

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 25, 1969

Senate called to Order by the President.

Prayer by the Rev. Fr. Real Bourque of Augusta.

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 29, at 10 o'clock in the morning.

(S. P. 444)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Resolve into a Committee of the Whole.

Subsequently the Senate was called to order by the President.

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

Bill, "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles." (H. P. 1131) (L. D. 1453)

In the Senate April 22, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Barnes of Aroostook, 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:

BARNES of Aroostook
 REED of Sagadahoc
 GORDON of Cumberland

Non-concurrent Matter

Bill, "An Act Regarding the Membership of School Committees and Boards of School Directors," (H. P. 1088) (L. D. 1342)

In the House March 25, 1969, Indefinitely Postponed.

In the Senate April 23, 1969, Passed to be Engrossed 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:

KATZ of Kennebec
 STUART of Cumberland
 KELLAM of Cumberland

**Joint Resolution
State of Maine**

In the Year of Our Lord One Thousand Nine Hundred and Sixty-Nine

In Memoriam

WHEREAS, we pause to record our personal sadness in the death on April 22, 1969 of Doctor Frederic T. Hill and to express our sincere appreciation for his life's work; and

WHEREAS, this simple pioneer, internationally known as an ear, nose and throat specialist, being unmoved by greater opportunity dedicated his entire life to the people and medical service of this State; and

WHEREAS, his open door has long been recognized as a symbol of hope and the finest specialized treatment available regardless of cost; and

WHEREAS, no greater tribute can be paid to Doctor Ted than by the countless numbers of thankful person; who have been touched by the genius of his skillful hand and agile mind; now, therefore be it

RESOLVED: That we, the members of the 104th Legislature now assembled, inscribe this token of our enduring affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this **Joint Resolution**, suitably engrossed, be immediately transmitted by the Secretary of State to the bereaved family and to the

board of trustees of his Godchild, Thayer Hospital.

(H. P. 1152)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

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

April 24, 1969

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

Sir:

The House today voted to Adhere to its action whereby Bill "An Act Reclassifying Waters of the St. John River Basin" (H. P. 1096) (L. D. 1414) failed passage to be engrossed and the Senate had passed it to be engrossed on April 9, 1969.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

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

Mr. BERRY: Mr. President and Members of the Senate: With reference to the Prestile Stream matter which is now leaving us, I want the record to show, and underline the importance of it, that at various stages in the consideration by this legislature of this matter that both houses of the 104th Legislature have, by a majority vote, voted to upgrade the Prestile Stream. I attach a great deal of significance to this action.

Committee Reports House Leave to Withdraw

The Committee on Natural Resources on Bill, "An Act Relating to Application of Wetlands Law to Inland Waters." (H. P. 68) (L. D. 68)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on Bill, "An Act Relating to Sardine Tax Revenues for Advertising." (H. P. 1053) (L. D. 1385)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass -

Covered by Other Legislation
Bill, "An Act to Permit Public School Education of all Handicapped or Exceptional Children." (H. P. 625) (L. D. 813)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Election Laws on Bill, "An Act Providing Presidential Preferences in Primary Elections." (H. P. 88) (L. D. 97)

Reported that the same Ought Not to Pass.

The Committee on Election Laws on Bill, "An Act Providing for a Presidential Preference Primary." (H. P. 141) (L. D. 163)

Reported that the same Ought Not to Pass.

The Committee on Claims on Resolve, to Reimburse Gordon Medcoff of Dixfield for Well Damage by Highway Construction. (H. P. 213) (L. D. 263)

Reported that the same Ought Not to Pass.

The Committee on Election Laws on Bill, "An Act Providing for Judiciary Review of Nomination Petitions Under Election Laws." (H. P. 926) (L. D. 1187)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Claims on Resolve, to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and

Highway Maintenance. (H. P. 681) (L. D. 880)

Reported that the same Ought Not to Pass.

Comes from the House, Recommended to the Committee on Claims.

On motion by Mr. Logan of York, Recommended to the Committee on Claims in concurrence.

Ought to Pass

The Committee on Agriculture on Bill, "An Act Creating the Maine Milk Dealers' Bonding Law." (H. P. 715) (L. D. 933)

Reported that the same Ought to Pass.

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

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

The Committee on Towns and Counties on Bill, "An Act Authorizing Penobscot County to Raise Money to Purchase and Develop Premises Adjoining County Buildings." (H. P. 1099) (L. D. 1419)

Reports that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass - As Amended

The Committee on Towns and Counties on Bill, "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies." (H. P. 494) (L. D. 648)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-231).

The Committee on Towns and Counties on Bill, "An Act Relating to Expending York County Funds for Waban Project, Inc." (H. P. 652) (L. D. 842)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-230).

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.

Ought to Pass In New Draft

The Committee on Inland Fisheries and Game on Bill, "An Act Repealing the Licensing of Guides Under Fish and Game Laws." (H. P. 123) (L. D. 139)

Reported that the same Ought to Pass in New Draft Under Title of "An Act Relating to Licensing of Guides Under Fish and Game Laws." (H. P. 1123) (L. D. 1444)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-233) and House Amendment "B" (H-234).

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

The Committee on Liquor Control on Bill, "An Act Relating to Amount of Food Sold by Class A Restaurants Under Liquor Law." (H. P. 1002) (L. D. 1304)

Reported that the same Ought to Pass in New Draft. (H. P. 1146) (L. D. 1465)

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

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

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the

Appointment of the Attorney General by the Governor. (H. P. 355) (L. D. 463)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

DENNETT of Kittery
DONAGHY of Lubec
RIDEOUT of Manchester
MARSTALLER of Freeport

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

WATSON of Bath
STARBIRD of Kingman
D'ALFONSO of Portland

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

Which reports were Read.

Mr. Wyman of Washington, moved Acceptance of the Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for April 30, 1969, pending the motion by Mr. Wyman of Washington to Accept the Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Hours of Sale of Liquor in Class A Restaurants, Hotels and Clubs." (H. P. 288) (L. D. 364)

Reported that the same Ought to Pass in New Draft. (H. P. 1147) (L. D. 1466).

Signed:

Senators:

CONLEY of Cumberland
BERRY of Cumberland
BOISVERT of Androscoggin

Representatives:

TANGUAY of Lewiston
COUTURE of Lewiston
CHANDLER of Orono
STILLINGS of Berwick
LEIBOWITZ of Portland
FAUCHER of Solon

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

Signed:

Representative:

HICHENS of Eliot

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Hauling Lobster Pots on Sunday." (H. P. 526) (L. D. 697)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock
HANSON of Kennebec
BERNARD of Androscoggin

Representatives:

TYNDALE of Kennebunkport
LEWIS of Bristol
KELLEY of Machias
SANTORO of Portland

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

Signed:

Representatives:

BUNKER of Gouldsboro
LEPAGE of Scarborough
JUTRAS of Sanford

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

Which reports were Read.

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

Senate

Ought Not to Pass

Mr. Moore for the Committee on Public Utilities on Bill, "An Act Relating to Extension of Water Service." (S. P. 275) (L. D. 913)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Letourneau for the Committee on State Government on Bill, "An Act Prohibiting the Expenditures of Public Funds to Promote or Oppose Measures to be Voted on at Elections." (S. P. 412) (L. D. 1368)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-103).

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

Divided Report

Five members of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 178) (L. D. 580)

Reported in Report "A" that the same Ought to Pass in New Draft Under Same Title. (S. P. 443) (L. D. 1474)

Signed:

Senator:

WYMAN of Washington

Representatives:

DENNETT of Kittery
MARSTALLER of Freeport
RIDEOUT of Manchester
DONAGHY of Lubec

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senator:

LETOURNEAU of York

Representative:

STARBIRD of Kingman

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

WATSON of Bath
D'ALFONSO of Portland

Which reports were Read.

Mr. Wyman of Washington moved Acceptance of the Ought to Pass in New Draft Report "A" of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for April 30, 1969, pending the motion by Mr. Wyman of Washington to Accept the Ought to Pass in New Draft Report "A" of the Committee.

Divided Report

Five members of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 131) (L. D. 393)

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

Signed:

Senators:

BELIVEAU of Oxford
LETOURNEAU of York

Representatives:

D'ALFONSO of Portland
STARBIRD of Kingman
WATSON of Bath

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

Signed:

Senator:

WYMAN of Washington

Representatives:

DONAGHY of Lubec
RIDEOUT of Manchester
MARSTALLER

of Freeport

DENNETT of Kittery

Which reports were Read.

Mr. Wyman of Washington moved Acceptance of the Ought not to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for April 30, 1969, pending the motion by Mr. Wyman of Washington to Accept the Ought Not to Pass Report "B" of the Committee.

Final Report

The Committee on Election Laws submitted its final Report.

Which was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Legislative Finance Office as Secretariat for Commission on Intergovernmental Relations." (H. P. 354) (L. D. 462)

Bill, "An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education." (H. P. 408) (L. D. 519)

Resolve, to Reimburse John P. Kennedy of Vassalboro for Loss of Sika Deer by Dogs. (H. P. 801) (L. D. 1040)

Bill, "An Act Relating to Closing of Private or Parochial Schools." (H. P. 804) (L. D. 1043)

Bill, "An Act to Amend the Charter of the City of Ellsworth." (H. P. 941) (L. D. 1202)

Bill, "An Act Relating to Fiscal Year for City of Biddeford." (H. P. 997) (L. D. 1299)

Bill, "An Act Relating to Elections in City of Biddeford." (H. P. 988) (L. D. 1272)

Bill, "An Act to Allow Interstate Commerce of Rifles and Shotguns Between Contiguous States." (H. P. 1006) (L. D. 1308)

Bill, "An Act Relating to Approval of Appointment of Assistant County Attorneys for Hancock and Washington Counties." (H. P. 1137) (L. D. 1459)

(On motion by Mr. Mills of Franklin, temporarily set aside.)

Bill, "An Act Relating to Maine National Life Insurance Company." (H. P. 1139) (L. D. 1462)

Bill, "An Act Pertaining to the Maine School Building Authority." (Emergency) (H. P. 1140) (L. D. 1463)

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

On the matter previously set aside, at the request of Mr. Mills of Franklin, Bill, "An Act Relating to Approval of Appointment of Assistant County Attorneys for Hancock and Washington Counties", the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-102, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Retirement Benefits for Call Firemen Under State Retirement System." (H. P. 834) (L. D. 1072)

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

Sent down for concurrence.

House - As Amended

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

(On motion by Mr. Cianchette of Somerset, temporarily set aside)

Bill, "An Act Relating to Length of Time in Boarding Stray and Abandoned Dogs." (H. P. 205) (L. D. 255)

(See action later in today's session.)

Bill, "An Act Relating to Renewals of Certain Occupational Licenses by Veterans." (H. P. 250) (L. D. 305)

Bill, "An Act Revising the Savings and Loan Laws." (H. P. 314) (L. D. 401)

Bill, "An Act Relating to the Education of Blind Children." (H. P. 321) (L. D. 408)

Bill, "An Act Relating to Burial of Honorably Discharged Veterans." (H. P. 501) (L. D. 655)

Bill, "An Act Permitting Bilingual Education." (H. P. 427) (L. D. 551)

Resolve, to Reimburse George Burns of Cambridge for Well Damage by Highway Maintenance. (H. P. 544) (L. D. 723)

Bill, "An Act Relating to Military Leave of Absence of Teachers." (H. P. 626) (L. D. 814)

Bill, "An Act Relating to Reorganization and Revision of Public Rehabilitation Services." (H. P. 711) (L. D. 925)

Bill, "An Act Increasing the Sales Tax and the Cigarette Tax, Removing the Sales Tax Exemption on Trade-in Credit for Vehicles and Providing for a Tax

on Soft Drinks." (Emergency) (H. P. 1138) (L. D. 1458)

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

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

On the matter previously set aside at the request of Mr. Barnes of Aroostook, Bill, "An Act Increasing the Sales Tax and the Cigarette Tax, Removing the Sales Tax Exemption on Trade - in Credit for Vehicles and Providing for a Tax on Soft Drinks" (H. P. 1138) (L. D. 1458), the same Senator presented Senate Amendment "A" and moved its adoption.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: Aroostook County this winter had more snow than I think we have had for years. We have had in excess of over two hundred inches. And as you travel around the County you will see many roofs caved in as a result of this heavy snow. I think probably this morning there will be another roof fall in on a Barnes. Thank - you.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: I would move for a division on the motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, asks for a division.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

MR. REED of Sagadahoc: Mr. President and Members of the Senate: Just for the record, I would like to say that I do oppose this amendment. I feel, not arguing the merits of the bill one way or the other, I feel as if the only justification for this bill eliminating the auto trade-in is to correct an inequity in our present system. I would hate to see what I feel, at least, creates another one to replace it, and I would state reasons for saying so. First of all, I think it would be very difficult for the people when they go to

register, they would have to have some ready cash in order to make their payment. Secondly, I think it would be setting a precedent, and the one that would come to mind, I think, that those who make the sale of boats certainly would have every justification to come in here two years from now and ask for the same privilege, and I assume that there would be others. So, on this basis I would oppose this amendment.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the adoption of Senate Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Three Senators having voted in the affirmative, and twenty - eight Senators having voted in the negative, the Amendment failed of Adoption.

The PRESIDENT: Is it the pleasure of the Senate that the Bill be Passed to be Engrossed as Amended?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to make a couple of comments about this bill prior to its passage to be engrossed. I am not going to object to its taking this further step but I would like to say a couple things.

Prior to the final enactment of this measure, I certainly am going to want to see what the rest of our budget is going to call for this year and what is going to be done in the area of school subsidies. I have said this before, and I am sure many of you are probably tired of hearing about it, but I feel that the municipalities of the State have got to have considerable assistance in order to do anything for the local property tax, and it appears to me that the one area in which this can best be done under our present system is in the area of school subsidies. Therefore, I believe that we are going to have to pass a meaningful subsidy law for the second half of the biennium. And by that I mean we are going to have to make reforms in the present law so that the

money is distributed more to those who need it, and we are going to have to increase the amount of the money to at least something around the fifty million dollar mark. And I believe that should be the figure that should be considered by our Appropriations Committee, and I believe that it is going to have to be considered before the final budget is passed and the final tax package is put into effect.

A month ago, I believe, we passed a makeshift resolve for the current year, which I objected to strenuously at the time, and of course I can find no merit with that particular bill with age having passed. The bill creates hurdles for us to overcome, and if this body in its wisdom wishes to treat the first year the way it has they certainly have got to overcome the hurdle that has been put before us and add at least an additional seven or eight million dollars to the forty - three million which would be in effect under that bill.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, as amended, be passed to be engrossed in concurrence.

The motion prevailed.

On the matter previously set aside at the request of Mr. Cianchette of Somerset, Bill, "An Act Relating to Safety Equipment on Boats Operated on Waters of the State" (H. P. 119) (L. D. 135), the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-101, was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: In clarification of this amendment, it takes out some very serious objections to parts of the bill. This amendment does have approval of the sponsor of the bill, it has approval of Bob Johnson of the Water Safety Commission, and the approval of the Chairman of the Inland Fish and Game Commission. I trust that it will be adopted.

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

Sent down for concurrence.

Mr. Conley of Cumberland moved the Senate reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Length of Time in Boarding Stray and Abandoned Dogs" (H. P. 205) (L. D. 255), was Passed to be Engrossed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending the motion by Mr. Conley of Cumberland to Reconsider.

Senate

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)

(On motion by Mr. Hoffses of Knox, temporarily set aside.)

Bill, "An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits." (S. P. 88) (L. D. 278)

Bill, "An Act Relating to Maine Babe Ruth Baseball, Inc." (S. P. 426) (L. D. 1426)

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

Sent down for concurrence.

On the matter previously set aside at the request of Mr. Hoffses of Knox, 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), the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-104, was Read.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This amendment would correct what we feel is a situation which has from time to time developed in regards to opening and closing of the beaver trapping season. There have been instances where the wardens have not been

able to prosecute in a violation case because of the date which was posted in regards to this particular flowage being open or closed. Therefore, this amendment, I believe, will correct it and it will also provide for the licensed beaver trappers adequate notice of opening or closing of beaver flowages for the purpose of taking the animals.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

Senate—As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries." (S. P. 71) (L. D. 193)

Bill, "An Act Relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor." (S. P. 86) (L. D. 249)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

Bill, "An Act Relating to Cost of Replacement Motor Vehicles as Damages in Civil Actions." (S. P. 87) (L. D. 250)

Bill, "An Act Relating to Construction or Acquisition of School Buildings for Mentally Retarded Children." (S. P. 133) (L. D. 417)

Bill, "An Act Relating to Operation of Purse Seines Within Territorial Waters of Washington County." (S. P. 302) (L. D. 995)

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

Sent down for concurrence.

The PRESIDENT: On the matter previously set aside at the request of Mr. Katz of Kennebec, Bill, "An Act Relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor" (S. P. 86) (L. D. 249), the Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to express my concern on Item 7-28 which is "An Act Relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor". It is similar to some bills that we have had before us in previous legislatures. It seems to extend pooling of damages for

the death of a youngster, an unlimited amount of damages. The present law indicates that such damages are not to exceed five thousand dollars, and this takes off all limitations. I would very much appreciate hearing from some member of the committee as to the thinking behind the Ought to Pass Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am willing to dispose of this item at this time. In other words, I don't suggest any tabling. I am strongly in favor of the bill, however, and I think that the bulwark which we can depend upon to regulate matters of this kind, which is in the last analysis the protection that—not only the insurance companies don't like this bill and others—they have as their protection, and that is the Supreme Court of the State of Maine. I particularly ask my brethren of the bar to pick me up if I am wrong in my statements in any way, because this is a matter of some technicality and I am speaking completely off the cuff this morning, although I did express myself in the committee, as the report shows.

But this says that you can not measure in monetary and legislative terms the exact limitation on the value of a child's life. This comes into play when instantaneous death occurs. Picture a small child running out into the highway in front of a truck and being instantly crushed beneath the truck, and assume that there is liability, and assume and take as an assumption of fact that there is a liability existing in the operation of the truck, we will say, at a greatly excessive rate of speed, and a child not having negligence attributed to it. When the instantaneous death occurs there is no pain or suffering, and there is the loss, of course, to its parents of a child tenderly nurtured through the formative years, and is one of the most difficult things in the world, of course, to place monetary value on such a catastrophe, such a tragedy, however, our Supreme Court is the

ultimate guide in such matters, and when our Supreme Court finds that juries have gone astray and been misled by intense sentiment on such matters it knocks down the verdicts; it says there will be a new trial of a case unless there is a remittature of so much money. And the guide that we have, and have had throughout the years under this system under which we operate, is the Supreme Court of the State. We lawyers feel that that is the best guide in the ultimate. I'm getting some smoke signals, so I think that maybe my argument as submitted has been somewhat persuasive to my beloved floor leader—I hope so. In any event, is there a motion, Mr. President? Is there a motion before the Senate?

The PRESIDENT: The question before the Senate is the passage to be engrossed, as amended, of Legislative Document 249.

Mr. MILLS: Well, I will desist at this point and trust that the motion will prevail.

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

Mr. KATZ of Kennebec: Mr. President, I am overwhelmed by the logical explanation and also by Committee Amendment "A", under filing No. S-96, which puts a limitation on, and I move the pending question.

Thereupon, the Bill, as Amended, was 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 Borrowing Capacity of School Administrative District No. 14. (S. P. 309) (L. D. 1027)

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

An Act Providing for Maintenance of Certain Roads in Baxter State Park. (H. P. 230) (L. D. 286)

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

An Act Relating to Horse Racing During Certain Weeks in the

Months of June and July. (H. P. 452) (L. D. 589)

An Act Relating to Penalty for Sale of Diseased Horses. (H. P. 537) (L. D. 716)

An Act Relating to Sick Leave for Teachers. (H. P. 759) (L. D. 979)

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

An Act Relating to Apportionment of Cost of Construction of State Aid Bridges. (H. P. 1129) (L. D. 1451)

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

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

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

Emergency

An Act Creating a Sewer District in the Town of Jackman. (H. P. 1095) (L. D. 1412)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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 Taxation on Bill, "An Act Defining the Term Just Value for Purposes of Property Assessment." — (H. P. 877) (L. D. 1120)

Tabled—April 22, 1969 by Senator Barnes of Aroostook.

Pending—Acceptance of Report.

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

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

SENATE REPORT—Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act Establishing the Quality Rating of Gasoline."—(S. P. 328) (L. D. 1208)

Tabled—April 22, 1969 by Senator Bernard of Androscoggin.

Pending—Acceptance of Report. Mr. Bernard of Androscoggin moved the pending question.

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

Sent down for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Bernard of Androscoggin:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of Bill "An Act Establishing the Quality Rating of Gasoline", Legislative Document No. 1208, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study at the next regular or special session of the Legislature.

(SP 445)

Which was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

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

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

Tabled—April 22, 1969 by Senator Katz of Kennebec.

Pending—Consideration.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to Recede from its former action where-

by House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-105, 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 fourth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Moose." (H. P. 728) (L. D. 946) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—April 23, 1969 by Senator Martin of Piscataquis.

Pending—Acceptance of Either Report.

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

Mr. HOFFSES of Knox: Mr. President, I move that we accept the Minority Ought Not to Pass Report of the Committee in concurrence.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee in concurrence.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to make a few comments on this bill. The Senate members all have before them a map of the northwestern part of the State of Maine, which shows the area that will be requested to be opened for moose hunting for a short period. The purpose for this particular area is the feeling and the knowledge that our moose are being killed by Canadian hunters either legally in Canada or illegally in the State of Maine.

In two visits that I have personally made during the winter

to St. Brownfield, Quebec, and have met on two different occasions with the Chamber of Commerce of St. Brownfield, Quebec, which included at one meeting two of their game wardens, I was told that many of our moose and deer were being slaughtered within the Province of Quebec. I was told by the two game wardens that legally in the Province of Quebec, from the moose traveling from Maine into Quebec, the last three years averaged 25 moose killed per year, and these were legally killed. Besides that, their feelings were that the illegal kill within the Province of Quebec would double that, which would make it 75 moose killed on a 45-mile border section of our northwestern border.

Now, the proposed amendment to this bill would cover the northwestern part of the State from St. Francis to St. Aurelie, Quebec. It would follow a river and then a road in the southern part of it. The feeling of this amendment is that we are losing our moose in that section of the State anyway, and so why not open them up for our own people. So, I beg to oppose the motion of my good friend, Senator Hoffses, and move acceptance of the Majority Ought to Pass Report. I would request a division of the vote.

The PRESIDENT: The Chair would inform the Senator that the pending question is the motion of the Senator from Knox, Senator Hoffses, to accept the Minority Ought Not to Pass Report of the Committee. If that motion is defeated, then a motion would be in order to accept the Majority Ought to Pass Report.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Please forgive me if I get emotional on this subject, but I am obsessed with the feeling that the moose is facing extinction. So, I am appealing to you today to help me save from extinction one of the continent's most noble animals, the moose, the majestic monarch of the forest.

Long before the white man came the crafty redskins hunted these animals with their crude weapons, not for the lust of killing, but to sustain life. The flesh was smoked and stored to keep the spark of life burning when the warmth of the sun had left their hunting grounds. The skins of these life-saving animals provided warmth and shelter throughout the long cold winters when the drifting snows lay heavy on the forest floor. The red man was a true conservationist. He killed only that he might live. The white man could have learned much from the indian, but he would not listen.

Now, I ask you, will the moose go like the buffalo? Will the moose go like the caribou? In spite of what anybody says, these animals are not plentiful enough to warrant an open season; they are barely holding their own. Many die of old age, disease and other natural causes. Many die from the impact of cars and trains, but the biggest threat of all on the road to extermination is the two-legged predator, the poacher. Time and time again game wardens have found where these magnificent animals are rotting in the woods with only a hind quarter or a choice chunk of meat taken.

This animal, as a rule, seems to have no fear of humans. There are many instances where they have followed closely behind men in the woods, and once their curiosity is satisfied, they amble off about their business. You have hunters here in the Senate who can corroborate this statement. So, you see, with an open season it would be just like shooting cows in a pasture.

These animals are worth much more to the State living than they are dead. They are one of Maine's biggest attractions. Thousands of tourists hunt them with cameras, not bullets. We would be horrified if a bill came into the honorable body to blow up a dam which would put one of our few industries out of business. Is there a difference? I don't think so.

In the 102nd Legislature a bill came before the Inland Fisheries and Game Committee for an open

season on moose. I was House Chairman of that committee. The bill was passed out nine to one Ought to Pass. I cast the dissenting vote. In lengthy debate the bill was overwhelmingly defeated. I would remind this honorable Senate that one vote on the side of righteousness is a true majority when right and wrong are at stake.

Mr. President and Members of the Senate: I beseech you to join with me in saving this noble animal now struggling for survival. It should be our sincere desire to preserve for our children, and our children's children, and all posterity the magnificent heritage which the Supreme Architect of the Universe has endowed the State of Maine. Mr. President I now move indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Legislative Document 946, Bill, "An Act Relating to Open Season on Moose," be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This seems to be another one of those non-controversial fish and game bills. I have served on this Committee of Inland Fisheries and Game for three sessions now and each time this matter of moose hunting has come up.

It was my pleasure to attend an international conference two years ago in Toronto, Canada, where very lengthy papers were given in regards to the moose population in the State of Maine, in the United States, and also our good neighbor to the north, all of Canada.

I believe that this bill does have some merit in the fact that I believe sincerely that our friends across the border are coaxing our moose across the line, and they are traveling across there without visas or without passports and the Canadians are killing them off. I also believe that there are many killed within the borders of this State. I also believe that there

could and perhaps should be some biological study of our moose population and some of its diseases which from time to time seem to afflict the herd. But, on the other hand, this matter of opening any part of the State of Maine to moose hunting, I have a great deal of reservation. I was one of those who signed the Minority Report. At that time the bill encompassed the greater part of the northern part of the State of Maine.

Now, the proposal which my good friend and colleague, Senator Martin, has offered here as a proposed amendment would limit the hunting only to that area along the northwestern border with the Province of Quebec. First of all, I feel that it would be extremely difficult to police this area which he proposes to open. I think perhaps a great deal of that territory—and I have not had the good fortune of traveling to any extent into the county—but I believe it would be very difficult to police the area which is to be opened for moose hunting under this proposed amendment. I think it would impose a great burden upon the game wardens. Another thing, and which I think is of even greater concern, is the matter of selecting the method by which these animals could be hunted if you were to have a limited open season. The only possible way would be by way of lottery, and a lottery selection of licenses would please the lucky recipients, but the ten or fifteen or twenty unfortunate ones would be very disgruntled and they would feel that the Department had let them down, that there was something amiss, and it would create very, very bad public relations.

So, on the strength of these two matters, I would hope that you would vote with the Senator from Hancock in favor of the indefinite postponement of this bill and all accompanying papers.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would say that it is quite difficult for a freshman Senator to debate an issue on the floor with two such learned opponents. However, I would like to point out to

this body that our Department of Inland Fish and Game is one hundred per cent in support of this open moose season for more reasons than one. They feel that the kill would give them an opportunity to study diseases on moose and they feel it would help to be a control factor toward the kill by our neighbors on the west. They have mentioned to us, told us in committee, that the northern section of the State had eight thousand moose and that it would be for the best of our moose herd to have an open season to give them an opportunity to study the diseases.

This is only a two-year venture. It is a trial. The season calls for an opening date on September 21 to September 26 in 1970. It calls for an opening date on September 20 to September 25 in 1971. These are only trial periods, and I hope that the motion of my good friend, Senator Anderson, does not prevail.

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

Mr. ANDERSON of Hancock, Mr. President and Members of the Senate: These moose belong to every citizen in the State of Maine, and if there is going to be an open season it shouldn't be limited to just a few.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: While Fish and Game is not my specialty, I nevertheless enjoy doing both very much, and I have been interested in the proposed legislation. I was very interested in it in the 102nd Legislature when we had such a similar bill.

I can certainly well understand the feelings of my good friend, Senator Anderson from Hancock, and my good friend, Senator Hoffses from Knox, but I do think though that we ought to look at this somewhat calmly and see if there are some real benefits in this type of legislation, and I truly believe there is.

First of all, I think it is a recognized fact that no one wants to see the moose become extinct in

our own State, and I would be the last one to so feel. I think conservationwise it has become recognized that after a game animal, such as the moose in our own State, has faced serious problems of survival but, because of the conservation and preservation laws, the herds have again been allowed to multiply, and there does come a time when a reasonable harvest of this type of game animal ought to be allowed. This has been the practice and this has been the experience in many states of our country, and more particularly in the western parts of the nation where some of our game animals, such as antelope, mountain sheep, elk, and some others of our wonderful game animals did face some great hardships of survival at sometime. But through conservation measures they were protected for many, many years, and thereafter when, in the judgment of the conservation and fish and game departments in those states, they felt that the time had come when a reasonable harvest of those type of game had become a recognized need for the benefit of the herd itself, that they should have a limited season allowing, under very restrictive controls, a harvest of a specific number of these animals in restricted areas where concentration had arisen. I think this is the case now in our own State with regard to the moose.

I know that in my own part of the State and in my own area we have probably one of the very highest concentrations of moose in Maine, in the Van Buren, Stockholm, Caswell and Caribou area, and I do feel that a measure such as this would be sound. Certainly there are ample safeguards in this law for our Fish and Game Department so that if at any time they felt that the herd became threatened, or faced with a serious problem, that they have all the latitude in the world to control it.

New Brunswick initiated such a limited season several years ago after, like our own State, having closed all hunting on moose. Their experience there has been very, very good. The game management people there have seen no appreciable decrease in the number of

animals due to the limited harvest of this type of game animal. This has become recognized as good game management.

Also, with regard to the selection or choice by lottery, this is the recognized practice again in all of our western states where they have limited open seasons on certain types of animals. I have read numerous articles in all of our fish and game magazines that I read for relaxation, and this has been found to work out very well. The people who receive the licenses, of course, are pleased, but I think everybody goes into it knowing that their number may come up or may not come up, and certainly they don't blame anyone because their number hasn't come up. They just hope that they will be lucky again the following year. I hope the Senate will support the feelings of Senator Martin and oppose the indefinite postponement motion.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken I move it be taken by the "Yeas" and "Nays."

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

Mr. BARNES of Aroostook: Mr. President, before the vote is taken, I just want to go on record as being opposed to this motion for indefinite postponement. I think this bill has some merit and I think we ought to give it consideration.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call it requires the affirmative vote, under the Constitution, of at least one-fifth of the Senators present and voting. 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 motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Legislative Document 946, Bill, "An Act Relating to Open Season on Moose," be indefinitely postponed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Bernard, Berry, Conley, Dunn, Greeley, Hoffses, Letourneau, Logan, Mills, Minkowsky, Peabody, Quinn, Reed, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Barnes, Bellevau, Boisvert, Cianchette, Duquette, Gordon, Katz, Kellam, Levine, Martin, Moore, Sewall and Violette.

ABSENT: Senator Hanson.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the motion to Indefinitely Postpone prevailed.

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

HOUSE REPORT — Ought to Pass in New Draft under same title (H. P. 1106) (L. D. 1423) from the Committee on Public Utilities on Bill, "An Act to Regulate Sewer Utilities." (H. P. 481) (L. D. 635)

Tabled — April 23, 1969 by Senator Letourneau of York.

Pending — Acceptance of Report.

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

The President laid before the Senate the sixth 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 23, 1969 by Senator Logan of York.

Pending — Passage to be Engrossed.

Mr. Logan of York moved the pending question.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 23, 1969 by Senator Logan of York.

Pending — Motion by Senator Quinn of Penobscot to Adhere.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I spoke on this matter the other day so I won't repeat myself, but I would like to say that this matter did come before my committee, we did give it careful consideration, and we arrived at what we felt was fair compensation for members of the Hairdressers' Board and, I might add, it was less than they asked for. I would now appreciate it if we could have a chance to settle this in a committee of conference. So, I move that the Senate insist and join with the House in a committee of conference.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, now moves that the Senate insist and join in a committee of conference on Bill, "An Act Increasing Compensation of Members of Board of Hairdressers." Is this the pleasure of the Senate?

The motion prevailed.

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

SENATE REPORTS — from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for his Duties and for Vacancies in the Office of Governor." (S. P. 325) (L. D. 1087) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 23, 1969 by Senator Reed of Sagadahoc.

Pending — Acceptance of Either Report.

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

Mr. WYMAN of Washington: Mr. President, I move we accept the

Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am going to make a very brief plea for this L. D. which creates and establishes the office of Lieutenant Governor.

As we know, the State Government is becoming more complex, and the duties of the Governor are more numerous. This bill is designed to relieve the Governor of many of his ex-officio duties to permit him to devote his time and energies to matters of State, without having to spend a great deal of time attending so-called social functions and meetings which take up a great deal of his time and prevent him from doing more serious work. This is particularly significant when we consider the history of the State of Maine and also in reviewing the provisions of this L. D.

This document differs from the Lieutenant Governor laws in other states in that the Lieutenant Governor would serve as an executive officer. He would not be the presiding officer in the Senate, which is the case in many states. Today thirty-nine states have established and maintain the office of Lieutenant Governor, three of which are in New England, being Massachusetts, Connecticut and Rhode Island.

The primary purpose and duty of the Lieutenant Governor under this bill would be succession. In other words, his first responsibility would be succession. I think this is a very important consideration because the public is entitled to have the satisfaction of knowing that government will continue and will proceed with business as usual if something should happen to our chief executive. This was brought forcefully to our attention in 1959 with the death of Governor Clinton Clauson. Of course, under our

law today, upon the disability of the Governor, he must be succeeded by the President of the Senate. This is not intended, of course, to malign the President of the Senate because most of our Presidents are enlightened and learned individuals and, I believe, would serve very well in that capacity. But I believe that the successor should not be the President of the Senate, because to be President of the Senate requires a special talent and he, of course, is chosen by this body; not chosen by the electorate-at-large. The Senate President is elected by his district and, of course, the majority of whom may, and in this case today does, represent the opposite party, while a Lieutenant Governor should be selected for his executive capacity and should work in political harmony with the Governor in preparation or training in the event he must assume the duties of that office.

This bill differs from many Lieutenant Governor bills in other states in that it provides that the gubernatorial candidate from either party will select his running mate, and it provides for the procedure used at the nomination of the individual.

We have been very fortunate in Maine in that since 1820 we have only had four Governors who have died in office, and on two occasions have we had the Governor succeeded by individuals who were not members of his party. So, actually, when we consider the record, both parties have done fairly well. In 1829 Enoch Lincoln, who apparently was a Demo-Republican, a member of both parties, Democrat and Republican, died on October 8, 1829, and was succeeded by a fellow by the name of Nathan Cutler, who was also a Demo-Republican. So, in that instance, I suppose, we were battling a thousand and there was no harm done politically to the State. Of course, we had in 1887 Joseph Bodwell, a Republican, who died and was succeeded by Sebastian S. Marble, another Republican. In 1921 Frederick Parkhurst died in office and was succeeded by Governor Percival Baxter. All of these

individuals, of course, were President of the Senate.

I can envision this office to be one permitting the Lieutenant Governor to assume certain political duties which the Governor now does. For instance, he can make public appearances in place of the Governor, and have hearings of delegations of citizens. In an instance I suppose he could be considered to be sort of an ombudsman. He could hear the problems of the citizens in this State and generally help the Governor in public relations duties. I believe also, depending on how we act on these other reform bills, he could be delegated the responsibility of passing on pardon and clemency hearings as well. Finally, he would relieve the Governor of many of his ex-officio duties.

This is also brought forcefully to our attention when we consider the role of Lieutenant Governors in other states. Now that we have created the New England meetings, for instance, of the Governors, and the national meetings of Governors, frequently the Governors are unable to attend because of their duties and they delegate their attendance at the meeting to their Lieutenant Governors, and this creates an embarrassing situation here in Maine where frequently the Governor must delegate, or must send as his representative, either his administrative assistant or a department head to represent him at these meetings. This, of course, does not create a good impression because the individual certainly does not have the standing nor the capacity of a Lieutenant Governor and, accordingly, he is treated in that manner.

So, in that regard, Mr. President, I would respectfully request and ask that the members of this body oppose the pending motion to accept the Ought Not to Pass Report so that in due course we can accept the Ought to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am absolutely overwhelmed by the thought of being

able to get a Lieutenant Governor to substitute for the Governor at various functions at a cost of \$18,000 a year, plus expenses. It is so attractive that I am prone to think about changing my vote. But actually, for many years, the one thing that absolutely is a red flag to me, of all these so-called reforms the Lieutenant Governor is the reddest of all the flags.

Of all the bills I have ever seen for Lieutenant Governor, this one really comes the furthest away from warming any portion of my heart. The notion that a Governor shall appoint the man who succeeds him somehow doesn't seem to be a step in the direction of representative government. The notion that he shall receive ninety percent of the salary of the Governor, and that the Governor shall assiduously attempt to find something for him to do in order to keep him busy is written very clearly into the law. But, Mr. President, what I have seen of Lieutenant Governors around the states just makes my hair stand up on end.

I have had pretty close observation of how this worked in Massachusetts a few years ago when they had a very ambitious Lieutenant Governor who did a marvelous job running for Governor the entire time he was supposed to be the Governor's right-hand man, assisting, aiding and acting as administrative and executive assistant. I saw what happened in the next election when the Lieutenant Governor really ran after his boss. I have seen it all over the United States. The trouble with Lieutenant Governors, I think, is that there is really not much for them to do, and there is no good way of choosing them. This has a very novel approach—I don't think I have run across this approach—that of appointing the Lieutenant Governor. But it is as good as any of the other approaches I have seen. On this basis, with great reluctance, I must oppose this bill.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I concur with the Majority Leader's comments as to what

occurred in Massachusetts, and this bill is designed to avoid a repetition of that situation. I believe Governor Peabody was in office. In Massachusetts the Lieutenant Governor and Governor are elected independently, and this bill would prevent this in that the Governor would select his running mate and avoid this political rivalry. This was the instance where, I believe, Mr. Belotti opposed Governor Peabody and defeated him in the primary, primarily because Governor Peabody was unable to select the Lieutenant Governor.

Now, as to the financial and fiscal problem here, earlier this session we had a bill before us and, again to use the analogy of the good Senator from Cumberland, in which he said on another matter that this House and the other House had by a majority vote passed on this and voted on it, we had a bill before us which would abolish the office of treasurer, with a saving of \$120,000 in the biennium to the State of Maine. It is my feeling we could abolish the office of treasurer, take \$18,000 of this \$120,000 and create the office of Lieutenant Governor, and there would be a net saving to the State. So, again, I would just urge the members to oppose the pending motion.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I am reluctant to follow these two speakers. As to Senator Katz, there is no question as to how he stands on this bill, and I think the good Senator from Oxford has given us some good reasons to oppose the bill. He has cited the four times when this has happened here in the State, and he has agreed that it worked out very well, there was no harm done, everything has been fine.

He further said that the President of the Senate must be an enlightened, learned man, that he must serve us well, that he must have special qualifications, and it seems to me he has spoken pretty much against the bill.

Now, if you want to take it a step further, since he touched on

expense, if you will go back to 1965, in the Executive Department we had nine people altogether employed, and we had the Governor and an Administrative Assistant. Right now the snoop book shows that there are thirty-eight employed in the Executive Department. Now, I can take the snoop book and read the names, but I am sure you have it, and some of these are in effect lieutenant governors and they are performing the duties which the good Senator would have another member of that department perform. So it seems to me that if he is talking about expense, when we go from seven employees in 1965 to thirty-eight in 1969 in the Executive Department, there is one place we could very well cut the expense. I certainly hope the motion to accept the Ought Not to Pass Report of the Committee will prevail.

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

Mr. KATZ of Kennebec: Mr. President, I was trying to pay attention, but I obviously misunderstood. May I ask through the Chair did the Senator from Washington, Senator Wyman, say that the Executive Staff increased from seven to thirty-eight in such a short span of years?

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question through the Chair which the Senator from Washington may answer if he so desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, it is all in the snoop book, and I can read it, but I am sure it will bore the Senate, and the other members can read as well as I.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I am just a little bit confused here. The good gentleman from Oxford County, Senator Beliveau, I know is very much interested and concerned about rep-

resentative government. Now, he has said that this bill would provide that the gubernatorial candidate would hand-pick his own Lieutenant Governor. Now, what he is saying apparently, from my limited knowledge, is that the candidate for Governor is far better qualified to pick his successor than the majority party that makes up this body in picking the President of the Senate who is the next in line to the Governor. I am still very much confused over the good Senator's remarks.

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

Mr. BELIVEAU of Oxford: Mr. President, I request a roll call.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has requested a roll call. The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, on Legislative Document 1087, Resolve, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, to accept the Majority Ought Not to Pass Report of the Committee.

A roll call has been requested. In order for the Chair to order a roll call it requires the affirmative vote, under the Constitution, of at least one-fifth of those Senators present and voting. As many Senators as are in favor of a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more before the Senate. The Senator from Washington, Senator Wyman, moves that the Senate accept the Majority Ought Not to Pass Report on Resolve, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for his Duties and for Vacancies in the Office of Governor.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Dunn, Greeley, Hoffses, Katz, Logan, Mills, Moore, Pea-

body, Quinn, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed and Violette.

ABSENT: Senators Berry, Duquette, Hanson and Sewall.

A roll call was had. Fifteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with four Senators absent, the motion prevailed and 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 REPORTS—from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor. (H. P. 357) (L. D. 465) Report "A", Ought to Pass; Report "B", Ought Not to Pass.

Tabled—April 23, 1969 by Senator Beliveau of Oxford.

Pending—Motion by Senator Conley of Cumberland to Reconsider Acceptance of Report "B".

The **PRESIDENT:** The question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report "B" of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ** of Kennebec: Mr. President, I ask for a division on the reconsideration motion.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, asks for a division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. **CONLEY** of Cumberland: Mr. President, not to belabor this bill any longer, I move for a roll call.

The **PRESIDENT:** A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the af-

firmative vote of at least one-fifth of those Senators present and voting. 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 Chair will state the question before the Senate. The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby the Senate accepted the Ought Not to Pass Report "B" of the Committee on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor. A "Yes" vote will mean you are in favor of reconsideration. A "No" vote will mean you are opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed and Violette.

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

ABSENT: Senators Berry, Duquette, Hanson and Sewall.

A roll call was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with four Senators absent, the motion to reconsider did not prevail.

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

HOUSE REPORTS—from the Committee on Claims on Resolve, in Favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—April 24, 1969 by Senator Logan of York.

Pending—Motion by Senator Quinn of Penobscot to Accept the Minority Ought Not to Pass Report.

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

Mr. **LOGAN** of York: Mr. President and Members of the Senate:

Having disposed of several matters of great importance to our State, I would like now to address ourselves to another matter which, at least to the individuals involved, is of equal importance.

The facts in this claim, I think, are fairly clear. This is another one of those settlement problems. We have a woman who had a rather complex marital life and wound up settled legally in the Town of Harrington. She subsequently moved out of that town, was taken ill, and after an extensive illness ran up a medical bill of some \$1,500. I don't recall now whether the lady was deceased or not. In any event, the claim is for \$1,500 against the Town of Harrington. I believe the facts are not in dispute, but what we are considering here is the attitude actually of this Legislature toward a town, one of our towns, one of our very small towns, which is in distress. The Town of Harrington is a little town of 700 people, and this matter puts them in trouble. They have come to the Committee on Claims in this Legislature for relief.

Now, to provide a little background for this, I would like to explain to some of you who perhaps are not too familiar with how this committee operates as to what we are and what our function is. The Committee on Claims to a very large extent hears matters that are not directly covered by law. Many of the items that we hear are in kind of a limbo. We have, of course, claims against the State, we have all the infamous well-damage claims, quite a few of those since the State started using salt on the roads, and we have claims against the State for loss of life, a sad claim for loss of a limb, we have had claims for loss of livelihood, we have had claims for damages that resulted out of various types of animal assaults and so forth. These are claims that are decided by the Claims Committee and, as I say, there frequently is not law to guide us.

In a very, very real sense, the Committee on Claims is a court of justice, not a court of law, and is justice in all of these cases that we try to dispense. It can be

said in this instance that if we help the Town of Harrington in its time of distress that we are going to set a precedent, that we are going to have a flood of towns with this chronic settlement problem making claims. Well, the fact is that there is no precedent to be set now. Any town that chooses to do so can, and perhaps should, make a claim if they can't handle a settlement problem, if it is simply beyond them. This is the function of the Claims Committee. And because there is a flood of settlement cases that come in, it does not necessarily mean that the Claims Committee is going to make settlements on them. This has not happened. This Committee and past Committees have handled a lot of settlement cases. I have researched the behavior of this Committee for many sessions past. But, nevertheless, it is a legitimate recourse for towns and persons in distress. This is why we are here.

I would submit to you that the State is now and has for a long time been in the business of helping its towns and giving relief to its people. We have individuals in this Senate who have fought continuously and deliberately for the help of a little man. We have here a case where a little town needs some help and some consideration. We passed a school subsidy act, and one of the important parts of that act, one of the things that made it palatable to me was the subsidies part of it could be used in the judgment of the towns for tax relief. In our Part I Budget we have a number if institutions, the Sweetser Home for one, and a number of church institutions, that are granted money by the State because they are in trouble. This perhaps doesn't reach the newspapers. If it were in L. D. form we would all know about it, but it is in the budget nonetheless. I think there is a reasonably substantial list of these.

Now, there is nothing new about this, there is no precedent involved. I would submit to you gentlemen of the Legislature that we should, as part of our obligations, find it within our hearts to help a town that is in genuine distress, and I earnestly hope that the motion to

accept the Minority Report will be defeated. Thank you very much.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I rise in opposition to the position of my good friend, Senator Logan, not for the fact of the fear of establishing a precedent, but for the fact that this is a responsibility of the town of settlement only and not of the people of the State as a whole.

In many cases and in all cases, regardless, each town has had this experience happen to them and, as far as I know, they have maintained their own and paid their own costs. I feel very strongly for equality. We have statutes on the books that I believe should be followed. We have our settlement laws that dictate who will be responsible for payment in cases such as this. I believe that we have to follow those rules. At one time or another the other towns, or whichever town it may happen to be, might find themselves or itself in the same situation. I am completely against the State absorbing the cost of health and welfare. I believe it can be administered very strongly and very adequately by the municipal local governments.

The question here is: would Senator Logan favor welfare throughout the State administered on the State level? This is the point I am against and I definitely hope his position does not prevail.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't think the point of this is whether we are going to administer all welfare statewide through the State. It seems to me, as the good Senator said, this Claims Committee is a committee to take care of unusual and hardship cases, and this is a hardship case, and I think it is time when we should accept the claim and go along and help this small town. I certainly hope the motion to accept the Minority Report will prevail.

The PRESIDENT: The Chair

recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I think the point here is the question of shall we let our hearts lead us or our heads. I think we should ignore sympathy and go according to what we are supposed to be doing, representing the people of the State, not one particular area.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: This Town of Harrington happens to lie in the district of the Speaker of the House, and I gather the Speaker was requested to present this claim to the Claims Committee. I appreciate that this type of a problem can be very costly to a small community, however, the Claims Committee deliberated at length and felt perhaps that they could not as a group honor this claim, as hard as they might try. They felt, some of them perhaps, myself included, that this would establish a dangerous precedent. I felt there was legislation pending that would help resolve this problem of welfare and the costly costs of welfare to these small towns, therefore, it was my opinion that we could not and should not honor this claim. Thank you.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I have served as a member of this committee, I heard this case, and I joined in the Minority Report that it should not pass. There is no legal basis for the Committee on Claims to acquire this responsibility, which is the sole responsibility of the community of settlement, the Town of Harrington. They have not denied the responsibility. They say it is extremely difficult to absorb this cost, and they ask the State to take over a debt which is legally theirs.

Now, if we open this door we are opening the door to unlimited cases where it is extremely difficult for a town to pay its debts and come in and ask the State to pay them

for them. Now, that is just exactly what is happening here. It is a debt of the Town of Harrington and the inhabitants of the Town of Harrington, and not a debt for the State of Maine or the residents of the State of Maine as a whole. While this is a welfare case, the door could be opened for any other debt of a community that is extremely difficult to absorb.

I hope the Senate goes along and holds the line on this thing and not make the State responsible for obligations that local communities find it difficult to absorb.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: As I have tried to indicate, the door has been open always in this matter. Referring settlement cases to the Committee on Claims is nothing new. I think actually our distinguished colleague, Senator Martin, put his finger on it. We have the age-old story of money versus heart; that is what it comes down to. Mr. President, I would ask for a division.

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

Mr. HOFFSES of Knox: Mr. President, I move the Senate stand adjourned until Tuesday, April 29, at 10 o'clock in the morning.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate stand adjourned until 10 o'clock Tuesday morning. The Adjournment Order having been returned from the House, read and passed by that body, is it now the pleasure of the Senate to adjourn until 10 o'clock Tuesday morning?

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, can that motion be contested?

The PRESIDENT: The Chair would inform the Senator that he could ask for a division, but an adjournment motion is not debatable.

Mr. MARTIN: I so request, Mr. President.

The PRESIDENT: As many as are in favor of adjourning until 10

o'clock Tuesday morning will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

Mr. KATZ of Kennebec: Mr. President, I move this item be tabled until the next legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that this item, Legislative Document 722, Resolve, in Favor of Town of Harrington for Medical Care of an Indigent, be tabled until the next legislative day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. As many as are in favor of the motion to table Legislative Document 722 to the next legislative day will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Resolve, in Favor of Town of Harrington for Medical Care of an Indigent.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I ask for a "Yea" and "Nay" vote.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call it requires, under the Constitution, the affirmative vote of at least one-fifth of the Senators present and

voting. As many 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 pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, to accept the Minority Ought Not to Pass Report of the Committee on Resolve, in Favor of Town of Harrington for Medical Care of an Indigent, Legislative Document 722.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Beliveau, Bernard, Cianchette, Conley, Dunn, Gordon, Greeley, Hoffses, Martin, Mills, Moore, Peabody, Quinn, Reed, Wyman, and President MacLeod.

NAYS: Senators Boisvert, Katz, Kellam, Letourneau, Logan, Minikowsky, Stuart, and Tanous.

ABSENT: Senators Berry, Duquette, Hanson, Levine, Sewall, and Violette.

A roll call was had. Eighteen Senators having voted in the affirmative, and eight Senators having voted in the negative, with six Senators absent, the motion prevailed and the Minority Ought Not to Pass Report was Accepted in non-concurrence.

Sent down for concurrence.

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

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

Tabled—April 24, 1969 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

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

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act Relating to Location of

Schools and Size of School Projects." (H. P. 683) (L. D. 882) Majority Report, Ought to Pass; Minority Report. Ought Not to Pass.

Tabled—April 24, 1969 by Senator Gordon of Cumberland.

Pending—Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned pending Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, I understand that L. D. 564, An Act Relating to Safety Devices for Railroad Utilities, is in the possession of the Senate.

The PRESIDENT: The Chair answers in the affirmative, the paper being held at the request of the Senator from Somerset.

Mr. CIANCHETTE: Mr. President, I am going to move that we reconsider the action we took yesterday, having voted on the prevailing side. I would hope that if my motion carries for reconsideration someone would table this until next Tuesday so an amendment might be offered that will sustain my objections.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that the Senate reconsider its action whereby Legislative Document 564, An Act Relating to Safety Devices for Railroad Utilities, was indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Cianchette of Somerset to reconsider Indefinite Postponement.

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 29, 1969, at 10 o'clock in the morning.