

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, April 18, 1969  
Senate called to order by the President.

Prayer by Rev. Herbert L. Reid of Fairfield.

Reading of the Journal of yesterday.

**Joint Order**

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 22, at 10 o'clock in the morning. (S. P. 437)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, "An Act Relating to Biennial Elections of Penobscot Indians." (H. P. 415) (L. D. 526)

In the House, April 10, 1969, Passed to be Enacted.

In the Senate, April 11, 1969, Passed to be Enacted in concurrence.

Recalled from Governor's Office by Joint Order H. P. 1132.

Comes from the House, Passed to be Engrossed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**House Papers**

Bill, "An Act Relating to Contracts between University of Maine and Town of Orono for Sewer Charges." (H. P. 1134) (L. D. 1460)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed in concurrence.

**Communications**

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

April 17, 1969

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

Sir:

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

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

Messrs. DENNETT of Kittery  
RIDEOUT of Manchester  
DONAGHY of Lubec

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports  
House**

**Leave to Withdraw**

The Committee on Taxation on Bill, "An Act Relating to Motor Fuel Tax on Fuels Sold to or Used by Jet and Turbo Jet Aircraft." (H. P. 645) (L. D. 833)

Reported that the same be granted Leave to Withdraw.

(On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Acceptance of the Committee Report.)

The Committee on Taxation on Bill, "An Act Exempting Jet and Turbo Jet Fuels from the Sales and Use Tax." (H. P. 713) (L. D. 927)

Reported that the same be granted Leave to Withdraw.

(On motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Acceptance of the Committee Report.)

The Committee on Liquor Control on Bill, "An Act Relating to Special License for Sale of Liquors at Special Events." (H. P. 825) (L. D. 1064)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act to Amend the Home Repair Financing Act." (H. P. 852) (L. D. 1094)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Establishing a Joint Underwriting Association for Fire and Extended Coverage Insurance." (H. P. 887) (L. D. 1146)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 901) (L. D. 1162)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

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

#### **Ought Not to Pass**

The Committee on Taxation on Bill, "An Act Exempting Severely Handicapped Persons from Certain Real Estate Taxes." (H. P. 491) (L. D. 645)

Reported that the same Ought Not to Pass.

The Committee on Liquor Control on Bill, "An Act Placing Liquor Law Enforcement in Maine Courts." (H. P. 824) (L. D. 1063)

Reported that the same Ought Not to Pass.

The Committee on Education on Bill, "An Act to Provide for Distribution of School Administrative District Budgets." (H. P. 1024) (L. D. 1333)

Reported that the same Ought Not to Pass.

The Committee on Taxation on Bill, "An Act to Extend the Sales Tax to Barber and Beauty Shop Services." (Emergency) (H. P. 1125) (L. D. 1446)

Reported that the same Ought Not to Pass.

(On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.)

The Committee on Taxation on Bill, "An Act to Extend the Sales Tax to Laundry and Dry Cleaning Services." (H. P. 1126) (L. D. 1447)

Reported that the same Ought Not to Pass.

(On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.)

Come from the House, the reports Read and Accepted.

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

#### **Ought to Pass - As Amended**

The Committee on Highways on Bill, "An Act Providing for Maintenance of Certain Roads in Baxter State Park." (H. P. 230) (L. D. 286)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-190).

The Committee on Agriculture on Bill, "An Act to Remove the Prohibition Against Running Horse Racing During Certain Weeks in the Months of June and July." (H. P. 452) (L. D. 589)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-183).

The Committee on Agriculture on Bill, "An Act Relating to Penalty for Sale of Diseased Horses." (H. P. 537) (L. D. 716)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-184).

The Committee on Education on Bill, "An Act Relating to Sick Leave for Teachers." (H. P. 759) (L. D. 979)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-187).

The Committee on Highways on Bill, "An Act Relating to Agreements Between Municipalities and State Highway Commission in Laying Out Certain Highways." (H. P. 1029) (L. D. 1338)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-189).

The Committee on Public Utilities on Bill, "An Act Creating a Sewer District in the Town of Jackman." (emergency) (H. P. 1095) (L. D. 1412)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-192).

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

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

The Committee on Education on Bill, "An Act Relating to Approval of Secondary Schools." (H. P. 275) (L. D. 151)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-188).

Comes from the House, the report Read and Accepted and the bill Indefinitely Postponed.

Mr. Wyman of Washington moved that the Report be tabled and specially assigned for April 23, 1969, pending Acceptance of the Committee Report.

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

Mr. KATZ of Kennebec: Mr. President, directing our attention only to the time of the tabling, I wonder whether the Senator might be able to table it for later in today's session?

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

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending Acceptance of the Committee Report.

#### Ought to Pass - In New Draft

The Committee on Highways on Bill, "An Act Relating to Apportionment of Cost of Construction of State Aid Bridges." (H. P. 188) (L. D. 228)

Reported that the same Ought to Pass in New Draft. (H. P. 1129) (L. D. 1451)

The Committee on Transportation on Bill, "An Act Requiring Marking of Trailers Carrying Dangerous Liquids." (H. P. 654) (L. D. 841)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles." (H. P. 1131) (L. D. 1453)

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

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

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Special Stores to Sell Liquor." (H. P. 771) (L. D. 1004)

Reported that the same Ought to Pass.

Signed:

Senators:

BERRY of Cumberland  
BOISVERT

of Androscoggin

CONLEY of Cumberland

Representatives:

CHANDLER of Orono

LEIBOWITZ of Portland

STILLINGS of Berwick

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

Signed:

Representatives:

HICHENS of Eliot

TANGUAY of Lewiston

FAUCHER of Solon

COUTURE of Lewiston

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

Which reports were Read.

On motion by Mr. Barnes of Aroostook, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

#### Senate

#### Ought Not to Pass - Covered by Other Legislation

Mr. Stuart For the Committee on Education on Bill, "An Act Removing Public Law 874 Receipts from the Educational Computation Foundation Program." (S. P. 123) (L. D. 385)

Reported that the same Ought Not to Pass - Covered By Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

#### Ought Not to Pass

Mr. Stuart for the Committee on Education on Bill, "An Act Relating to Time for Teachers and Pupils for School Lunch." (S. P. 400) (L. D. 1351)

Reported that the same Ought Not to Pass.

Which report Was Read.

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

Mr. MILLS of Franklin: Mr. President, Members of the Senate: I move to substitute the bill for the report.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves to substitute the bill for the report.

Mr. MILLS: I'm surprised that this Committee would give such preemptory treatment to such a well - conceived piece of legislation. If I may cast all semblance of modesty aside, as I introduced the piece of legislation, but seriously, this bill it seems to me is one of the most obvious things that the Legislature ought to do, if legislators are informed and aware of what's going on in our educational system. I happen to know, because some members of my family engaged in it as teachers, and also as students.

Anyone from industry today who proposed to limit his help to a lunch period of 10 minutes, or 15 minutes, would immediately lose all his help. And he probably would be castigated among his employees, and the general public as an enemy of the people, and an enemy of good health, and good digestion, good mastication — if that's what you call it when your chew your food.

Here we are in the education business, and we run — I'll challenge you to go out and look — we run children through school lunch programs in 10 or 15 minutes. And we feed them like you wouldn't feed your hogs. They're taught to eat fast, and get it over with, and get out of there, so that the school busses can run home on time at the end of the day. Teachers are treated the same way.

Now, there is a little evidence that I have, to be fair about this, there is a little evidence to the contrary, because they had School Lunch Week a month or two ago, and it was just after I put this bill in the Legislature, and I got invited, kind of plainly, up home, to go and take part in the school lunch. And somebody put a stop

watch on me while I was eating. And I heard later it took me 20 minutes to eat. And I enjoyed good conversation with my seat-mates at the time. So the school administrators up my way were throwing it at me that they didn't need a half hour, it only took me 20 minutes. I say that the time that each person has allotted to him for lunch shouldn't be limited to the time that he's working one jaw against another. And that there are other things that should occur during the school lunch program in the way of a little relaxation; washing your hands, and that sort of thing, that ought to be allowed for, that any intelligent employer always allows.

Now, I'm surprised that our health proponent here in the Senate is coming out here this morning with this unanimous ought not to pass report. I can excuse our Majority Floor Leader — I can excuse him for anything after what he said about me yesterday — but I can excuse him, because I think he wasn't present when this bill was heard. Also I'm afraid this is going to be said, too, that I wasn't there either. But I had four or five matters that afternoon, and I just thought that this was a bill that would go with its own weight its own merit. And I thought that I wouldn't go there and hurt its chances. But I mistook, apparently, the power of the establishment.

And when I say that, I say it advisedly. And I know they read the record over there in the Department of Education, and I want them to read it. But they do — they come up here and they think that running these schools, a lot of these details of running these schools, are none of our business, and that we shouldn't interfere in the matters like this.

But I do think that when we have interfered in the past, and set up regulations in the past, in great detail about running the schools, such as the providing of the last Friday in March of each year, or the school day nearest that date shall be designated as Temperance Day, and that every public school in this state, not less than 45 min-

ues of the school session shall be set apart to use to instruct, and appropriate exercises relative to the history and benefits of temperance laws, and said schools to continue their work as far as practical during the remainder of the day. We set apart a whole day to create an attitude of temperance. And you all know of many other legislative acts which designate what they shall do and when they shall do it.

When they talk about how much time they should have — they should at least have a half hour set aside for school lunch, because we're not being unreasonable, and we're not imposing on the establishment, the educational establishment, anything that isn't within our sphere, our proper sphere of action.

And I know they're going to beat me on this, because if we should happen to be lucky here, they'll do it in the other branch, probably. But I think that the good doctor shouldn't get away with a unanimous ought not to pass report on this health measure of mine. I mean he and I believe firmly in good teeth, and good digestion, and good eating—not too much of it, but good and proper eating. And I want him to tell what motivated that committee in saying that it is no business of this Legislature that the school children of the State, and the teachers of the State should have at least a half an hour set aside for the purpose of eating. And I urge my motion for substitution of the bill for the report.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to respond to the good Senator from Franklin, Senator Mills, and say the Education Committee certainly agrees with him wholeheartedly that children should have time enough to eat their lunch. On the other hand, we felt that this was an area where the State should not interfere.

We felt that the teachers could handle this, the local School Committees. If there's a grievance, that enough time is not being

allowed for lunch, it certainly can be handled locally very easily.

Commissioner Logan was at the hearing, and he felt this way. And we didn't want to have the State say that you have to set aside one half hour, and then some of these children that can eat in 10 or 15 minutes — not make them sit there for the next 15 minutes just because the State says you're going to take a half an hour.

So all I can say is that if there is a problem in any school, in any community, it can be handled very easily by calling the attention of the local school committee. And we just felt that this was something that we could stay out of. But we're strongly in favor of the children having enough time, and I'm sure they will.

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

Mr. GORDON of Cumberland: Mr. President, Members of the Senate: I'm very pleased to hear the remarks from the distinguished gentleman from Franklin, Senator Mills, because I wholeheartedly concur. I am a bit shocked that I overlooked this this morning, because this is a matter that I'm quite concerned with. The school children in and around my community do not have sufficient time for lunch. And this has been a problem within my community.

And the educators and the superintendents of some of these schools feel that they're doing the best they can. And they hope to alleviate it, but is has been a serious problem. I would note that the school lunch administrators have written me, several of them, pertaining to this matter, because they feel that children do not have sufficient time.

I would call to your attention that there are laws on the books now providing for a half hour lunch, or break period, for female laborers. And certainly if we are to grant and legislate a lunch period for female laborers to permit them sufficient time for lunch and rest break, then we should certainly do the same for our children.

And I think that the reason that this legislation has been presented

to us is because a problem does exist. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, Members of the Senate: It's a novel experience for the Education Committee to be put on the defensive about not doing something. We're accused of being such blank check artists, and having — or being able to solve all the problems of the educational community. The thing that bothers me about this bill is the amendment that I understand somebody has, ready to put in mandatory restroom breaks for all the S.A.D.'s, and School Districts in the State if we go along with this.

I have got an awful lot of confidence in the mamas and the papas around the State, and the M.T.A., and the teachers, that if a local problem gets very out of hand, that it can be solved locally. And I have a good deal of trepidation about the outcome of the motion. But I certainly hope you vote against the motion to substitute the bill for the report. I ask for a division.

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 bill be substituted for the report on Item 6-23, Bill, "An Act Relating to Time for Teachers and Pupils for School Lunch." A Division has been requested. As many as are in favor of substituting the bill for the report rise and remain standing until counted.

Those opposed will rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative and seventeen 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.

#### Ought to Pass

Mr. Violette for the Committee on Judiciary on Bill, "An Act Relating to Expert Witness Fees

as Court Costs." (S. P. 103) (L. D. 312)

Reported that the same Ought to Pass.

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Relating to Settlement or Release of Claims in Personal Injury and Property Damage Actions." (S. P. 105) (L. D. 318)

Reported that the same Ought to Pass.

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Trial Costs." (S. P. 106) (L. D. 313)

Reported that the same Ought to Pass.

Mr. Letourneau for the Committee on State Government on Bill, "An Act Increasing the Number of Official Court Reporters." (S. P. 137) (L. D. 434)

Reported that the same Ought to Pass.

Mr. Letourneau for the Committee on State Government on Bill, "An Act Changing Name of State Council on Economic Education to Maine Council on Economic Education." (S. P. 419) (L. D. 1413)

Reported that the same Ought to Pass.

Which Reports was Read and Accepted and the Bills Read Once and tomorrow assigned for Second Reading.

#### Ought to Pass - As Amended

Mr. Katz for the Committee on Education on Bill, "An Act to Amend the New England Higher Education Compact." (S. P. 237) (L. D. 711)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-82).

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

#### Ought to Pass in New Draft

Mr. Wyman for the Committee on State Government on Bill, "An Act Relating to Electrician's Licenses." (S. P. 279) (L. D. 874)



Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 438) (L. D. 1461)

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

**Divided Report**

Five members of the Committee on Education on Bill, "An Act Providing Free Tuition at State Colleges for Students from Low Income Families." (S. P. 345) (L. D. 1211)

Reported in Report "A" that the same Ought to Pass As Amended by Committee Amendment "A" (CS-8).

Signed:  
Senator:

KELLAM of Cumberland  
Representatives:

WAXMAN of Portland  
CHICK of Monmouth  
MILLETTE of Dixmont  
KILROY of Portland

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

Signed:  
Senators:

STUART of Cumberland  
KATZ of Kennebec  
Representatives:

ALLEN of Caribou  
RICHARDSON  
of Stonington  
CUMMINGS of Newport

Which reports were Read.

On motion by Mr. Bernard of Androscoggin, tabled until later in today's session, pending Acceptance of Either Report.

**Second Readers**

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

**House**

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

Bill, "An Act Relating to Fees of Disclosure Commissioners." (H. P. 823) (L. D. 1062)

Bill, "An Act Relating to Restoration to Service Under State Retirement Law." (H. P. 966) (L. D. 1249)

Bill, "An Act Relating to Approval or Disapproval of Mergers Under the Banking Laws." (H. P. 1121) (L. D. 1442)

Bill, "An Act Relating to Open Season on Muskrat and Mink." (H. P. 1122) (L. D. 1443)

Bill, "An Act Relating to Fall Trapping by Indians." (H. P. 1124) (L. D. 1445)

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

**House - As Amended**

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

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

Resolve, Relating to Fishing in First Chase Lake, Aroostook County. (H. P. 892) (L. D. 1151)

(On motion by Mr. Barnes of Aroostook, tabled and specially assigned for April 23, 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 a Maine - New Hampshire Interstate School Compact." (S. P. 387) (L. D. 1378)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 23, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to Conferring Degrees by Husson College." (S. P. 417) (L. D. 1392)

Bill, "An Act Increasing the State Contingent Account." (S. P. 435) (L. D. 1454)

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

Sent down for concurrence.

**Enactors**

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

An Act Increasing Salaries of Official Court Reporters. (S. P. 62) (L. D. 185)

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

An Act Relating to Sick Leave Under Lewiston City Charter. (H. P. 1116) (L. D. 1435)

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

#### Orders of the Day

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

RESOLVE, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 12) (L. D. 12)

Tabled — April 11, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The sponsor of this bill has already amended it to age nineteen. There are other bills on this same matter, there are at least two, I think, left in Committee. In the interest of clearing up the calendar, and with full thought that there will be plenty of chance for further debate on this, I would move indefinite postponement of this particular Resolve.

Thereupon, the Bill was Indefinitely Postponed.

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

SENATE REPORT — Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Lengthening the Open Season on Beaver by the Commissioner of Inland Fisheries and Game." (S. P. 79) (L. D. 239)

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

Pending — Acceptance of Report.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for April 24, 1969, pending Acceptance of the Committee Report.

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

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

Tabled — April 16, 1969 by Senator Greeley of Waldo.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, in moving passage of this item to be engrossed, I would like to say that the maximum ceiling placed upon relocation payments is \$5,000. And with this understanding and explanation, I would feel that this is good legislation.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be engrossed in concurrence?

The motion prevailed and the Bill was Passed to be Engrossed in concurrence.

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

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

Tabled — April 16, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for April 24, 1969, pending Passage to be Engrossed.

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

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

Tabled — April 17, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Mr. MILLS of Franklin offered Senate Amendment "A" and moved its Adoption.

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

Mr. MILLS of Franklin: Mr. President, before any action is taken on the adoption of this proposed Amendment, I would like to state what it is. Certainly if any member wants to table it, it is appropriate to do so. I will explain it, though it may not be necessary.

This Amendment was adopted to protect the clerks who are now in office. The substance of it came from the highest authority in this regard and was cleared through the office of Legislative Research to accomplish this purpose. There are clerks in office who were appointed for four year terms. We didn't want any legislation going through that would cut off the terms of office in which they are now appointed. It states clearly in this that that is the intent. It was felt necessary to do this in order to protect them. If it needs any further study, why certainly it is appropriate to hold it up at this time. Otherwise I would like to see it move along to the other branch.

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

Thereupon, on motion by Mr. Quinn of Penobscot, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

The PRESIDENT: On the matter previously set aside at the request of Mr. Wyman of Washington, Bill, "An Act Relating to Approval of Secondary Schools" (H. P. 275) (L. D. 351), the Chair recognizes the Senator from Kennebec, Mr. Katz.

Thereupon, on motion by Mr. Katz of Kennebec, the Bill was Indefinitely Postponed in concurrence.

The PRESIDENT: On the matter previously set aside at the request of Mr. Bernard of Androscoggin, Bill, "An Act Providing Free Tuition at State Colleges for Students from Low Income Families," the Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate. Maine ranks only 47th in the nation in the number of students

continuing their education past the secondary school level.

The State of Maine subsidizes \$1,200 of the estimated \$1,600 it costs to educate each college student per year in Maine.

This \$1,200 comes from all residents of our state regardless of family income. There are very few students from low income families able to attend college in Maine. The families with an income of less than \$5,000 derive no higher education benefits from their tax money. They help support our institutions of higher education, but find it virtually impossible to supply the cost of tuition for their own children.

The passage of Bill 1211 would be an assurance that these students' educations would not be interrupted because of a lack of funds. And the security of this knowledge would be an inducement for the child to study and stay in school.

At the present time the state is subsidizing higher education for only the student in a financial position to pay the additional costs involved.

The earning capacity of a college or vocational school graduate is double that of the unskilled laborer. Many more young people would be attending our vocational schools if they could obtain grants, as provided by this bill.

Helping more students obtain a higher education, bringing up the standard of living, and raising their capacity to learn is a good investment for the economy of Maine for three reasons:

One, a well trained labor force attracts better paying industries.

Two, it cuts back the alarming rising cost of welfare payments.

Three, the state will benefit from the training and education provided by this legislation, as this bill has a built-in provision which assures that the recipient of the grant shall accept employment in the State of Maine within one year of graduation on the basis of one - half year for each academic year of training.

As a businessman, I feel this bill is a good investment. This type of legislation pays excellent dividends. As an example, the benefits of this to the economy

from the educational section of the G. I. Bill of Rights proved to be substantially more than the original investment.

Now, I want to give you an example of what happened to me in my young life. When I was just a young boy —there was three of us in our family — my older sister that's deceased now; myself; and my younger brother. Our parents died when we were very little. In fact, my youngest brother wasn't born yet when my father died.

We all attended high school. I had an uncle in the United States that we wrote to, and asked him if he could help us with some assistance, with some money, for one of us to go to college. We got in the return mail from him an answer that he would send one of us to school, and he would send \$100 per year for his education.

In Poland, where I was born, for girls to attend college wasn't necessary. Everybody felt if a girl goes to high school she'll get married, and is good enough. And very few girls went to college.

Myself being next in line, I was chosen to go to high school. When we went to school, my brother and myself, I think his scholastic ability was a little bit better than mine at the time. I think if we would take a test, his test would rank a lot higher than I did. But by knowing that I had a future ahead of me, that I can obtain a college education, I tried to study harder, and I passed. And I did a good job, and I continued and went to college.

I graduated. I majored in economics. I came here to this country. I made one mistake; I should have gone to school and taken up English. It would have helped me quite a lot. I didn't do it. I plan to do it next summer. My older son is a graduate student in Cornell, insists that papa should speak a little bit better.

Now, last year, from all of the State of Maine, 5,000 students from public school went to higher education, 1,700 students from private schools went on to higher education. The ratio of private school students and public school students in Maine must be that three to four

per cent students attend private schools in the State of Maine. And the ones that went up farther to school, about 30 per cent of them. It proves to you that the lower income people don't go. They feel they don't have a chance. The children don't prepare. And by doing so, we deprive them of their rights.

And Maine ranked 47th. But there's only three southern states that are lower today now in college — in enrollment than the State of Maine. Maine would have been the lowest if they would have proportionately the same percentage of colored people as they do.

So I feel Maine is my adopted State. The United States is my adopted land. I love it here. I'm in a position where I can send my children to school. I have three children in college now. I can do it now. Ten years ago I wasn't in that position. I would have felt bad if my children wouldn't have some kind of a break, some kind of a chance.

I know there are some scholarships now. But they don't specify that they have to go to low income families. Now, when we looked at TV the other day, all of you saw the names that popped up in the paper. You saw Miss Saltonstall.

She was the one that was demonstrating. You go look at the one named Rubin. They all come from wealthy families. The most of them that come to college from the lower income, they are happy to stay in school, happy to study. And we've got to give them a lift. We want to show them when they start high school that they have a future ahead of them, that society isn't against them, that they are wanted. And that anything that can be done for them, will be done. And I am pretty sure — I can't guarantee it — our welfare costs will not go up as high as they do now in five or ten years.

We all kick about welfare. Recommendations come up for three or four or five million dollars. We can't throw out all the welfare costs. What do we do? We cut down the cost a little bit. The cost of welfare is uneducated children of the State of Maine. That's

no fault of their own. It's no fault of their parents. The parents didn't have an education. They feel the children don't have a chance, and they don't try to help them to go along.

I was amazed the other day when I heard the speech of Senator Wyman. And I admire him. And I made mention to our leader of the Senate here that here is a man with ability and courage. So Senator Katz told me right off, "do you know he's — besides being a good businessman, he's a graduate of Harvard." After I listened to him, I agreed with that.

So I feel that we should give our neighbors children — the ones that can't afford an education — a chance to be able to become Mr. Wymans.

And I would like to ask, Mr. President, for a roll call vote. Thank you.

The PRESIDENT: Does the Senator care to make a motion?

Mr. LEVINE: I make a motion that we accept the report as amended, Report "A".

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

Mr. KATZ of Kennebec: Mr. President, Members of the Senate. I rise with a very, very sinking heart. This is a tough piece of debate to follow. I think that perhaps I had better paint those who signed the Report B, Ought Not to Pass, as something less than complete blackguards, who are against our children, and against the children's education.

I subscribe to everything the Senator from Kennebec, Senator Levine, says, except as pertains to L.D. 1211. L.D. 1211 is the thing that is before us. Not the question of welfare costs. Not the question of whether or not we favor increasing the educational opportunities for youngsters.

Personally I'm delighted to note we're 47th in the United States, because last session we were 50th. And this shows signal progress on the part of the State of Maine.

I will take advantage of the Senate to tell you why I think the State of Maine ranks so poorly. And I will shake the finger at the

Legislature, and the Legislatures which preceded us, for part of our problems.

The State of Maine has had a magnificent preoccupation in devoting its millions of dollars that we put into higher education for the benefit of youngsters from a particular kind of family, who want to pursue a particular kind of education. Almost all of the money until recent years put into higher education has gone to the benefit of youngsters who wanted to pursue a four-year residential program leading towards a baccalaureate degree. And the number of Maine youngsters who could take advantage of this particular kind of a program is very limited.

It's only in recent years that through U.M.P., U.M.A., and other two-year vocational technical that there are other things in this world besides bachelor degrees.

And I would urge this Legislature, and those that follow, to be sure that a proportionate share of whatever money be put into higher education goes for the benefit of two-year students; youngsters who don't want, necessarily, to become bachelors — get bachelors degrees, become doctors, lawyers, and perhaps even Indian chiefs.

And I think this is the basic part of the reason why the percentages paint things so very blackly. But with regard to what we're doing today, I notice in the paper, in this morning's Portland Press Herald, a release that I put out yesterday, which is the result of a survey that I made of the lending institutions in the State of Maine. And the question is, how well is our Student Loan Program working? And I'm delighted to report to you that since 1962 Maine lending institutions have loaned Maine students more than \$10 million to further their own education. This is good. It makes me feel good. And I think that you should share in my sense of pleasure.

I don't pretend that loans are the only answer. But I can tell you today that in the State of Maine there is not a single — and I mean this literally — and I think

I can back it up factually — there is not a single, solitary youngster in the State of Maine who has the ability, and who has the motivation, who can't continue his education after high school because of his family's income. It just isn't so.

I think I will point out to you that I realize that there is a need for a mixture of scholarships and student loans. That sometimes student loans don't do all the job that is necessary. But again, I will refer to L.D. 1211 and say this is one of a group of bills that attempts in a splintered fashion to solve what should be a coordinated approach to financing our kids in higher education. And it is a splintered approach.

It refers to an income need, the effective income between zero and \$7,000. And I'm not quite sure what effective income means. It sets up also a program of \$2,500 to administer this scholarship program. And I am completely at a loss to understand, how, for \$2,500, you can evaluate the need of individual students, and the actual income of their parents. I think it's stretching things to believe that we can do it.

The Governor, earlier last summer, caused a staff report to be made. And the question before the staff was: Should we have free tuition for our college youngsters in Maine, attending Maine institutions? And one of the alternatives they discarded was the question of giving free tuition based upon the ability of the family to pay. The Governor's staff felt that this was so unwieldy, and so impractical, that they'd be better off coming out with free tuition for everybody.

Well, I'm against free tuition for everybody. I feel that there has to be a motivation. But the fact remains that when you establish need, and you specify a specific income, you run into trouble. I also point out to the Senate the fact that we have on the books a State Scholarship Program. In the Current Services Budget — which I hope some day we'll get a chance to enact into law — there's \$122,000 for certain students presently in the scholarship program. I hope and pray that there will be money

to finance the rest of this program. I don't know that this is true, but I say that if we do have any more money, that the State Scholarship Program as it exists on the books provides for need. It doesn't attempt to say from zero to \$7,000 in effective family income. But the State Scholarship Program is earmarked only for those youngsters who would not be able to pursue their education in the event the Scholarship Program weren't forthcoming.

Now, Mr. President and gentlemen, I feel very relaxed about this bill. And I have a feeling it has so much emotional appeal that perhaps it can be given a chance. But it's not part of the overall plan. It's not part of an overall picture. And I have a feeling that the needs of the State are so great it should be part of an overall plan, and some kind of system of priority, so that we can have some kind of a planned package to fill the needs of our students.

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

Mr. LEVINE of Kennebec: Mr. President, Members of the Senate: I'm not as good a speaker, and not as good a debater as my friend, Senator Katz. But this bill has been amended to families of less than \$5,000. And I'm sure that my good friend, the Senator from Kennebec, must have known of the recommendation, because he saw it in committee. I'm sorry that he didn't think about it.

Now, as far as the cost to administer this here, I went down to the Department of Education, Mr. Nickerson is the one that gave me the figures of \$2,500. So I mean, I didn't pick any figure from the air, or I didn't know what it would cost. I felt that they should know better than I do how much it would cost to administer this bill. And when it comes down — the point is this way, that low income families don't attend college. We don't want to have any riots in the state here. We don't want to give them any cause, the poor people, to start them marching on the State House. We want to cut down the cost of welfare, and something has got to be done about

it. If we don't do something about it, I don't know where it's going to end up.

It reminds me of a story. Once a State officer stopped somebody with his car, with no brakes, he had an accident. He said to him, we have to take you to court, something is wrong with your car. He said, oh, now, nothing is wrong with my car, everything is all right. He said, I checked your brakes, your brakes are no good. He said, no, my brakes are all right. He said, how come you hit the other car. He said, they didn't take.

It's the same story about why Maine ranks so low. The poor families can't afford the children to go to school. That's the only thing. And this bill here specifies for families under \$5,000. And that's the ones we want to help. That's the one we want to give them the right track. We want the parents to know that the children have a chance in life. After, their children will go to school, their grandchildren, and their great-grandchildren, and you aren't going to have any more problems. Once you get a taste of education, they want it. Now they've never had a taste of it, they don't know how much good it will do them. But once we give them the breaks, you'll see that Maine will go up to be the 25th, in the middle, as far as education of children is concerned. Thank you, sir.

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

Mr. BARNES of Aroostook: Mr. President, Members of the Senate: I hesitate to rise on this issue. But I'd like to commend the Senator from Kennebec, Senator Levine, on a good job this morning. I don't think he needs an education, or any more education, or any course in English. I don't think he needs a guardian. I think he got the message across pretty well. He almost had me crying. I don't agree with him in principle. I don't agree with the principle of free tuition. But I'm going to go with him this morning.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion

of the Senator from Kennebec, Senator Levine, the Senate accept Report "A", Ought to Pass of the Committee.

A roll call has been requested. Under the Constitution, in order to order a roll call, it requires the affirmative vote of at least one fifth of the Senators present here today. As many Senators as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Secretary will call the roll.

#### Roll Call

YEAS: Senators Barnes, Beliveau, Bernard, Boisvert, Cianchette, Conley, Gordon, Hanson, Kellam, Letourneau, Levine, Logan, Martin, Mills, Minkowsky, Peabody, Quinn, Reed, Tanous, Violette, and Wyman.

NAYS — Senators Berry, Dunn, Duquette, Greeley, Hoffses, Katz, Sewall, Stuart, and President MacLeod.

ABSENT: Senators Anderson and Moore.

A roll call was had. Twenty - one Senators having voted in the affirmative, and nine Senators having voted in the negative, with two Senator absent, the motion to Accept the Ought to Pass Report of the Committee prevailed and the Bill was Read Once.

Thereupon, Committee Amendment "A", Filing No. S-84, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 12) (L. D. 12) was Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby the Senate indefinitely postponed Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age

to Eighteen Years. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beiveau.

Thereupon, no motion by Mr. Beiveau of Oxford, tabled and specially assigned for April 23, 1969, pending the motion by Mr. Berry of Cumberland to reconsider its action whereby the Resolve was Indefinitely Postponed.

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

Mr. WYMAN of Washington: Mr. President, I would like to inquire if L. D. 1450, "An Act Requiring Immunization of Dogs Against Rabies," is in possession of the Senate?

**The PRESIDENT:** The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President, I now move that we reconsider our action whereby we passed this Bill to be engrossed.

**The PRESIDENT:** The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby (S. P. 433) (L. D. 1450) "An Act Requiring Immunization of Dogs Against Rabies," was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I wonder if the good Senator from Washington would explain the background of his motion.

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

Mr. WYMAN of Washington: Mr. President, I didn't understand the question.

**The PRESIDENT:** The question posed through the Chair from the Senator from Cumberland, Senator Berry, was asking if the Senator from Washington would explain the reason for his motion for reconsideration. The Senator may answer or not as he so desires.

Mr. WYMAN: Mr. President, I intended to table this bill until next Wednesday.

**The PRESIDENT:** The Senator from Washington, Senator Wyman, now moves that Senate Paper 433, Legislative Document 1450, "An Act Requiring Immunization of Dogs Against Rabies," be tabled until Wednesday next, pending the motion to reconsider its action whereby this Bill was Passed to be Engrossed. In this the pleasure of the Senate?

The motion prevailed.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, April 22, 1969, at 10 o'clock in the morning.