator Mills, had been nominated for United States Attorney, it occurred to me that this is an honor in which we all share.

I think partisanship is completely aside when one talks about Senator Mills, because although he is a member of my party, he is a man who is above party. He is a man who has voted his conscience, and voted it effectively.

Mr. President, I'm sure that you and the others recall last session when we had a triumvirate here who came to protect the common man with a series of very complicated bills, called truth in lending, small loans controls. The bills were so complicated, and so controversial that I don't think anybody expected anything to come out of the 103rd Legislature in the form of final legislation. But Senator

Mills offered leadership to cajole, to bludgeon, to push, to whip, to influence. And today we have on our books in the State of Maine some good legislation that is causing some hardship, but at the same time giving the kind of protection the people of Maine needed long before we finally enacted this legislation.

I have a feeling — and I am sure that the Senate shares with me — that upon confirmation — and I hope that confirmation is certain, but not too quick, because I hate to think for a number of reasons as Majority Leader that he will be leaving us too soon, I am sure that we will have as United States Attorney in the State of Maine a man who is tenacious,

so fearless, who mixes personal confidence with at the same time almost a sense of personal humility, I think the affairs of the Federal Government will be in good shape. And I want to express my personal delight this morning at this nomination, and my congratulations to Senator Mills.

(Applause.)

Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS: All I can say is thank you very much.

(Applause.)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.